

**Minutes of Special Housing and Planning Meeting of Bray Town Council held in the Council Chamber, Town Hall, Bray on Tuesday 17<sup>th</sup> May 2005 at 7.30 p.m.**

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**Present:** Councillor Anne Ferris, Cathaoirleach  
Councillor John Brady  
Councillor Caroline Burrell  
Councillor John Byrne  
Councillor Bríd Collins  
Councillor Déirdre De Búrca  
Councillor Anne Egan  
Councillor David Grant  
Councillor John McManus  
Councillor Ciaran O'Brien  
Councillor Pat Vance

**Also present:** Mr. Des O'Brien, Director of Services  
Ms. Catherine Halligan, Town Clerk  
Mr. Sean O'Neill, Town Engineer  
Mr. David Forde, Finance Officer

**Apologies:** Councillor Joe Behan

**1. Reports and Recommendations**

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The Town Clerk informed the meeting that there are no reports and recommendations.

**2. Update on the Florentine Centre**

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The Town Manager stated that the County Manager and himself had met with the principals of Ballymore Properties Ltd recently and that a further meeting had taken place with the principals of Ballymore Properties Ltd, the Director of Services, the Town Engineer and the Town Clerk. At this meeting the developer indicated that there was still purchases to be finalised. The fact that the Bray Development Plan 2005 – 2011 has been adopted and also a planning application is about to be submitted for the development of the Golf Club lands, that these matters had to be considered and reflected on by the developers and he would meet with the Council in six weeks to advise us of his proposals.

The Director of Services went on to say that Ballymore Properties Ltd won a competition a few years ago to go ahead with a development of retail, residential and carparking. Currently Ballymore Properties Ltd do not have an agreement to build on the Councils land. The Town Manager suggested that the members should listen to what the developer, Mr. Sean Mulryan, has to say. He stated that Mr. Mulryan is a straight forward, reasonable person and that the Council should give him the benefit of the doubt. The Manager then recommended that Bray Town Council stay with Ballymore Properties Ltd until we prove that they are not worthy and then consideration could be given to putting our property on the market.

The members raised the following points:

- This is very disappointing news.
- Ballymore Properties Ltd knew a few years ago of the proposals for development on the Golf Club Lands.
- It is up to the Council to use this property for the benefit of the town.
- We should not be waiting on Mr. Mulryan.
- Ballymore Properties Ltd are one of the wealthiest developers in the country.
- That the fact that Ballymore Properties Ltd owned land/property around the Councils property does not mean that we have to make another agreement with them.
- Assets of this town should be used to their best, the Ballymore proposal was the best proposal at the time. This Council should look at a go alone project.
- Ballymore Properties Ltd must have been aware that Bray Town Council was going to re-zone the Golf Club Lands.
- Was this given over on a ninety nine-year lease because if it was we were given a bad deal?
- If a municipal car park were to be built on this site it would generate a lot of revenue for the town.
- The three Green Party Councillors would be totally opposed to any development from Ballymore Properties Ltd. Public land given over for a song, consistent pattern of this Council.
- A joint venture is the way forward with this, no objection to a Public Private Partnership arrangement.
- We should cut our losses and go out to tender for a new car park.
- Has Bray Town Council received all monies owed from Ballymore?
- Residents are furious with the Councillors over this issue.
- Will Ballymore Properties Ltd pay us compensation for the way they have treated us?
- Back in November we were told that Ballymore Properties Ltd. had initiated a whole review of this project. Seven months later we are still waiting.
- Ballymore Properties Ltd have an onus and an obligation to protect public interest.
- We have honoured the agreement so we should enforce penalties on them at this stage.
- We need to look at and evaluate the situation and see what is best for us now.
- It is not the Councillors function to create retail space but it is to provide car park space.
- More and more people are doing business outside of the Town, no-one wants to see this.
- Regeneration Plan for Town Centre needed.
- Item 10 on the agenda should be top of the next agenda.

The Town Manager informed the members that there is no €1 million outstanding. He stated that there were development levies outstanding but now the development has stopped these levies are not outstanding and those collected may even have to be refunded. The penalty for any breach of the contract was €363,500. Bray Town Council did receive this money. The Director of Services stated that he felt the Council should wait a few weeks, not months and examine this then.

The members raised the following points:

- We should send out a signal now to Ballymore Properties Ltd saying that we are going to go ahead on our own. Don't think we should wait any longer with this. Ballymore could be left with a lot of property that they own.
- Concerned that the Manager is willing to continue to work with Ballymore Properties Ltd.
- Would like clarification if approximately €1 million were spent to build 450 car park spaces.
- The reinstatement of the Quinsboro Road.

