

MINUTES OF THE ORDINARY MEETING OF WICKLOW COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, COUNTY BUILDINGS, WICKLOW ON MONDAY 14th JANUARY, 2019, COMMENCING 2PM

PRESENT:

COUNCILLOR P. VANCE, CATHAOIRLEACH, COUNCILLORS T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, T. CULLEN, S. CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, T. FORTUNE, C. FOX, M. KAVANAGH, P. KENNEDY, S. MATTHEWS, M. MCDONALD, G. MCLOUGHLIN, D. MITCHELL, M. MURPHY, D. NOLAN, O. O'BRIEN, D. O'BRIEN, G. O'NEILL, J. RUTTLE, J. RYAN, J. SNELL, B. THORNHILL, E. TIMMINS, G. WALSH, J. WHITMORE AND I. WINTERS.

APOLOGIES:

COUNCILLOR N. LAWLESS.

IN ATTENDANCE:

MR. F. CURRAN, CHIEF EXECUTIVE
 MR. S. QUIRKE, DIRECTOR OF SERVICES
 MR. J. LANE, DIRECTOR OF SERVICES
 MR. T. MURPHY, DIRECTOR OF SERVICES
 MR. M. NICHOLSON, DIRECTOR OF SERVICES
 MR. M. GEANEY, A/DIRECTOR OF SERVICES
 MR. B. GLEESON, HEAD OF FINANCE
 MS. D. CROMIE, FINANCIAL ACCOUNTANT
 MR. L. FITZPATRICK, HEAD OF IS
 MS. L. GALLAGHER, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
 MR. M. FLYNN, SENIOR ENGINEER
 MS. S. WALSH, SENIOR PLANNER
 MS. B. KILKENNY, SENIOR ENGINEER
 MR. D. MARNANE, A/SENIOR ENGINEER
 MS. C. FLOOD, SENIOR EXECUTIVE OFFICER
 MS. J. CARROLL, SENIOR EXECUTIVE OFFICER
 MS. A. MINION, ADMINISTRATIVE OFFICER
 MS. S. NICHOLS, ADMINISTRATIVE OFFICER
 MS. L. ROTHWELL, ASSISTANT PLANNER
 MS. H. O'CONNOR, ASSISTANT PLANNER
 MS. K. BOYLE, IT SUPPORT
 MR. T. HUGHES, IT SUPPORT
 MS. G. LANG, ASSISTANT STAFF OFFICER

WELCOME: The Cathaoirleach welcomed the elected members to the first meeting of 2019 and wished everyone a happy new year.

REAL TIME TEXT STREAMING OF COUNCIL MEETINGS: The Cathaoirleach welcomed Ms. Elaine McCarthy and Ms. Orla Pearson, MyClearText to the meeting and introduced them as the new company that will be providing realtime text streaming of Council meetings. He also paid tribute to Gwen Malone Stenography Services for the service provided for the previous 18 months and in particular to Ms. Patricia Myler the attending stenographer in the Council Chamber.

VOTES OF SYMPATHY: Elected Members passed a vote of sympathy to the families of the late Mrs. Bridget Pollard, Mr. Martin Murphy, Mrs Susan O’Shea, Mr. Sean Duffy, Mr. Pat O’Keeffe, Ms. Judith Coughlan, Mr. J.J Maxwell, Mr. Michael Byrne, Mr. Liam Keogh and Mr. Christie Healy. A minutes silence was observed for the deceased.

ITEM NO. 1

To confirm and sign minutes of the Ordinary Meeting of Wicklow County Council held on Monday 5th November, 2018.

It was proposed by Cllr. J. Snell, seconded by Cllr. G. Dunne and agreed to confirm and sign the minutes of the Ordinary Meeting of Wicklow County Council held on Monday 5th November, 2018.

ITEM NO. 2

To confirm and sign minutes of Budget Meeting of Wicklow County Council held on Monday 26th November, 2018.

