

**MINUTES OF SPECIAL MEETING (HYBRID) OF WICKLOW COUNTY COUNCIL HELD ON
MONDAY 21ST MARCH 2022, COMMENCING 2.00 PM VIA MICROSOFT TEAMS**

PRESENT:

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

APOLOGIES

CLLRS. S. CULLEN, M. CORRIGAN, P. FITZGERALD, P. LEONARD, R. O'CONNOR, L. SCOTT AND G. WALSH

IN ATTENDANCE:

MR. B. GLEESON, CHIEF EXECUTIVE
MS. L. GALLAGHER, 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. D. MARNANE, SENIOR ENGINEER
MS. H. FALLON, SENIOR ENGINEER
MR. M. FLYNN, SENIOR ENGINEER
MR. F. KEOGH, SENIOR ENGINEER
MS. D. FORDE, PROJECT LIAISON OFFICER
MS. M. HARTNETT, SENIOR EXECUTIVE ENGINEER
MS. M. CAHILL, SENIOR EXECUTIVE ENGINEER
MR. D. O'BRIEN, EXECUTIVE ENGINEER
MS. E. BERMINGHAM, SENIOR EXECUTIVE PLANNER
MS. H. PURCELL, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
MS. J. CARROLL, SENIOR EXECUTIVE OFFICER
MS. C. FLOOD, SENIOR EXECUTIVE OFFICER
MS. T. O'BRIEN, SENIOR EXECUTIVE OFFICER
MS. R. DENNISON, ADMINISTRATIVE OFFICER
MS. A. MINION, ADMINISTRATIVE OFFICER
MS. C. FOX, ADMINISTRATIVE OFFICER
MS. A. HUBBARD, SPORTS CO-ORDINATOR
MR. L. CULLEN, DISTRICT ADMINISTRATOR
MR. J. NOLAN, DUBLIN CITY COUNCIL
MR. T. SEXTON, COADY ARCHITECTS
MR. S. GALVIN, 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.

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 Pleanala.

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 Valleymount 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 Pleanala.

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

Ms. M. Hartnett, Senior Executive Engineer gave a presentation outlining the following:

Blessington eGreenway – Project Description

- Community led project with the section done already carried (6.5 km) out by the local community

- The scheme is proposed to provide a predominately off-road shared use path for pedestrians and cyclists.
- The scheme will cover approximately 33km and involve the provision and upgrading of a greenway adjacent to the shoreline of the Blessington Lake Special Protection Area (SPA)
- Traffic lights are proposed at the three existing bridge crossings to manage a new shuttle system for vehicular traffic.

Blessington eGreenway – Status

- In July 2017, Wicklow County Council obtained Part 8 approval to construct a Greenway around the lakes.
- The scope of works for the project triggered the need to review the environmental reports undertaken to date, which has led to the project requiring a Natura Impact Statement (NIS) and a planning submission to An Bord Pleanala.
- Documents were lodged with An Bord Pleanala with public consultation commencing on the 20th of January 2022.

Bridge Options

- Option 1 – Shared footway and cycleway with 1 lane of carriageway.
- Option 2- Segregated footway and cycleway with 1 lane of carriageway.
- Option 3 – Extend out to accommodate a segregated footway, cycleway and 2 lanes of carriageway
- Option 4 – Do nothing. Cyclists to be accommodated on the existing bridge layout.

Other options considered

Provide underpass at Knockieran Bridge - the installation of underpasses at the approach to the bridges to remove the crossing points will not change the situation. Lights will still be needed to be installed to control the traffic. It is envisaged that there would be a significant land take required to facilitate the greenway to access these under passes and this would need environmental assessments.

Option 2 Traffic lights

- In order to provide this infrastructure, the carriageway needs to be narrowed to a single traffic lane to be used in turn from each direction to cross the bridge.

- In order to control when traffic can cross without conflicting with opposing traffic, traffic lights needed 24hours/7 days a week.
- A cycle time of less than 90 seconds (i.e. a driver will have to wait 90 second before getting a green light again).
- Based on the current assessment it is anticipated that on average there will be 3 vehicles waiting at the traffic lights at any one time.
- The expert modelling results show that there are no capacity concerns with the introduction of this shuttle working on the bridges.
- Just to note that the new traffic signals could operate using sensors to detect traffic (rather than timers) in order to ensure that waiting times are minimised i.e. when a vehicle arrives at the bridge, a sensor will detect it and cycle the lights to green to allow traffic to pass over the bridge.

