

**MINUTE OF THE MEETING OF THE PLANNING, DEVELOPMENT &
ENVIRONMENT SPC HELD ON THE 14TH DECEMBER, 2020 AT 3.00 P.M. BY
MICROSOFT TEAMS**

PRESENT: Cllr. Sylvester Bourke, Chairman
Mr. Conor McCarthy
Ms. Tessa Stewart
Cllr. Erika Doyle
Cllr Gerry O'Neill
Cllr. Patsy Glennon
Cllr. Shay Cullen
Cllr. Edward Timmins

IN ATTENDANCE: Ms. Breege Kilkenny, Director of Services
Ms. Theresa O'Brien, Senior Executive Officer
Ms. Sorcha Walsh, Senior Planner
Mr. Fergal Keogh, Senior Engineer
Mr. Michael McNamara, Administrative Officer

APOLOGIES RECEIVED FROM:
Mr. Jim Woods
Mr. Michael Byrne

Item 1: Adoption of the Minutes of the Meeting held on the 12th October, 2020.

It was proposed by Mr. Conor McCarthy, seconded by Cllr. Patsy Glennon and agreed that the Minutes of the Meeting held on the 12th October 2020 be confirmed and signed.

Item 2: Forward Planning Update

Ms. S. Walsh, Senior Planner, gave an update with regard to the preparation of the draft County Development Plan. It was hoped that a draft Plan would be presented to the Members in the New Year.

The Forward Planning Unit was holding a few workshops before Christmas with Members to discuss rural settlements. The meeting in the West was being held on Friday at 2.00 p.m. The location of the meeting, which it was hoped would be the Hollywood Community Centre, was to be confirmed to the Members. Cllr. G. O'Neill advised that he did not receive any of the emails about the workshops. Cllr. S. Bourke queried if the workshop proposed for Arklow, which was scheduled for Thursday 17th December 2020, could be postponed until after Christmas as Cllr. Pat Fitzgerald couldn't make it. Ms. Walsh explained that these workshops had to be held in order for a draft Plan to be produced and any delays in holding these workshops would delay the draft Plan. She said the time of the workshops could be altered to suit Cllr. Fitzgerald. Cllr. Bourke stated that he would discuss same with Cllr. Fitzgerald and revert to Ms. Walsh.

In response to a query from Ms. T. Stewart, Ms. S. Walsh confirmed that the population figures had been finalised in June / July 2020.

Cllr. S. Bourke referred to an email which he had forwarded to Ms. Walsh from Cllr. Pat Fitzgerald.

Draft County Development Plans.

As so many local authorities are currently reviewing CDP's, implications of the National Planning Framework become more apparent restricting one off local need rural planning applications and residential de-zoning of lands due to population growth caps on each county ironically during a national housing crisis.

The Minister's reply is attached which states "to clarify, the national planning framework does not either remove one-off local needs planning for rural houses or impose rezoning or de-zoning population caps. The national planning framework provides important national rural planning policies supporting the growth and regeneration of our rural areas, including new housing for local communities. National policy objective, NPO, 15 of the NPF fully supports the concept of sustainable development of rural areas by encouraging growth and arresting decline"

As we know, local authorities planning departments are interpreting these objectives in a different manner in comparison to the Minister explanation outlined above. I would be grateful if you could send on working examples from your draft county developments plans which I will discuss with Minister for Housing, Local Government and Heritage, Darragh O'Brien T.D.

Ms. Walsh confirmed that there was no ban on rural housing. In relation to zoning and de-zoning the Minister does not refer to caps but instead as targets. The response goes on to say that targets are important. Wicklow County Council's policy is in line with the National Planning Framework and which is the correct approach. The negative case as stated in the email is not correct.

Cllr. S. Bourke referred to a recent SHD application for over 200 houses in Greystones, however the new Plan will only allow for 80 houses and queried if the Board would grant the application. Ms. Walsh confirmed that the Board would have to have regard to the current adopted Plan and not any future plans.

Cllr. G. O'Neill referred to several one off housing applications in the West of the County which had been granted by Wicklow County Council. The TII have appealed these applications to An Bord Pleanala, however there is an application for 47 houses near the N.81 which the TII hasn't objected to.