It was proposed by Cllr. V. Blake, seconded by Cllr. S. Bourke and agreed to confirm and sign minutes of Budget Meeting of Wicklow County Council held on Monday 26th November, 2018.

ITEM NO. 3

To confirm and sign minutes of Ordinary Meeting of Wicklow County Council held on Monday 3rd December, 2018.

It was proposed by Cllr. O O’Brien, seconded by Cllr. P. Fitzgerald and agreed to confirm and sign minutes of Ordinary Meeting of Wicklow County Council held on Monday 3rd December, 2018 .

ITEM NO 4

To consider the disposal of the freehold interest in the property known as 45 Dunbur Park, Wicklow, Co. Wicklow to Ms. Maria O’Reilly and Mr. John Raphael Keaveny, the Personal Representatives in the estate of Bridget (Bridie) Corcoran, deceased.

It was proposed by Cllr. G. Dunne, seconded by Cllr. J. Snell and agreed to dispose of the freehold interest in the property known as 45 Dunbur Park, Wicklow, Co. Wicklow to Ms. Maria O’Reilly and Mr. John Raphael Keaveny, the Personal Representatives in the estate of Bridget (Bridie) Corcoran, deceased as set out in statutory notice circulated.

ITEM NO. 5

To consider the disposal of the Council’s interest and equity in the property known as 6 Wolfe Tone Square West, Bray, Co. Wicklow to Mr. William Dodd, 6 Wolfe Tone Square West, Bray, Co. Wicklow.

It was proposed by Cllr. P. Vance, seconded by Cllr. C. Fox and agreed to dispose of the Council’s interest and equity in the property known as 6 Wolfe Tone Square West, Bray, Co. Wicklow to Mr. William Dodd, 6 Wolfe Tone Square West, Bray, Co. Wicklow as set out in statutory notice circulated.

ITEM NO 6

To consider the disposal of property in the townland of Bray, Co. Wicklow being 19 Connolly Square, Bray, Co. Wicklow comprised in Folio WW40424F by Deed of Transfer and Rectification to Mr. Brian Shortt, the Personal Representative in the estate of Ms. Elizabeth Shortt, deceased.

It was proposed by Cllr. P. Vance, seconded by Cllr. C. Fox and agreed to dispose of property in the townland of Bray, Co. Wicklow being 19 Connolly Square, Bray, Co. Wicklow comprised in Folio

WW4042F by Deed of Transfer and Rectification to Mr. Brian Shortt, the Personal Representative in the estate of Ms. Elizabeth Shortt, deceased as set out in statutory notice circulated.

ITEM NO 7

To consider the disposal of 0.0327Ha (0.081 acres) or thereabouts of land in the townland of Corporation Lands adjacent to Ballyguile, Co. Wicklow to Mr. Noel Howes and Mrs. Helen Howes, 84 Mountainview, Ballyguile, Co. Wicklow.

It was proposed by Cllr. G. Dunne, seconded by Cllr. J. Snell and agreed to dispose of 0.0327Ha (0.081 acres) or thereabouts of land in the townland of Corporations Lands to adjacent to Ballyguile, Co. Wicklow to Mr. Noel Howes and Mrs. Helen Howes, 84 Mountainview, Ballyguile, Co. Wicklow as set out in statutory notice circulated.

ITEM NO 8

To consider the disposal of freehold interest in property known as 33 Rory O'Connor Place, Arklow, Co. Wicklow to Ms. Catherine Going, Legal Representative of Ms. Bridget Going, deceased, 33 Rory O'Connor Place, Arklow, Co. Wicklow.

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. T. Annesley and agreed to dispose of freehold interest in property known as 33 Rory O'Connor Place, Arklow, Co. Wicklow to Ms. Catherine Going, Legal Representative of Ms. Bridget Going, deceased, 33 Rory O'Connor Place, Arklow, Co. Wicklow as set out in statutory notice circulated.