Safety

- Safety for all road users - cyclists, pedestrians, people with young children, older visitors, people with disabilities.
- Fáilte Ireland - 'Segregation away from vehicular traffic is a priority for users. Segregation is one of Fáilte Ireland's Goals for greenways - and is one of the 5 's' - scenic, sustainable, lots to see and do, strategic, segregation.

Potential consequences if the scheme does not proceed

- No options at this moment in time.
- Loss of €15 million , by not including the bridges and the traffic lights, the greenway would not be classed as a Greenway anymore and this would risk the TII funding
- Loss of €1 million, Risk to Blessington RRDF as it is dependent on the greenway application included a "becoming Greenway ready" initiative. Funding received in the sum of over €1 million.
- Loss of tourism and economic opportunity presented by the greenway
- Detrimental effect to the Council's reputation with the Department.
- Risk to Department's confidence in the Council's ability to deliver a major greenway scheme and this could impact on all schemes in the County.
- Expenditure to date in the region of €1 million, the department could seek monies claimed to be returned.

Impact on local community

- It is acknowledged that the lights will result in a short delay to the local community crossing the bridges on their daily commutes.
- The scheme is hugely beneficial to the local community and the county at large on many levels including economic, health and welfare and improvement to the connectivity between the surrounding villages and town.
- In terms of public consultation, this has continued with the An Bord Pleanála formal process which commenced 20th January 2022 and closed 4th March 2022. The submissions made will be received over the next coming weeks from An Bord Pleanála and will be available for public viewing. They can be discussed with the Project Team if required.
- Moving forward, it is proposed to form a new Project Liaison Group. This group will assist with information sharing and engagement with all stakeholders in the local area such as:
 - Councillors
 - IFA
 - Local business Representatives
 - Wicklow County Council staff
 - Local Community Groups

eGreenway Facts

- This €15 million investment in the new greenway - with more to follow - will give a huge boost to the economy of Blessington and the villages around the lakes and throughout West Wicklow.
- An economic study on the experience elsewhere shows that greenways bring significant opportunities for existing businesses to expand and for the creation of new ones. This will mean more sustainable jobs for local families throughout the lakeside area.
- First funded major greenway loop in Ireland
- This development has been over 10 years in the making and is a prime example of a community-led, 'ground-up' initiative.
- It aims to enhance health, social/community interaction and mental well-being.
- It has been designed to the highest safety and universally accessible standards.
- In full compliance with all ecological, cultural and heritage requirements
- Traffic lights with modern sensor systems will be installed on 3 main bridges to provide safe crossing for both greenway users and all types of road vehicles. Stop on red for vehicles will be no longer than 90 seconds. Detailed studies carried out by traffic experts show that these will not cause congestion.
- Apart from the bridges, virtually the entire route is off-road and substantially on ESB-owned land adjacent to the lakeshore.

- Since the existing 6.5kms greenway - created by Blessington & District Community Forum - was opened over 8 years ago, it has proven to be successful with both users and local landowners.
- A new greenway visitor hub will be created in Blessington at the former Health Board building on the Manor Kilbride road.

Ms. H. Purcell, Meetings Administrator read the email received by Cllr. G. O'Neill from An Bord Pleanála.

'Further to your email below to my colleague Shaun McGee the Board has asked me to advise you it is open to Wicklow County Council at any stage of the application process to withdraw the application.'

To do this Wicklow County Council must send a letter to the Board stating they are unconditionally withdrawing the application'.

The Chief Executive advised the Elected Members that there are three legal opinions on the matter, two Senior Counsels opinions and that of the Law Agent. All three legal opinions concur that the resolution, Section 140 motion is void and the Chief Executive cannot lawfully be directed to withdraw this application. In addition, the Council is under a mandatory obligation to lodge a Section 177 application to An Bord Pleanála and no legal and statutory provision is in place to withdraw an application. The Chief Executive said he was aware of the email circulated by Cllr. G. O'Neill from An Bord Pleanála confirming that the application could be withdrawn but this does not confer on the Council any right to do so. Any attempt to withdraw the application would leave the Council exposed to a potential judicial review going forward.

A broad discussion followed and it was agreed to vote on the motion proposed by Cllr. G. O'Neill, seconded by Cllr. J. Behan seeking to withdraw the Blessington Greenway proposals from consideration by An Bord Pleanála.

