

**MINUTES OF THE ORDINARY MEETING (HYBRID) OF WICKLOW COUNTY COUNCIL HELD ON
MONDAY 7TH MARCH 2022, COMMENCING 2.00 PM VIA MICROSOFT TEAMS**

PRESENT:

COUNCILLORS S. CULLEN CATHAOIRLEACH, T. ANNESLEY, J. BEHAN, V. BLAKE, S. BOURKE, M. CORRIGAN, M. CREAN, A. CRONIN, E. DOYLE, G. DUNNE, A. FERRIS, P. FITZGERALD, A. FLYNN KENNEDY, T. FORTUNE, P. GLENNON, M. KAVANAGH, P. KENNEDY, P. LEONARD, G. MCMANUS, D. MITCHELL, J. MULLEN, M. MURPHY, J. NEARY, D. O'BRIEN, P. O'BRIEN, R. O'CONNOR, G. O'NEILL, L. SCOTT, J. SNELL, E. TIMMINS, G. WALSH AND I. WINTERS.

APOLOGIES

IN ATTENDANCE:

**MR. B. GLEESON, CHIEF EXECUTIVE
MS. L. GALLAGHER, DIRECTOR OF SERVICES
MS. B. KILKENNY, DIRECTOR OF SERVICES
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MR. J. LANE, DIRECTOR OF SERVICE
MS. H. DENNEHY, A/DIRECTOR OF SERVICES
MS. B. MCCARTHY, A/HEAD OF FINANCE
MR. S. DOYLE, A/HEAD OF INFORMATION SYSTEMS
MS. D. KENNEDY, LAW AGENT
MR. A. DEMPSEY, CHIEF FIRE OFFICER
MR. D. MARNANE, SENIOR ENGINEER
MR. J. BOWES, SENIOR ENGINEER
MR. M. DEVEREUX, SENIOR ENGINEER
MS. H. FALLON, SENIOR ENGINEER
MR. M. FLYNN, SENIOR ENGINEER
MR. F. KEOGH, SENIOR ENGINEER
MS. S. WALSH, SENIOR PLANNER
MS. D. FORDE, PROJECT LIAISON OFFICER
MS. M. HARTNETT, SENIOR EXECUTIVE ENGINEER
MR. D. O'BRIEN, EXECUTIVE ENGINEER
MS. H. PURCELL, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
MS. J. CARROLL, SENIOR EXECUTIVE OFFICER
MS. C. FLOOD, SENIOR EXECUTIVE OFFICER
MR. M. CARROLL, ASSISTANT CIVIL DEFENCE OFFICER
MS. A. MINION, ADMINISTRATIVE OFFICER
MS. M. HALVEY, ADMINISTRATIVE OFFICER
MS. C. FOX, ADMINISTRATIVE OFFICER
MS. A. HUBBARD, SPORTS CO-ORDINATOR
MR. L. CULLEN, DISTRICT ADMINISTRATOR
MS. G. O'NEILL, STAFF OFFICER
MS. N. JAKKULLA, NTMA**

MR. J. NOLAN, DUBLIN CITY COUNCIL
MR. T. SEXTON, COADY ARCHITECTS
MS. T. BYRNE, ASSISTANT STAFF OFFICER

At the commencement of the meeting a roll call was taken. The Meetings Administrator advised of meetings etiquette for online meetings and that the press and some members of the public were also present.

Votes of Sympathy

Elected Members passed a vote of sympathy to the families of the late Mr. Jim Lavery, Mr. Eddie Hanlon, Ms. Mary O'Brien, Mr. Billy Kinsella and Mr. Larry Whelan. A minutes silence was observed for the deceased.