ITEM NO 9

To consider the disposal of 1 square meter or thereabouts of land situated at Beechdale, Naas Road, Blessington, Co. Wicklow to Gas Networks Ireland, Headquarters, Gasworks Road, Cork, T12 RX96.

It was proposed by Cllr. J. Ruttle, seconded by Cllr. G. O'Neill and agreed to dispose of 1 square meter or thereabouts of land situated at Beechdale, Naas Road, Blessingtwn, Co. Wicklow to Gas Networks Ireland, Headquarters, Gasworks Road, Cork, T12 RX96 as set out in statutory notice circulated.

ITEM NO 10

To consider the disposal of C1,860 sq ft of land in the townland adjacent to Arklow Masonic Hall, portion of Folio 4954F, to the Masonic Hall Committee, Arklow Masonic Lodge, Arklow, Co. Wicklow.

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. S. Bourke and agreed to dispose of C 1,860 sq ft of land in the townland adjacent to Arklow Masonic Hall, portion Folio 4954F, to the Masonic Hall Committee, Arklow Masonic Lodge, Arklow, Co. Wicklow as set out in statutory notice circulated.

ITEM NO 11

To consider the disposal of approximately 164.92 acres of land in the townland adjacent to Tomnafinnogue Wood, Ballyraheen and Ballykelly, Shillelagh, Co. Wicklow to the Minister for Culture, Heritage and Gaeltacht, Leinster House, Kildare Street, Dublin 2.

It was agreed to defer consideration of this item to later in the meeting to respond to a query in relation to the map. Cllr. T. Cullen also asked if a condition could be inserted into the contract of sale, that if it was to be sold on by the Department or part sold on, it would have to come back to the Council for further approval having regard to the size of the landbank.

ITEM NO 12**To consider the Chief Executive's Monthly Management Report, December 2018.**

Elected Members were circulated with the Chief Executive's Monthly Management Report, December 2018 on 9th January, 2019. The Chief Executive outlined the major achievements set out in the report since the circulation of the previous report and said that he would take the report as read unless there were any further queries.

The following queries were raised by the elected members which were responded to by the Chief Executive and officials of the Senior Management Team present.

- Of the planning applications submitted to Wicklow County Council and the decision rate of 82%, the view was expressed that this information was misleading as it did not include the number of applications that were withdrawn prior to a decision having been made as they would have been recommended for refusal. For future purposes the following information was requested to be included in the Chief Executives report:- 1) The number of planning applications received 2) The number of planning applications withdrawn and 3) the decision issued, granted/refused.
- Query as to when work will commence on the 3rd lane at Kilmcanogue
- Query as to when the greenway to Bray will commence
- Query as to the cost of Whitestown remediation?
- Information in relation to building of rural houses requested and frustration in relation to the non availability of water and sewerage infrastructure in certain towns and villages expressed
- Request for more information in relation to community grants approved/paid to voluntary and community groups.
- Request for information in relation to number of houses being built for people with disability.
- Query as to the current figures in relation to street lighting and repairs

ITEM NO 13**To receive a presentation: Results of the County Wicklow Commuter Survey; Gamma Consultants.**

The Cathaoirlach referred to the recent County Wicklow Commuter Survey which had been carried out by Wicklow County Council and that the information derived from the results will be used as an evidenced based tool to attract employment opportunities to County Wicklow, having regard to discussion with the IDA as to what skill sets employers look for in an employment pool. He welcomed Ms. Charlotte Cuffe, Gamma Consultants to the meeting who gave a presentation to the Elected Members and responded to queries raised by the members covering the following areas:-

Data sources**Central Statistics Office**

- Anonymised Census Records
- Origin & Destination
- Features of Commute
- Features of Commuter

Online Commuter Survey

- Ran for two Weeks
- Marketing & Promotion

- Attitude, Sentiment and Preference
- **6,750** Responses

How many commuters live in County Wicklow - breakdown

Characteristics of County Wicklow Workers

- 53% Third Level
- 23% Wholesale Retail
- 21% Communications Information Technology Finance

- **Where people live and work**
- **Origin and Destination**
- **How people travel to work**
- **What influences choice of transport**
- **Time is valuable**
- **Availability of parking**
- **Access to parking is the main reason for choosing public transport**
- **Reliability of service**
- **Unreliable public transport is the main reason for choosing a car as the primary means of transport**

Are Commuters Happy?