A vote was taken and following a roll call was defeated by a margin of 5 votes for, 5 against, 7 not present and 15 abstained viz:

FOR 5	CLLRS. J. BEHAN, T. FORTUNE, M. KAVANAGH, G. O'NEILL AND J. SNELL,
AGAINST 5	CLLRS. V. BLAKE, S. BOURKE, G. DUNNE, J. MULLEN AND I. WINTERS
NOT PRESENT 7	CLLRS. M. CORRIGAN, S. CULLEN, P. FITZGERALD, P. LEONARD, R. O'CONNOR, L. SCOTT AND G. WALSH
ABSTAINED 15	CLLRS. T. ANNESLEY, M. CREAM, A. CRONIN, E. DOYLE, A. FERRIS, A. FLYNN-KENNEDY, P. GLENNON, P. KENNEDY, G. MCMANUS, D. MITCHELL, M. MURPHY, J. NEARY, D. O'BRIEN, P. O'BRIEN AND E. TIMMINS

ITEM NO. 2

To consider report in accordance with Section 179 of the Planning & Development Act 2000, as amended, Part 8 of the Planning & Development Regulations 2001-2006 as amended: Development 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. D. Marnane, Senior Engineer gave a presentation outlining the following:

- To the right of the existing laneway is a ditch with 5 trees, 3 of which are recommended for removal. There is a development going ahead to the left.
- Ditches were taken down by the developer in the last few weeks.
- On half of the length of lane that proposal is on, the ditch has already been removed on the other side of the road.
- That has five houses directly coming out on to the road and new footpath also
- Character of lane has already changed.
- The proposal is to have two parallel roads with the ditch in between them and that the road serving the new houses would be accessed from the south.
- Will become an urban road and will help with traffic calming. Reduce speed and provide footpaths to access.
- Parking proposed subject to safety audit.

The presentation was followed by a discussion where a number of concerns were expressed by the Elected Members.

On the suggestion of the Chief Executive it was agreed by all to defer the matter to the Special meeting of Monday 28th March 2022.

Time Extension: On the proposal of the Leas -Cathaoirleach, Cllr. T. Annesley and seconded by Cllr. A. Flynn-Kennedy a time extension to 5.30 p.m. was agreed.

ITEM NO. 3

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 further update of the 3-Year Annual Capital Investment Programme to the Elected Members.

Following a broad discussion this item was noted by the Elected Members.

ITEM NO. 4

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 Ordinary Meeting of Wicklow County Council to be held on Monday 4th April 2022.

ITEM NO. 5

To discuss Housing Re-lets County Wicklow

Mr. J. Lane, Director of Service updated the Elected Members in relation to the choice based lettings, which is contained within the Scheme of Letting Priorities.

A broad discussion on the item took place.

ITEM NO. 6

Correspondence

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

- Ukraine 22 March - Online Conference - Local Governments Unite for Welfare and Peace
- Special meeting on Monday 28th March and possibly Tuesday 29th March 2022 at 10.00 a.m.

ITEM NO. 7

Notice of Motions

Notice of motion number 1

Notice of Motion in the name of Cllr. A. Ferris (proposer), seconded by Cllr. P. O'Brien (22nd July 2021)

'It is the policy of Wicklow County Council not to purchase goods or services produced or provided, in whole or part, (as practicable), from illegally occupied territories by illegal settlers, and that any such contracts should cease as soon as allowed'.

Following a brief discussion, it was proposed by Cllr. A. Ferris, seconded by Cllr. P. O'Brien to defer the motion to meeting of 4th April 2022.

Notice of motion number 2

Notice of motion in the name of Cllr. M. Crean (12th August 2021)

'That Wicklow County Council webcast council meetings in the interests of democracy, transparency and accessibility'

As Cllr. M. Crean was not in attendance for discussion on this matter, it was agreed to defer this notice of motion to the meeting of 4th April, 2022.

Notice of motion number 3

Notice of motion in the name of Cllr. E. Timmins (proposer), seconded by Cllr. V. Blake (10th December 2021)

'That this Council supports people on a disability allowance to purchase their homes from the Council. Under current legislation this is not allowed'.

Response:

The terms and conditions that set out the tenant purchase scheme are laid out in the Housing and Miscellaneous Provisions Act 2014 and Wicklow County Council operate within this scheme and have no discretion outside of it.

It was proposed by Cllr. E. Timmins, seconded by Cllr. A. Ferris and agreed by all to write to the Minister for Housing, Local Government and Heritage as set out in the notice of motion.

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