Request for Suspension of Standing Orders:- The Meetings Administrator advised that two requests for suspension of standing orders had been submitted in advance of the meeting. In accordance with the protocol adopted both requests were read to the meeting as proposed and seconded:-

1. Cllr. J. Mullen, seconded by Cllr. P. O'Brien requested a suspension of standing orders to discuss the following:

'That the Members of Wicklow County Council condemn the unprovoked invasion of the sovereign nation of Ukraine by Russia. We also demand that in response to the unjustified invasion of a fellow European nation that the Irish Government use the maximum diplomatic sanction which is the immediate expulsion of the Russian Ambassador from the Republic of Ireland'.

2. Cllr. J. Behan, seconded by Cllr. P. Fitzgerald requested a suspension of standing orders to discuss the following:

'That this Council agrees to request an urgent meeting with the Minister for Transport to discuss the suspension of funding for the N11/M11 Road Improvement Scheme as well as the need for noise mitigation measures in Kilmacanogue and the requirement for a footpath linking Kilmacanogue to Bray'.

It was agreed to discuss the two suspensions of standing orders at 4.30 p.m.

ITEM NO. 1

Section 140 motion, Local Government Act 2001, as amended, in the names of Cllr. G. O'Neill and Cllr. J. Behan seeking to withdraw the Blessington Greenway proposals from consideration by An Bord Pleanala.

Date: 25th February 2022

To: Brian Gleeson, Chief Executive, Wicklow County Council

In accordance with Section 140 of the Local Government Act, 2001, as amended by the Local Government Reform Act 2014, we, the undersigned Members of Wicklow County Council, direct the Chief Executive of Wicklow County Council to withdraw the Blessington Greenway proposals from consideration by An Bord Pleanála.

This will allow for the removal of the elements of the Greenway Plan which will cause serious negative impacts on the lives of the people living in the areas surrounding the Blessington Lakes including the installation of traffic lights on Knockeiran, Baltyboys and Vallemount Bridges and the proposed new parking restrictions on Blessington Main Street which are widely opposed by the local community.

The reason for the motion is the lack of meaningful consultation with Elected Members of Wicklow County Council and the general public before the matter was referred to An Bord Pleanála.

We further direct that the matter be placed before the Members of Wicklow County Council at the forthcoming Council Meeting to be held at 2.00 p.m. on Monday 7th March 2022 in the Chamber of Wicklow County Council, County Buildings, Wicklow.

Cllr. Gerry O'Neill

Cllr. Joe Behan

The Chief Executive referred to legal advice received and advised the Elected Members that the suggested resolution is one which if proceeded with, will be legally unsound, invalid and in breach of Section 140(2) and/or Section 140(10). Furthermore, no resolution under Section 140 of the 2001 Act can be brought to force the Chief Executive to withdraw a required application under Section 177AE of the Planning & Development Act because it would be an attempt to force the Chief Executive to do something that the Council is not lawfully able to do. Any such resolution would be void and legally ineffective.

Cllr. G. O'Neill raised the following points and concerns:

- That there was no consultation with the people, Elected Members and staff in West Wicklow.
- First learned at a Town Team meeting that the application had gone from the Council to An Bord Pleanála.
- An Garda Síochána and the Emergency Services were not informed.
- Risks involved dividing bridges in two, traffic on one side and pedestrians/cyclists on the other side.
- Public meetings held and submissions sent to An Bord Pleanála.
- Advised the Elected Members that the application could be withdrawn according to an An Bord Pleanála official.

- In favour of the Greenway, however, lack of consultation unacceptable.

Cllr. J. Behan paid tribute to Cllr. G. O’Neill for his persistence in raising the issue and in continuing to do so. He also raised the following concerns:

- That Wicklow County Council did not listen to genuine requests by Cllr. O’Neill and the local community for this Greenway Project to be withdrawn and made better.
- That he is not convinced by the legal advice.
- That no-one is against the Greenway but want a Greenway that will work.
- That this project will damage the quality of life of many people who live around the lakes of Blessington.
- The installation of traffic lights on 3 bridges will add from 5 to 10 minutes extra on journeys.
- Safety concerns in respect of ambulances or fire engines to get across the bridges in a hurry.