The Town Clerk advised that under planning register reference 01/39 an agreement was made with the developer regarding contributions to be paid. The cash deposit/bond of €150,000 was paid in full. There is a total amount of €651,000 due in contributions and to date €432,000 has been paid and that the next instalment was due on 18<sup>th</sup> June.

It was agreed to put this item at the top of the next agenda for the June meeting and look at it afresh.

### **3. To consider the recommendations of the Arts Officer for the Arts Act Funding Awards 2005**

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The recommendations of the Arts Officer for the Arts Act funding awards 2005 was proposed by Councillor John Byrne.

Councillor David Grant seconded the proposal but asked that with the exception of number's 8 and 2, that €100 should be taken from each allocation and divided evenly among all applicants. The members agreed to this.

### **4. To Discuss outstanding amounts due to Bray Town Council**

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The members raised the following points:

- Concerned with regards to the development levies. Would like a breakdown of these.
- Are there any outstanding amounts due on domestic water charges?
- Has Bray Town Council received any outstanding amounts due from Wicklow County Council?
- Is our financial situation improving and what action are we taking?

The Administrative Officer informed the members that: -

- There are no outstanding water charges. They have all been written off.
- There are amounts currently due from Wicklow County Council.
- Invoices have been and still are being issued to all people who owe us money.

**5. To set a date for the ‘Wealth from Waste’ Presentation by Dr. Niamh Clune**

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Councillor Caroline Burrell asked the members if a date could be set for this presentation at a full Council meeting, the second meeting in September was suggested.

The members raised the following points:

- Would like to welcome this but feel that if Dr. Niamh Clune has something valuable to say, the Municipal Policy Committee meetings would be the best place for this because there would be more time given to her.
- This should be taken at the June M.P.C. and anyone interested can attend.
- Any member who has an interest in what she has to say is welcome to attend the Municipal Policy Committee meetings.
- This is a very important issue and the presentation would be of huge educational value, an alternative to landfill and incineration.
- This Council does not have a waste function.

The Cathaoirleach suggested that the presentation be given at the Culture, Community and Environment Municipal Policy Committee meeting in September and this was agreed.

**6. To discuss the site of the Old Dump at Bray Harbour**

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The Town Engineer read out the following report:-

**Old Dump at Bray Harbour**

*An area north of Bray Harbour and east of the railway line was formerly used by Bray Town Council as the town dump.*

*The earliest recorded use of this area has not yet been ascertained at this stage. The area ceased to be used by the Town Council in the 1970’s for the purpose of disposal.*

*The total extent of the area involved appears to be approximately 30,000 m2 of which some 5,500 m2 is situated in Bray Town Council / Wicklow County Council area.*

*The area is divided into two distinct areas. The most northerly of these (approx 15,000 m2) has a very low depth of exposed waste on the cliff face (less than 1 m).*

*In the more southerly half the depth of exposed waste on the cliff increases, from north to south, from 1m to 4m approx over a distance of some 150m.*

*The dump has become exposed due to recent erosion of the coastline and there is some unsightly material evident in the cliff face. Part of the area within the Bray administrative area is privately owned and the beach cliff is protected at this location by rocks.*

*Approximately 10 metres of exposed cliff face is visible in the Bray administrative area. It would appear from the visual evidence on the cliff face that the deepest waste is situated to the southern (Bray) end of the site. There is no significant leachate evident.*

*The land ownership is not yet resolved. Some of the land is privately owned (approx 2,500 m2) in the Bray / Wicklow area and the remainder is unregistered in the Land Registry.*

*A meeting with officials from the Environmental Services Departments of Wicklow County Council and Dun Laoghaire Rathdown County Council is scheduled for later this week.*

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The members raised the following points:-

- What is Bray Town Council going to do about this?
- Need to sit down with Dun Laoghaire Rathdown County Council and try to solve this problem.
- Did this dump contribute towards the North Beach losing its flag? Would like more information on this. An outfall pipe with raw-sewage flowing into North Beach, was this why the Blue Flag was lost?
- The Department of the Marine may also be involved in this.
- About 500 metres of coastline is now exposed. Would like confirmation on when the dump was closed down.
- Some of the land is privately owned. To what extent does this area come into the Harbour Development. Would the developer have to take on some of the costs of this operation.
- Council used this site as a dump and a lot of Local Authorities used these type of dumps in the 1950's. This Council have a role and a responsibility as owners of some of the land.
- Four – five hundred metres of coastline exposed. Would like rock armour to be put in.
- Illegal dumping took place here in the 1970's. This cannot be allowed to continue.