Item 3: To discuss Casual Trading Licences

Mr. M. McNamara stated that people who wanted to trade in a casual area had to do so under licence and in a casual trading area. Potato / soft fruit traders are exempt from the Casual Trading Act. The Casual Trading Byelaws are ten years old and doesn't cover the whole of County Wicklow. Casual trading exists in areas to serve particular needs. A lot of queries had been received from people who had bought coffee docks and wanted to travel around the County selling coffee and similarly food vans who normally sell at festivals. However, enquiries are not received from areas where there is a need for casual trading where services are not currently being provided in the form of bricks and mortar.

Cllr. E. Timmins stated he was felt that the community would not be aware of the Casual Trading Licence and hence there was no enquiries to the Council. He queried the procedure if the Council Members wanted casual trading to be designated in a particular area if it was decided it would be a good idea.

Mr. M. McNamara stated in order to designate an area for casual trading, these are governed by bye laws which is a reserved function. The proposal would have to go on public display for four weeks with a further two week period for receipt of submissions. A CE Report would have to be prepared and presented to the Councillors who would then vote on it. If the Members wished to change the casual trading area, the whole County should be examined. Public consultation would have to be engaged in to assess the demand from the public. The issue with the new regulations, which Mr McNamara confirmed he is seeking clarification on, is the timeframe as to how long the licence lasts for. It is not proposed to issue licences for long periods of time.

Cllr. E. Doyle asked what the difference between permission given for casual trading licence and a farmers market?

Cllr. S. Cullen sought clarification in relation to trading on private lands and whether a licence was required.

Mr. F. Keogh stated that planning permission is normally required for activities on private land. However, there is an exemption in the Planning Act for use as casual trading where it is designated a casual trading area.

Cllr. S. Bourke queried the enforcement procedures for non compliance.

Mr. M. McNamara stated that the casual trading can occur over land that the public has free access to – it could be on private owned land.

In relation to enforcement, Mr. McNamara confirmed that the Environmental Wardens have power under the Casual Trading Act to enforce which is done regularly where other people roll in on existing casual trading areas. They are asked to move on. The Gardai also have powers under the Casual Trading Act.

In relation to markets / fairs, having to licence farmers markets every week would create a lot of work. If people are selling fresh produce under the 2004 Regulations they are exempt from casual trading once they have agreement with the Local Authority. Farm markets which tend to be more craft fair / bakery, which will provide extra footfall to an area, the Council's interests must be protected. The fees for casual trading are very low.

Ms. B. Kilkenny agreed to come back to the Members in relation to designating the entire County as an area for casual trading.

Item 4: To discuss the capacity in graveyards around County Wicklow

Ms. T. O'Brien referred to 3 graveyards in the County

1. Burgage: the life of this graveyard will be extended by the removal of trees in the New Year.
2. Glenealy: the Council is currently trying to source land. However Rathdrum and Rathnew are very close to Glenealy and they have a lot of capacity.
3. Arklow: Ms. O'Brien confirmed that she had been speaking with the Registrar and based on the remaining spaces plus the average number of burials in the last number of years, it was felt that the current graveyard lifespan would be approximately four years. She had been speaking with Arklow Municipal District to try and source land for a graveyard. Ms. O'Brien referred to the burial wall which had been built in Bray, which was two sided and had 96 niches on each side. The cost of providing this was €120,000. A survey of the general public in Arklow found that they liked the idea of the wall but cost was a factor. Their preferred option was a garden plot with a plaque over it.

Cllr. S. Bourke stated that the Members felt that the Council should urgently identify land in order to provide a graveyard. He queried if there was any specific zoning in the County Development Plan for graveyards. There is 100 acres of land for sale in Moneycarroll which Cllr. Pat Kennedy is looking into it.

Ms. S. Walsh confirmed that there was no specific zoning. The County Development Plan had an objective to facilitate burial grounds in suitable locations. However, criteria such as environmental design, traffic use, etc would have to be taken into consideration.

It was agreed that the Forward Planning Unit would provide advice and guidance if a suitable site is identified.