There followed further discussion by the Elected Members and response by the Chief Executive. Ms. L. Gallagher, Director of Service read Section 140(7) and (10) (e) of the Local Government Act 2001, as amended, to the Elected Members:

Section 140 (7) Without prejudice to any other relevant requirements, it is necessary for the passing of a resolution under this section that at least one-third of the total number of members of the local authority concerned vote in favour of the resolution.

(10) (e) to any act, matter or thing to be done or effected in the performance of the executive functions of a local authority in respect of its functions as a planning authority under the Planning & Development Act 2000.

It was proposed by the Cathaoirleach Cllr. S. Cullen, seconded by Cllr. P. Fitzgerald to defer the item for 2 weeks until 21st March 2022 in order to seek further clarification and legal opinion.

Motion proposed by Cathaoirleach Cllr. S. Cullen, seconded by Cllr. P. Fitzgerald to defer this item for 2 weeks until 21st March 2022 in order to seek further clarification and legal opinion. A vote was taken and following a roll call was passed by a margin of 24 votes for, 6 against and 2 abstained viz:

FOR 24	CLLRS. T. ANNESLEY, V. BLAKE, M. CORRIGAN, M. CREAN, A.CRONIN, S. CULLEN, P. FITZGERALD, A. FLYNN-KENNEDY,T. FORTUNE, P. GLENNON, M. KAVANAGH, P. KENNEDY, P. LEONARD, G. MCMANUS, D. MITCHELL, J. MULLEN, M. MURPHY, D. O’BRIEN, P. O’BRIEN, R. O’CONNOR, L. SCOTT, E. TIMMINS, G. WALSH AND I. WINTERS
AGAINST 6	CLLRS. J. BEHAN, S. BOURKE, E. DOYLE, G. DUNNE, G. O’NEILL AND J. SNELL
ABSTAINED 2	CLLRS. A. FERRIS AND J. NEARY

Time Extension: On the proposal of the Cathaoirleach, Cllr. S. Cullen and seconded by Cllr. P. Fitzgerald a time extension to 5.30 p.m. was agreed.

ITEM NO. 2

To confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 7th February 2022.

It was proposed by Cllr. J. Snell, seconded by Cllr. P. O'Brien and agreed to confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 7th February 2022.

ITEM NO. 3

To consider the disposal of property in the townland of Bray, Co. Wicklow known as 1 Wolfe Tone Square West, Bray, Co. Wicklow situated in the Urban District of Bray Parish of Bray and Barony of Rathdown by Transfer Order to Mr. Patrick David Murphy, the person entitled to the freehold interest in the property.

It was proposed by Cllr. D. O'Brien, seconded by Cllr. J. Behan and agreed to dispose of property in the townland of Bray, Co. Wicklow known as 1 Wolfe Tone Square West, Bray, Co. Wicklow situated in the Urban District of Bray Parish of Bray and Barony of Rathdown by Transfer Order to Mr. Patrick David Murphy, the person entitled to the freehold interest in the property as set out in statutory notice circulated.

ITEM NO. 4

To consider the disposal of property in the townland of Sheephouse, Arklow, Co. Wicklow comprised in Folio WW2871L being the property known as 107 St. Peter's Place, Arklow, Co. Wicklow by Transfer Order to Ms. Catherine O'Brien of 107 St. Peter's Place, Arklow, Co. Wicklow, the person entitled to the freehold interest in the property .

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. P. Kennedy and agreed to dispose of property in the townland of Sheephouse, Arklow, Co. Wicklow comprised in Folio WW2871L being the property known as 107 St. Peter's Place, Arklow, Co. Wicklow by Transfer Order to Ms. Catherine O'Brien of 107 St. Peter's Place, Arklow, Co. Wicklow, the person entitled to the freehold interest in the property as set out in statutory notice circulated.