The Town Engineer stated the following:

- The dump was closed in 1968 approximately, some excavation material from International Hotel was dumped in 1974.
- Raw sewage has been diverted from Corke Abbey to the pumping station now.
- Some excavation may be required but there is no immediate health risk at this point.
- Cannot estimate the cost of a clean - up at this point.
- No registered owner of this land, Dun Laoghaire Rathdown County Council seem to know more about the owners of the land etc so we are not in a position to answer that at this point.
- Meeting held last Friday with Wicklow County Council and Dun Laoghaire Rathdown County Council – Risk Assessment of the site is to be undertaken.
- No visible traces of leachate from site.

**7. To consider the “Expressions of Interest” received for the two Boathouses on the Seafront**

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The Town Clerk informed the members that there are a number of options to be considered but in any event the members would have to approve a lease agreement or the disposal of the property.

## **BOATHOUSES**

*Six 'Expressions of Interest' have been received and a list of details of these are enclosed.*

*The Boathouses are zoned in the Bray Development Plan 2005-2011.*

*E1 To protect and to provide for recreation, open space and amenity provision*

### *13.2.9 Acceptability of Uses in the E1: Solely Open Space Zone*

*To protect and provide for recreation, open space and amenity provision.*

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#### Acceptability Description of Use

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<i>Permitted in Principle</i>	<i>Open Space Public Services</i>
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<i>Not Normally Permitted But Open for Consideration</i>	<i>Agriculture Community Facility Recreational Facility/Sports Club</i>
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*Of the six expressions of interest received, four are from voluntary groups/clubs, one from an individual and one for commercial/retail.*

- Bray Head Fishing and Social Club have a facility at St. Mary's Terrace.*
- Bray Coastal Rowing Club already has a facility at this location.*
- Bray Outcast Sea Angling Club have a clubhouse of their own in the harbour.*

*There are two disused boathouses on the Promenade, both in bad condition, requiring repairs to the roof and party walls. They have no water, no electricity and no sanitary facilities.*

*It is generally felt that the boathouses are not suitable for the storage of boats and fishing equipment as vehicles have to be driven onto the Promenade. There are also proposals to construct a wall adjacent to the boathouses to prevent flooding, which could further inhibit access for boats to be taken from the boathouses into the water. It is also felt that the fishing/boating enterprises should be housed in the Harbour end of the Seafront and provision could be made for these in the redevelopment of the Harbour area.*

*There are a number of options to be considered but in any event the members would have to approve a lease agreement or the disposal of the property.*

- 1. If the members feel that the regeneration of the Seafront is advantageous then further examination/investigation should be carried out on the commercial expression of interest. If it was decided to proceed with this particular application a full statutory planning process would have gone through at a later stage.*
- 2. If the members feel that one or both of the Boathouses should be given to the Voluntary Groups, then it appears that the Queen of Peace Adventure Youth Club would be the more suitable as they would be storing canoes (canoes would be easier to bring into the water) and have a large membership particularly of young people.*

*It is proposed that we negotiate with these two parties and revert back to the members.*

The members raised the following points:-

- The first recommendation is largely to use as commercial. Existing coffee shop does not have planning permission.
- Are we going to use these as commercial premises or give to youth clubs etc?

Councillor Deirdre De Burca then proposed and Councillor Ciaran O'Brien seconded the proposal that the Queen of Peace Youth Club be granted the lease for both boathouses for twenty-five years at a rent of €50 per unit per year with the following conditions:

1. The lessee is responsible for the upkeep and maintenance of the premises.
2. The premises are for the sole use of the lessee and cannot be sub let.
3. No commercial activity shall be allowed on the premises.

The members continued with the following points:

- Is it only canoes that are going to be stored in the Boathouse or will it be used as a youth club?
- Do the Boathouses have running water and electricity etc?
- Bray Town Council officials should sit down with these two groups and try and find an interim solution to this.
- The Council should investigate all of the above suggestions and bring back recommendations to the members.
- There is a huge demand from clubs to use these Boathouses.
- What is the possibility of acquiring further premises around this area?
- A decision should be made tonight. The needs of the community have not been met.
- Queen of Peace Youth Club should get both premises because as it stands, they do not have a site.
- We should do an audit of our proposals on the Seafront. Very opposed to any more of the Esplanade being used for business purposes.
- Development of Boathouse Coffee Shop is unauthorised, no question of any further expansion.
- This area is zoned as open space. Are we willing to breach our own Development Plan?

At this point Councillor Ciaran O'Brien was asked to withdraw a remark made in reference to Councillor Anne Ferris. The remark was then withdrawn in the interest of the meeting proceeding.

The members continued with the following points: -

- Why did the officials only pick two?
- Is it feasible that they move in and then it will need €50,000 worth of work done?
- Coffee shop is fantastic but too small.
- This Council have a good record for providing facilities for young people in Bray.
- This club is an alternative for young people rather than the drinking culture.
- Opposed to conceding any more of the Seafront to one individual.

