

**MINUTES OF ORDINARY MEETING (HYBRID) OF WICKLOW COUNTY COUNCIL HELD ON
MONDAY 4TH NOVEMBER 2024, COMMENCING 2.00 PM IN THE COUNCIL CHAMBER AND
VIA MICROSOFT TEAMS**

PRESENT:

COUNCILLORS P. O'BRIEN CATHAOIRLEACH, D, ALVEY, M. BARRY, J. BEHAN, S. BOURKE, M. CORRIGAN, A. CRONIN, E. DOYLE, M. DUDDY, L. FENELON GASKIN, O. FINN, P. FITZGERALD, A. FLYNN KENNEDY, T. FORTUNE, P. GLENNON, P. KENNEDY, S. LANGRELL, P. LEONARD, J. MULHALL, M. MURPHY, I. NEARY, D. O'BRIEN, G. O'NEILL, W. O'TOOLE, G. RICHMOND, L. SCOTT, J. SNELL, P. STAPLETON, E. TIMMINS AND C. WINSTANLEY (30)

APOLOGIES

CLLRS. G. DUNNE AND S. STOKES (2)

IN ATTENDANCE:

**MS. E. O'GORMAN, CHIEF EXECUTIVE
MS. L. GALLAGHER, DIRECTOR OF SERVICES
MS. T. O'BRIEN, T/DIRECTOR OF SERVICES
MS. L. EARLS, DIRECTOR OF SERVICES
MR. J. BOWES, A/DIRECTOR OF SERVICES
MR. M. NICHOLSON, DIRECTOR OF SERVICES
MR. B. GLEESON, DIRECTOR OF SERVICES
MR. M. DEVEREUX, T/DIRECTOR OF SERVICES
MS. D. KENNEDY, LAW AGENT
MS. H. PURCELL, SENIOR EXECUTIVE OFFICER/MEETINGS ADMINISTRATOR
MS. L. HEALY, SENIOR EXECUTIVE OFFICER
MR. M. MCNAMARA, A/SENIOR EXECUTIVE OFFICER
MS. M. HALVEY, A/SENIOR EXECUTIVE OFFICER
MR. F. KEOGH, SENIOR ENGINEER
MR. M. FLYNN, SENIOR ENGINEER
MS. S. WALSH, SENIOR PLANNER
MS. M. CAHILL, A/SENIOR ENGINEER
MR. S. KEANE, A/SENIOR ENGINEER
MS. A. KLAUER, SENIOR EXECUTIVE ENGINEER
MR. P. O'CONNOR, SENIOR EXECUTIVE ENGINEER
MR. A. BURKE, SENIOR EXECUTIVE ENGINEER
MS. D. BURNS, HERITAGE OFFICER
MR. M. COSTELLO, CLIMATE ACTION CO-ORDINATOR**

MS. E. O'DONOVAN, HEAD OF INFORMATION SYSTEMS
MR. M. WOODS O'ROURKE, ASSISTANT PLANNER
MR. D. PORTER, ADMINISTRATIVE OFFICER
MS. K. BOYLE, ADMINISTRATIVE OFFICER
MS. A. HUBBARD, SPORTS CO-ORDINATOR
MS. S. BISHOP, STAFF OFFICER
MR. G. MURPHY, IS TECHNICAL SUPPORT OFFICER
MR. D. MARAH, STAFF OFFICER
MS. T. BYRNE, ASSISTANT STAFF OFFICER
MR. M. DANAHER, IE HEAD OF PROJECTS AND PROGRAMMES
MR. C. LYNCH, IE ECRIPP PROGRAMME MANAGER
MR. P. EGAN, ECRIPP CONTRACTS MANAGER
MS. J. CREGAN, IE DEPUTY HEAD OF CORPORATE COMMUNICATION
MR. G. KEEGAN, IE STAKEHOLDER LIAISON
MR. D. KENEGHAN, JACOBS ECRIPP PROJECT MANAGER
MS. J. SAVORY, JACOBS ECRIPP DESIGN LEAD
MR. R. HALLISSEY, JACOBS
MS. E. CONLON, NTA PARK & RIDE DELIVERY OFFICE
MR. O. DALTON, NTA PARK & RIDE DELIVERY OFFICE

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. Tony McLoughlin, Garda Aaron McNamara, Mr. John McCarville, Mr. Danny Hatton, Mr. Anthony Walker, Ms. Breda Heraty and Mr. Lynol Mpofu. Also, a vote of sympathy was passed for the family and friends of the victims of the flooding in Spain. A minutes silence was observed for the deceased.