ITEM NO. 5

To consider the disposal of a strip of land annexed to the existing sporting pitch which has increased from 0.485643 hectares to 0.6187 hectares (1.2 acres to 1.5 acres) situated at

Dr. Ryan Park, Kindlestown, Greystones, Co. Wicklow to Sporting Greystones Football Club.

It was proposed by Cllr. T. Fortune, seconded by Cllr. D. Mitchell and agreed to dispose of a strip of land annexed to the existing sporting pitch which has increased from 0.485643 hectares to 0.6187 hectares (1.2 acres to 1.5 acres) situated at Dr. Ryan Park, Kindlestown, Greystones, Co. Wicklow to Sporting Greystones Football Club as set out in statutory notice circulated.

ITEM NO. 6

To consider the disposal of property comprised in Folio WW11333 in the townland of Knockanrahan Lower and Knockanrahan Upper, Co. Wicklow being the property known as 58 Fernhill, Arklow, Co. Wicklow which consists of the freehold interest and additional piece of land measuring 0.250Ha or thereabouts by Transfer Order to Ms. Mary Kelly of 58 Fernhill, Arklow, Co. Wicklow, the person entitled to the freehold interest in the property and additional land which was incorporated into the property.

It was proposed by Cllr. T. Annesley, seconded by Cllr. M. Murphy and agreed to dispose of property comprised in Folio WW11333 in the townland of Knockanrahan Lower and Knockanrahan Upper, Co. Wicklow being the property known as 58 Fernhill, Arklow, Co. Wicklow which consists of the freehold interest and additional piece of land measuring 0.250Ha or thereabouts by Transfer Order to Ms. Mary Kelly of 58 Fernhill, Arklow, Co. Wicklow, the person entitled to the freehold interest in the property and additional land which was incorporated into the property.as set out in statutory notice circulated.

ITEM NO. 7

To consider the disposal of 0.0248 hectares or thereabouts of property in the townland of Little Bray, Castle Street, Bray, Co. Wicklow comprised in Folio WW6086L being the property known as former Heiton Buckley Site at Church Street, Bray, Co, Wicklow by Transfer Order to Silverbow Ltd./Bushnell Investments Ltd., 1st Floor, Block 1, Quayside Business Park, Dundalk, Co. Louth, the person entitled to the freehold interest in the property.

It was proposed by Cllr. A. Flynn-Kennedy, seconded by Cllr. D. O'Brien and agreed to dispose of 0.0248 hectares or thereabouts of property in the townland of Little Bray, Castle Street, Bray, Co. Wicklow comprised in Folio WW6086L being the property known as former Heiton Buckley Site at Church Street, Bray, Co, Wicklow by Transfer Order to Silverbow Ltd./Bushnell Investments Ltd., 1st Floor, Block 1, Quayside Business Park, Dundalk, Co. Louth, the person entitled to the freehold interest in the property.

There was a query in relation to the address in the statutory notice. It was highlighted that there was no 'Church Street' in Bray. The address should have been 'Castle Street'.

It was decided to refer the disposal notice back to the Law Agent to check on its validity.

ITEM NO. 8

To consider the Chief Executive's Monthly Management Report, February 2022

Elected Members were circulated with the Chief Executive Monthly Management Report February 2022.

It was agreed by all to defer discussion on the Chief Executive Monthly Management Report February 2022 to the Special Meeting of Wicklow County Council to be held on Monday 21st March 2022

Suspension of Standing Orders

The first suspension of standing orders was submitted by Cllr. J. Mullen, seconded by Cllr. P. O'Brien requested a suspension of standing orders to discuss the following:

'That the Members of Wicklow County Council condemn the unprovoked invasion of the sovereign nation of Ukraine by Russia. We also demand that in response to the unjustified invasion of a fellow European nation that the Irish Government use the maximum diplomatic sanction which is the immediate expulsion of the Russian Ambassador from the Republic of Ireland'.