- Very Unhappy 39%
- Somewhat Unhappy 35%
- Neither Happy nor Unhappy 13%
- Somewhat Happy 9%
- Very Happy 3%

What do Commuters Want?

- 64% Shorter Journey
- 44% More frequent public transport
- 38% More reliable public transport

Attitude to Working in County Wicklow

- 70% of respondents would consider taking an equivalent job in County Wicklow
- 33% would consider the switch if it meant a lower salary

➤ **Attitude to remote working**

At the conclusion of the presentation the Chief Executive advised that the results of the survey provides up to date information to the Council as to the makeup of the County Wicklow Commuter population in terms of education, profile, skills and needs etc. He advised that this information will support the Council in making a case to the IDA in relation the location of new employment opportunities to County Wicklow and that it is an excellent piece of research to have.

Ms. Cuffe responded then to the queries raised by the elected members.

The Cathaoirleach then returned to Item 11.

ITEM NO 11

To consider the disposal of approximately 164.92 acres of land in the townland adjacent to Tomnafinnogue Wood, Ballyraheen and Ballykelly, Shillelagh, Co. Wicklow to the Minister for Culture, Heritage and Gaeltacht, Leinster House, Kildare Street, Dublin 2.

Cllr. V. Blake advised that he was satisfied with the accuracy of the maps and proposed the disposal of 164.92 acres of land in the townland adjacent to Tomnafinnogue Wood, Ballyraheen and Ballykelly, Shillelagh, Co. Wicklow to the Minister for Culture, Heritage and Gaeltacht, Leinster House, Kildare Street, Dublin 2 in accordance with the terms of the statutory notice circulated, this was seconded by Cllr. P. Doran.

Cllr. T. Cullen proposed that a caveat be inserted into the disposal resolution that if at a future date if the lands being transferred into the ownership of the Department of Culture Heritage and the Gaeltacht were sold in full or in part that it would revert to the elected members for approval. This was seconded by Cllr. J. Behan.

The Meetings Administrator referred to Section 183 of the LG Act, 2001 and explained the elected members reserved powers under the provisions of the Act. She advised that the insertion of a caveat would require a new disposal notice.

The disposal notice as circulated was put to a vote and following a roll call it was agreed to dispose of the land as set out therein by a margin of 17 votes for, 4 against, 6 abstaining and 5 not present viz:-

FOR 17	CLLRS T. ANNESLEY, V. BLAKE, S. CULLEN, P. DORAN, G. DUNNE, P. FITZGERALD, P. KENNEDY, G. MCLOUGHLIN, D. MITCHELL, D. NOLAN, J. RUTTLE, J. RYAN, J. SNELL, E. TIMMINS, P. VANCE, G. WALSH AND I. WINTERS
AGAINST 4	CLLRS.J. BEHAN, T. CULLEN, T. FORTUNE AND B. THORNHILL
ABSTAINING 6	CLLRS. M. KAVANAGH, S. MATTHEWS, M. MCDONALD, M. MURPHY, D. O'BRIEN AND J. WHITMORE.
NOT PRESENT 5	CLLRS. S. BOURKE, C. FOX, N. LAWLESS, O. O'BRIEN AND G O'NEILL.

ITEM NO 14

To discuss the Draft Regional Spatial and Economic Strategy

Ms. Sorcha Walsh, Senior Planner, gave a powerpoint presentation to the elected members advising that they had been circulated with the Draft Regional and Economic Plan which was published last November and updated the members since that time, advising that submissions were due in by the 23rd of January next.