Congratulations were extended to the following:

- Tearmann Community Gardens, Baltinglass who won first place at The Pride of Place in Monaghan.
- Tinahely Recycling Centre – runners up in their category.
- Wicklow Murals.
- Wicklow, Arklow, Greystones and Bray – Gold medals at Tidy Town event.
- Sofia Lawless, gold medal in boxing.
- Tinahely Senior Football team – winners of county final.

ITEM NO. 1

To confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 7th October 2024.

It was proposed by Cllr. P. Fitzgerald, seconded by Cllr. P. Kennedy and agreed by all to confirm and sign minutes of ordinary meeting of Wicklow County Council held on Monday 7th October 2024.

ITEM NO. 2

To confirm and sign minutes of special meeting of Wicklow County Council held on Monday 14th October 2024.

It was proposed by Cllr. S. Langrell, seconded by Cllr. C. Winstanley and agreed by all to confirm and sign minutes of special meeting of Wicklow County Council held on Monday 14th October 2024.

ITEM NO. 3

To consider the Chief Executive's Report in accordance with Part XI of the Planning and Development Act 2000, as amended, and Part 8 of the Planning and Development Regulations 2001, as amended, for the construction of 74 social houses at Tinahisk Upper, Arklow, Co. Wicklow.

It was proposed by Cllr. S. Bourke, seconded by Cllr. M. Murphy and agreed by all to consider the Chief Executive's Report in accordance with Part XI of the Planning and Development Act 2000, as amended, and Part 8 of the Planning and Development Regulations 2001, as amended, for the construction of 74 social houses at Tinahisk Upper, Arklow, Co. Wicklow. It was also agreed a liaison person from within the Housing staff would be appointed for the project.

ITEM NO. 4

To consider and adopt the Draft County Wicklow Heritage Plan.

Ms. D. Burns, Heritage Officer gave a presentation outlining the following:

- Context – National Heritage Plan – Heritage Ireland; The Heritage Council Strategy 2023 – 2028.
- About the County Heritage Plan.
- Wicklow Heritage Forum.
- Previous County Heritage Plan.
- Process – timeline.

- Contents of plan.
- Implementation.
- Next steps.

A short discussion followed during which the work of the Heritage Officer, her team and the Heritage Forum were thanked for their work on the project. It was proposed by Cllr. J. Snell, seconded by Cllr. D. O'Brien and agreed by all to consider and adopt the Draft County Wicklow Heritage Plan.

ITEM NO. 5

To receive a presentation: The East Coast Railway Infrastructure Protection Projects (ECRIPPS).

Mr. D. Keneghan, Ms. J. Cregan, Mr. C. Lynch and Mr. M. Danaher gave a presentation covering the following areas:

- ECRIPP – background.
- Project objectives.
- ECRIPP scope.
- Project benefits.
- Emerging preferred schemes.
- UAV survey – CCA5 Bray Head to Greystones North Beach.
- CCA5 emerging preferred scheme (EPS).
- Proposed works CCA5A Bray Head.
- Proposed works CCA5B Greystones North Beach.
- UAV survey – CCA6.1 Greystones to Newcastle.
- CCA6.1 emerging preferred scheme (EPS).
- Proposed works CCA6.
- CCA6.2 emerging preferred scheme (EPS).
- Programme.

There followed a broad discussion in which the Elected Members raised queries and concerns which were responded to by Mr. Keneghan, Ms. Cregan and Mr. Danaher. Some of the queries raised were as follows:

- Concerns re timeframe of work at The Murrough.
- Erosion and damage - Bray/Greystones Cliff walk.
- Erosion and damage – The Murrough.
- Future of rail network and future of the ecosystem.
- Public transport needs to be protected.
- Poor train service.
- Timeline and funding of the project.
- Double-tracking put in place and expansion of the DART service, Greystones.
- Protection of the rail line – EU funding.