Following a broad discussion it was agreed to amend the wording of the first line of the motion to *'That the Members of Wicklow County Council condemn the unprovoked invasion of the sovereign nation of Ukraine by Russia'.*

The second suspension of standing orders was submitted by Cllr. J. Behan, seconded by Cllr. P. Fitzgerald requested a suspension of standing orders to discuss the following:

'That this Council agrees to request an urgent meeting with the Minister for Transport to discuss the suspension of funding for the N11/M11 Road Improvement Scheme as well as the need for noise mitigation measures in Kilmacanogue and the requirement for a footpath linking Kilmacanogue to Bray'.

Following a discussion it was agreed by all to request an urgent meeting with the Minister for Transport to discuss the suspension of funding for the N11/M11 Road Improvement Scheme as well as the need for noise mitigation measures in Kilmacanogue and the requirement for a footpath linking Kilmacanogue to Bray.

ITEM NO. 9

To consider a Part 8 for the construction of 106 residential units to include 70 no. houses, 36 no. duplex apartments and crèche (200sq.m) and associated site works at a site at Burgage More, Blessington, Co. Wicklow.

Mr. T. Sexton, Coady Architects gave a presentation covering the following areas:

- Existing site layout
- Key planning statistics
- Planning Timelines
- Proposed site layout
- 3D view 1 – view from new junction
- View 2- view down Burgagemore Road
- 3D view 3 – birds eye view
- 3D view 4 – site entrance
- 3D view 5 – view from central open space
- 3D view 6 – view of open space on southern boundary
- Street elevation studies

A broad discussion took place, while the Elected Members welcomed the provision of housing the following concerns were raised:

- How much of the development is controlled by the Department?
- More time needed to discuss the development
- What impact the development would have on on-street parking
- Could the crèche be moved to a different road to accommodate the level of parking?
- Concern of local residents living in the area

It was proposed by the Cathaoirleach Cllr. S. Cullen, seconded by Cllr. J. Snell and agreed by all to defer the matter to the Special meeting of Wicklow County Council on Monday 21st March 2022.

ITEM NO. 12

To note Wicklow County Council Joint Policing Committee end of year report 2021

This item was noted by the Elected Members.

ITEM NO. 13

To consider 3-year Annual Capital Programme

Elected Members were circulated with the Wicklow County Council 3- year Capital Investment Programme 2022-2024 on 4th March 2022.

Ms. B. McCarthy, A/Head of Finance gave a summary of the 3-Year Annual Capital Investment Programme to the Elected Members.

Following a broad discussion the Elected Members agreed to defer the Wicklow County Council 3-year Capital Programme 2021-2024 to the Special Meeting of Wicklow County Council on Monday 21st March 2022.

ITEM NO. 14

Correspondence

Ms. H. Purcell advised the Elected Members of the following:

- Department of Tourism, Culture, Arts, Gaeltacht, Sports & Media has agreed a National Ceremony of Remembrance and Reflection, which will take place on 20th March 2022 in Dublin, to remember all those who have lost their lives during the pandemic. Also, to recognise the pivotal role of local authorities. All local authorities are requested to host one local ceremony. The decision was taken in Wicklow to have one in each Municipal District area taking place on Saturday 19th & Sunday 20th March 2022. They will be organised through Community, Cultural & Social Development Directorate and the County Librarian in conjunction with Municipal Districts and further contact with Elected Members in relation to the events.
- Special meeting on Monday 21st March 2022 at 2.00 p.m.
- Special meeting on Monday 28th March and possibly Tuesday 29th March 2022 at 10.00 a.m.
- Ordinary meeting on Monday 4th April 2022 at 2.00 p.m.

THIS CONCLUDED THE BUSINESS OF THE MEETING

**CLLR. SHAY CULLEN
CATHAOIRLEACH
WICKLOW COUNTY COUNCIL**

**MS. HELEN PURCELL
SENIOR EXECUTIVE OFFICER/
MEETINGS ADMINISTRATOR**

Confirmed at meeting of Wicklow County Council held on Monday the 9th May 2022