Councillor John McManus suggested that we should look at the Councils accommodation at this location and should do an audit of our properties on the Seafront.

The members continued with the following points: -

- Opportunity to generate revenue to improve facilities on the Seafront and to have a good Seafront for everyone.
- No point in handing over premises to voluntary clubs if they do not have the money to improve them.
- Harbour Area – what can we do to upgrade this area.
- Community organisations versus business community.

Councillor Pat Vance then proposed an amendment to Councillor DeBurca’s proposal and Councillor John Byrne seconded this proposal that the Council goes along with the recommendation of the Town Clerk as stated in the report, that the Queen of Peace Adventure Youth Club at least be accommodated and that negotiations take place with the commercial expression of interest also and that a decision be referred until a report is received.

The members decided to take a vote on this.

<b>Re: That the Council goes along with the recommendation of the Town Clerk as stated in the report, that the Queen of Peace Adventure Youth Club at least be accommodated and that negotiations take place with the commercial expression of interest also and that a decision be referred until a report is received.</b>		
	<b>FOR</b>	<b>AGAINST</b>
Councillor Joe Behan	<b>Absent</b>	<b>Absent</b>
Councillor John Brady		✓
Councillor Caroline Burrell		✓
Councillor John Byrne	✓	
Councillor Brid Collins	✓	
Councillor Deirdre De Burca		✓
Councillor Anne Egan	✓	
Councillor Anne Ferris	✓	
Councillor David Grant	✓	
Councillor John McManus	✓	
Councillor Ciaran O’Brien		✓
Councillor Pat Vance	✓	
	<b>7</b>	<b>4</b>

The vote was carried with 7 for and 4 against. As the amendment was passed there was no need to vote on the substantive motion.

At this point of the meeting The Cathaoirleach proposed that items 8,9 and 10 be postponed till the first meeting in June. The members agreed.

## **11. Wolfe Tone & District Youth Club**

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The Town Clerk read out the report of the Wolfe Tone and District Youth Club.

### **Wolfe Tone & District Youth Club**

*The solicitors for Lord Meath and the solicitors for the Youth Club met with the Law Agent in early April and agreed in principle the terms and format for the new lease, extending the terms of the existing lease and for the transfer of the area which contains the buildings, to the Youth Club.*

*To date the Law Agent has received no reply to this reminder.*

The members raised the following points: -

- The Wolfe Tone and District Youth Club have been around since 1994.
- They are prepared to put in €1 million themselves if the lease comes through, not Council property owned by Lord Meath.
- Would like clarification on the proposal to put in astro-turf.
- The youth club is in bad way now so would urge that we move on this as soon as possible. Would not like to see this facility used by other clubs on a commercial basis.
- We have to encourage people who provide facilities for young people.
- Is there a water main running underneath the pitch and will this have implications?
- Is there still a high court case listed in regards to this?
- Side agreement with other users – to protect the other users.
- All weather pitches – same business as Loreto astro turf.

The Town Clerk stated that with regards to the High Court proceedings, the next of kin was notified but they did not indicate that they wished to continue with these proceedings.

## **15. Any Other Business**

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Councillor Anne Egan asked if the members were to receive a copy of the minutes of the Municipal Policy Committee Meetings?

Councillor Pat Vance enquired about Vevay Crescent and the guarantees given to the residents regarding yellow boxes, parking etc.

The Town Clerk stated that it was agreed that the draft minutes of the Municipal Policy Committee meetings would be distributed to the members after the meetings. The Town Clerk said that she would examine this matter.

The Town Engineer informed the members that there has been a lack of clarity regarding parking in Vevay Crescent. He stated that we had not yet met with the Gardai regarding parking prohibitions.

Councillor Pat Vance proposed that a report be brought back to the members on this matter. Councillor Deirdre DeBurca seconded this proposal.

**Apology**

The Cathaoirleach then informed the members that a press statement was released last week by Councillor John Brady stating that she had returned to Dublin, California to erect peace poles in the twinned town. She stated that she did not go to California and that this statement had been on view on the Wicklow Today website up until today. She asked Councillor John Brady to apologise for his remarks, which were untrue. The Cathaoirleach stated that the article accused her of being a “Champagne Socialist” and she felt that this was a slight on her character. She also stated that this trip was discussed at the Protocol Meeting, was proposed and seconded and that if Councillor Brady had a difficulty with this, he should have declared it at the meeting. She went on to say that she thought that it was a wonderful honour to represent the people of Bray at a function outside of the Country.

Councillor John Brady apologised to the Cathaoirleach for any offence caused. He added that a summary of procedures must always be submitted after any members attend conferences as this.

**Signed:**

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**CATHAOIRLEACH**

**Signed:**

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**TOWN CLERK**

**Dated:**

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