- What are the effects of wind turbines on sea erosion?
- Flooding on tracks – Greystones/Kilcoole/Newcastle.
- Extent and location of rock armour.
- Alternative types of coastal protection.
- Suggestions on public consultation.
- Houses in danger from erosion.
- Ministerial order for emergency works.
- Taskforce may be required.

ITEM NO. 6

To receive a presentation: Briefing in advance of public consultation in accordance with Section 179 of the Planning & Development Act 2000, as amended, for a proposed Bus Park & Ride Facility at Ashford adjacent to M11 Junction 16.

Ms. E. Conlon and Mr. O. Dalton, NTA Park & Ride Development Office gave a presentation covering the following areas:

- Ashford Park & Ride – introduction.
- The GDA strategy.
- Ashford Park & Ride site location – M11 Junction 16.
- Principles of design.
- Ashford Park & Ride Part 8 layout.
- Ashford Park & Ride access junction.
- Ashford Park & Ride – Planned bus service.
- Ashford Park & Ride – Next steps.

Following the presentation the Elected Members expressed views and raised queries which were responded to by Ms. Conlon and Mr. Dalton. Some of the queries raised were:

- Will there be adequate security cameras and lighting?
- Noise and light pollution considered.
- Timescale – from start to finish of construction.
- Excellent project.
- Public transport.
- Concern re reliance on existing bus service.
- Shuttle service between all the park & rides to the city centre.
- Alleviate gridlock on the M11.

Time Extension: It was proposed by Cllr. D. O'Brien, seconded by Cllr. A. Flynn Kennedy and agreed by all to extend the meeting to 5.30 p.m.

ITEM NO. 7

To consider the Chief Executive's Monthly Management Report, October 2024

Elected Members were circulated with the Chief Executive's Monthly Management Report, October 2024. Some of the issues raised included the following:

- Bray/Greystones Cliff Walk and taskforce.
- Parallel road, noise mitigation, Kilmacanogue.
- Bus terminus, Kilmacanogue.
- Circle K petrol station, western side of N11, Kilmacanogue, parking.
- RRDF, Baltinglass.
- Public lighting, Donard, Dunlavin, Aughrim, Bayview Court, Wicklow Town and Killadreenan, Clarkes to roundabout, Ashford.
- Disappointment Wicklow did not receive funding from sports Infrastructure Fund.
- Public lighting contract.
- New council houses, Ard Darrach, Shillelagh
- Update on e-bike scheme.
- Community gardens.
- Public lighting – how faults are prioritised.
- Fishermen's huts, Arklow Harbour.
- Refurbishment of refrigeration unit, Arklow Harbour.
- Selling of local authority houses – are there any repercussions.
- Vacant properties, Enniskerry.
- Parking bye-laws.
- Ecotrail, Wicklow.
- 4 housing developments in limbo, between Greystones and Bray.
- Parking, Newtownmountkennedy.
- Construction site, Djouce Meadow, Roundwood.
- Kippure Lodge.
- The Avon, Blessington.
- N81 from Hollywood to Tallaght.
- Opening of the GRID.
- Decarbonisation of Bray Fire Station.
- Sports Infrastructure funding.

Elected Members raised questions which were responded to by the Chief Executive and the relevant Director of Services.

NOTICES OF MOTION

Notice of motion No. 1

Notice of motion in the name of Cllr. D. O'Brien (proposer), seconded by Cllr. A. Flynn Kennedy (5th August 2024)

'That this Council adopt Part 4 of the Public Health Amendment Act 1890 to include all Municipal Districts. Part IV of the Public Health Acts Amendment Act 1890 is a statutory provision for the local regulation (by licensing) of public Music and Singing events.

Where Part IV has been adopted all Music and Singing events are required to be licensed and the District Court has jurisdiction to hear License Applications. An Garda Síochána and the Fire Officer are Notice Parties to such applications.

While it is believed that Part 4 is in place and functioning as expected across the County there is a potential anomaly in Bray which might represent a legal question mark. The passing of this Motion will confirm, endorse and validate the regular status of the Act as it pertains to Music and Singing license provision and is in the interest of both providers and patrons.'