Ms. B. Kilkenny stated that the four years left in Arklow doesn't include existing graves with one burial and which can take a further three.

It was agreed that Ms. T. O'Brien would attend the next meeting of Arklow Municipal District and discuss the issue of a graveyard in Arklow.

Cllr. G. O'Neill thanked Ms. O'Brien for all her work in relation to the Burgage graveyard. 72 new plots have been provided with the removal of trees.

Item 5: End of Year Update on PURE

Ms. O'Brien gave an update in relation to 2020 activities. 650 miles of roads, mountains and woodlands were adopted in 2020. Events were organised. 115 groups were involved which included runners, community groups, cyclists and business groups.

A lot of promotion took place on Social Media which shows Wicklow in a good light. The calendar has recently been produced and distributed. The Gala Event could not be held this year due to Covid but Ian Davis, Co-ordinator had arranged an alternative event with East Coast FM. The Pure Mile launched in November 2021 where groups can register for next

year. Confirmation for funding for 2020 was only received in October 2020. It was hoped that a decision on funding for 2021 would be received in January / February 2021.

2017 203 tonnes
2018 161 tonnes
2019 150 tonnes
2020 135 tonnes of rubbish was collected.

Suggested amendment – a brief discussion ensued on procurement in relation to the coordinator role and this will be examined in more detail, as it would be beneficial in matters of funding.

~~Ms. B. Kilkenny stated that there would be procurement issues in relation to the recruitment of Ian as Co-ordinator. Ian had been the co-ordinator for 12 years out of procurement and for openness and transparency reasons a tender process would have to be entered into to allow other people to tender for the project.~~

~~Cllr. S. Cullen stated that a lot of success had been achieved in the last 12 years. Ian provided a lot of passion, enthusiasm which is very infectious and he would be very keen to ensure that he continues to have a strong role. In relation to funding, he stated that it was unacceptable that funding wouldn't be confirmed until October 2020. He stated that the funding for 2021 needs to be in place in January / February. In this regard he stated that a letter should be sent to the TDs to ensure the funding is in place to drive forward the project.~~

~~Cllr. E. Timmins agreed with Cllr. Cullen. Funding was a concern, he queried the level of funding. He stated that he was keen to keep the momentum going for Pure. Doubts over the funding had dampened momentum and he feared that the momentum will be lost.~~

~~Cllr. E. Doyle echoed Cllr. Cullen's sentiments and queried if Ian could apply?~~

~~Ms. B. Kilkenny confirmed that nonone in the Council or anywhere else was doubting Ian's passion, he was the driver behind the project. The pitch would have regard to value for money. She stated that the procurement process should be started as soon as possible. A submission to the Department to secure funding could include a statement stating that the project has been procured and the service that is being offered is value for money. She confirmed that Ian can pitch in the same way as other people. By procuring the project, it will assist in getting funding approved earlier in 2021.~~

~~Cllr. S. Cullen queried if the procurement process should be started sooner rather than later and asked if a conversation should be had with Ian.~~

~~Ms. B. Kilkenny stated that the Members should reassure Ian that he has nothing to worry about.~~

~~Cllr. Cullen proposed that the procurement process be started and a letter / conversation be made by Theresa to Ian to explain the process as soon as possible.~~

~~The proposal was seconded by Cllr. Sylvester Bourke.~~

Ms. O'Brien confirmed that a committee oversaw the PURE project. Wesley Atkinson was the Chair of the Committee. Ms. O'Brien suggested that she would discuss same with Wesley and then to Ian via the Committee.

It was agreed that Ms. B. Kilkenny would telephone Ian and explain the situation and the Ms. T. O'Brien would contact the Committee.

Item 6: Capital Development Levies

It was agreed to defer this item to allow further work to be undertaken.

Item 7: Agree Date and Time of Next Meeting

It was agreed that the next meeting would be held in mid February. Ms. T. O'Brien to consult with the Chairman and circulate the date of the next meeting.

Item 8: Any Other Business

The Chairman thanked everyone for their help and support.

He wished everyone a Happy, Peaceful and Safe Christmas.

That concluded the business of the meeting.

Signed: _____
Chairman

Date: _____