Draft Regional Spatial and Economic Strategy (RSES)

- Regions – 38 Elected members nominated by 12 local authorities
- Key function in making an RSES to replace existing RPGs
- Process
- Structure – Draft RSES
- Vision – Regional Strategic Outcomes
- Growth Strategy
- People and Place – Settlement Strategy

- Key issues - Metropolitan Area Strategic Plan
- Key Issues- Economic Strategy
- Key Issues - Profile, Assets, Engines and opportunities, specific sectors and drivers for growth
- Climate and Environment
- Key issues – Biodiversity and national parks, green and blue infrastructure, climate change
- Infrastructure and All-Island approach
- Key issues – Energy infrastructure, integration of land use and transportation, transport investment priorities, international connectivity
- Quality of life
- Key issues – commuting- promoting health and active communities
- Implementation – competitive bid funds
- Public consultation

At the conclusion of the presentation Ms. Walsh invited the elected members to highlight any other issues that were not mentioned within the presentation and that same will be drafted into the submission.

Elected members raised the following issues which were responded to by the Chief Executive and Ms. Sorcha Walsh, Senior Planner.

- Electrification of rail line south of Greystones
- DART underground
- LUAS to Bray – Fassaroe
- Bus park and ride along national roads
- TEN T network.
- Lack of housing
- Tourism
- RSES contradiction of County Development Plan policies
- Enhancement and expansion of Wicklow Port
- Reference the Greenway from Wicklow to Greystones
- Lack of references to the Dublin/Rosslare Corridor
- Importance of the N81 and the R747 link to the M9 in south west Wicklow.

On the proposal of Cllr. T. Fortune, the Cathaoirleach agreed to extend the meeting by 15 minutes.

At the conclusion of the discussion, Ms. Walsh advised the elected members that the Plan is both regional and strategic and hence not all of the local projects will be included. She advised that the Assembly is dealing with 12 local authorities and that the focus will be on key strategic projects and a push for key strategic element to be included in the plan. She responded to the queries raised.

ITEM NO 18

To note Local Government Act, 2001 Ethical Framework for Local Government Services Annual Declarations: (a) To note the reporting of Political Donations by Elected Members and (b) to note requirement for the submission of Elected Members Annual Declarations.

L. Gallagher advised that the Elected Members had been circulated with the documentation by the Ethics Officer in relation to the reporting of Political Donations by Elected Members which has to be returned by the 31st of January, 2019 and the requirement for the submission of the Elected Members Annual Declarations by the 28th of February, 2019, also circulated.

ITEM NO 19**To note the Local Government Audit Report, 2017.**

This item was deferred to the next meeting.

ITEM NO 20**To consider the taking in charge of the following estate: Carrig Mill, Greystones (deferred from meeting 3rd December, 2018)**

It was proposed by Cllr. T. Fortune, seconded by Cllr. G. Walsh and agreed to the taking in charge of Carrig Mill, Greystones, noting that agreement had been reached for it to go ahead having regard to sorting out the boundary issues.

ITEM NO 15**To receive an update on General Data Protection Regulations (GDPR): Liam Fitzpatrick, Head of IS (deferred from meeting of 3rd December, 2018)**

Mr. L. Fitzpatrick gave a presentation to the Elected Members covering the following areas:

- Data Protection is the means by which the privacy rights of individuals are safeguarded in relation to the processing of their personal data.
- The Data Protection Acts 1988 and 2003 confer rights on individuals and responsibilities on those persons processing their data.
- Personal Data means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information
- GDPR Regulation (EU) 2016/679 of 27 April 2016
- Enforcement Date 25 May 2018

8 Rules of Data Protection

1. Must obtain and process data/information fairly
2. Keep it only for specified, explicit and lawful purposes
3. Use and disclose it only in ways compatible with these purposes
4. Keep it safe and secure
5. Keep it accurate, complete and up-to-date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it for no longer than is necessary for the purpose or purposes for which it was collected
8. Give a copy of his/her personal data to an individual, on request