Response:

Legal advice on this matter was received and is as follows:

In the absence of the evidence required by Section 3(6) of the 1890 Act that Bray Township Commissioners or Bray UDC or Bray Town Council adopted a resolution under Section 3 of the 1890 Act, it cannot be assumed that Part IV of the Public Health Acts Amendment Act of 1890 has been adopted for the Bray Municipal District.

Part IV is at present partially adopted across the County. There is evidence Part IV was adopted by the Wicklow County Health Board in 1931 and Wicklow and Arklow Urban District Council's in 1932.

It is proposed to list this item as an agenda item on the December agenda to consider and adopt Part 4 of the Public Health Amendment Act 1890 for the County to include all Municipal Districts.

Notice of Motion No. 2

Notice of motion in the name of Cllr. C. Winstanley (proposer), seconded by Cllr. D. Alvey (27th August 2024)

'That this council will disregard the half-rate Carers Allowance in full, the Disability Allowance received by children aged between 16 and 18 in full, and the Carers Allowance at the basic rate of social welfare when calculating the rent of Council tenants under the Differential Rent Scheme (DRS). The Council notes that there are plans for a national review of the DRS, however, this has yet to be published. The Council will implement changes to its DRS based on this motion, and again when the national differential rent plan has been published.

Differential Rent Scheme Paper - <https://familycarers.ie/media/3122/differential-rent-scheme-and-caring-households-submission-to-the-department-of-housing-local-government-and-heritage-on-the-review-of-the-differential-rent-scheme.pdf>

You'll see from Table 1 on page 4 that rent differs greatly across the country, and even more so in Wicklow. The case study household is charged €127.50 in Bray, but outside of Bray they are €90.50 per week.'

Response

Section 58 of the Housing Act 1966 authorises local authorities to determine the rent charged on local authority properties. The autonomy of local authorities to set and collect rents is subject to broad principles including that rent levels should be based on income and the tenant's ability to pay the rent. This flexibility allows local governments to use discretion when deciding which sources of income are included or disregarded for rent assessment purposes.

Each local authority operates and manages its own Differential Rent Schemes and the provision of same is an executive function.

Local authority rents are calculated as a proportion of the principal earners income together with a contribution from any subsidiary income(s) in the household. There are nuances and multiplicity of circumstances that can apply in each local authority scheme. A fundamental consideration for all local authorities in relation to the Differential Rent Scheme are vulnerable households. The application of the Differential Rent Scheme is a wide-ranging subject and there are many cohorts of vulnerable households for example Travellers and disabled people, households on working family payment, households in receipt of social welfare payment only and any geographical variations that may exist do not relate to caring households only.

In the submission by Family Carers Ireland in June 2023 to the Department of Housing, Local Government and Heritage on the review of the Differential Rent Scheme an example was provided in a hypothetical family to demonstrate the different approaches to the setting of rents and geographic variations. The example provided does not accurately reflect all factors that could impact on the local authority assessment across the country and another scenario may result in a different outcome.

It is important to note that any change to a Differential Rent Scheme needs to be considered in the totality of its impact and should not be done in isolation as there may be unintended or indirect negative consequences.

It should also be noted that while local authorities assess each individual household in line with their operational Differential Rent Scheme based on the individual circumstances of the household. In exceptional circumstances where payment of a rent calculated in accordance with the scheme would, in the opinion of the local authority, give rise to hardship, the local authority has discretion to accept a lesser sum from a tenant for a specified period.

Outside of the above it is recommended that support for carers would be better addressed at national level where it can be considered in the context of all other more vulnerable cohorts and households. While a standardized, national local authority social housing rent

model including the provision of comprehensive guidelines would ensure a consistent approach it would need to provide a mechanism to address on a permanent basis any reduction in income experienced by local authorities.

THIS CONCLUDED THE BUSINESS OF THE MEETING

**CLLR. PAUL O'BRIEN
CATHAOIRLEACH
WICKLOW COUNTY COUNCIL**

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

Confirmed at meeting of Wicklow County Council held on Monday the 2nd December 2024