General Data Protection Regulation May 2018

- Personal data must not only be protected, it must be seen to be protected
 - Mandatory breach notification
 - Data Protection Impact assessments, including privacy risk assessment
 - Mandatory Data Protection Officers, with appropriate knowledge and training
 - Right to compensation and liability
 - Financial penalties
- WWW.Data Protection.ie
 - Data Protection commission

GUIDANCE NOTE FOR DATA CONTROLLERS ON THE RELEASE OF PERSONAL DATA TO PUBLIC REPRESENTATIVES

Where a public representative makes a written representation on behalf of a constituent, the organisation can generally assume that the constituent has given consent for the release of personal data necessary to respond to the representation.

As the organisation is accountable for personal data it has chosen to release, it should be satisfied that it is reasonable to assume that the individual whose personal data is being released would have no objection to such release through a public representative.

In most cases, this is unlikely to be an issue. This would be true, for example, in relation to the many representations on behalf of individuals who simply wish to know when a particular service will be provided.

However, there will be cases where it would be appropriate for the organisation to check with the public representative, or the individual whose personal data is being released, that such release is not going to give rise to later complaints about breach of the Data Protection Acts.

Public Representatives should also be aware of their obligations under the Data Protection Acts:

They need to be satisfied that they are acting with the consent of the individual where the response to a representation involves release of personal data.

They should also understand the obligations on organisations to keep personal data confidential, this may involve a need to check that the individual concerned has consented to the release of their personal data.

When information has been supplied in reply to such representations, the public representative must act in compliance with Section 2 of the Acts which requires data controllers (in this case, public representatives) to comply with certain statutory provisions regarding personal data kept by them.

- AILG
- History of the EU's data protection laws
- GDPR
- General provisions
- Section 39 – communication with data subjects by political parties, candidates for and holders of certain elective political offices
- Section 40 – Processing of personal data and special categories of person data by elected representatives
- Proposed Council Data Protection Policy
- Data Processing Impact Assessment

At the conclusion of the presentation Cllr. J. Behan referred to the forms of declaration that elected members are requested to complete on behalf of their constituents and stated that the Council is acting beyond its powers requiring them to have the form completed and submitted, referring to the assumption that the members are writing in good faith when making representations. He proposed that the process with regard to the form be abandoned. The Cathaoirleach referred to the lateness in the day for this discussion and asked for the official to look at it again advising that the matter is being considered at national level.

ITEM NO 16

To receive update on N11/M11 Junction 4 to Junction 14 Improvement Scheme.

Mr. M. Flynn, Senior Engineer updated the Elected Members covering the following:

- 22kms stretch between Junction 4 and Junction 14
- Section 85 has been signed with Dun Laoghaire Rathdown County Council
- ARUP has been appointed
- Website launched
- Phase 1 needs to be done first and all 4 phase's should be done by end 2020

This was noted by the members.

ITEM NO 17

To discuss proposal for proposed Nuclear Power Plant, Anglesey, North Wales (discussed at meeting of 3rd December, 2018).

Cllr. T. Fortune again voiced his concerns with regard to the proposed Nuclear Power Plant, Anglesey, North Wales and the issues of concern in relation to the proposal and proposed that a submission be made from by the Executive on behalf of the Councillors, he would be happy to sign it and circulated to the elected members. Cllr. S. Matthews advised that it was his understanding while not confirmed that the project may not go ahead with the current developer but that the proposal is alive. The Chief Executive referred to the documents circulated and the long and detailed reports therein and that the Council did not have the expertise in-house on the matter. At the conclusion of the discussion the Cathaoirleach agreed that the Executive would draft a submission and any elected member that would like to make a comment to contact the Executive in the matter.

THIS CONCLUDED THE BUSINESS OF THE MEETING

**CLLR. PAT VANCE
CATHOIRLEACH
WICKLOW COUNTY COUNCIL**

**MS. LORRAINE GALLAGHER
SENIOR EXECUTIVE OFFICER/
MEETINGS ADMINISTRATOR**