

**Minutes of the Ordinary Meeting of Bray Town Council held in the Council Chamber,
Town Hall, Bray on Tuesday 7th December 2010 at 6.30 p.m.**

Present:

**Councillor David Grant, Cathaoirleach
Councillor John Brady
Councillor John Byrne
Councillor Eugene Finnegan
Councillor Mick Glynn
Councillor Rossa Murray
Councillor Ciaran O'Brien
Councillor Tracy O'Brien
Councillor Pat Vance
Councillor Sarah Wray**

Also present:

**Mr. Des O'Brien, Director of Services
Ms. Christine Flood, Town Clerk
Mr. Marc Devereux, Town Engineer
Ms. Triona Irving, Administrative Officer
Mr. Stephen Fox, Executive Engineer**

1. Confirmation of Minutes of the Ordinary Meeting Dated 2nd November, 2010

Councillor Tracy O'Brien proposed confirmation of the minutes of the Ordinary Meeting of 2nd November, 2010 and Councillor Eugene seconded the proposal.

Confirmation of Minutes of the Monthly Meeting Dated 9th November 2010

Councillor John Byrne proposed confirmation of the minutes of the Monthly Meeting of 9th November, 2010 and Councillor Pat Vance seconded the proposal.

2. Notices of Motion

Due to time constraints, this Agenda item was not addressed.

3. To Consider The Housing Progress Report

Due to time constraints, this Agenda item was not addressed.

4. To consider Planning Matters

Due to time constraints, this Agenda item was not addressed.

5. To accept or amend the Bray Draft Development Plan 2011-2017

Stephen Fox, Executive Engineer informed the members of the following:

In accordance with the provisions of Section 12(1) (2) (3) of the Planning and Development Act 2000 (as amended) the draft Bray Town Development Plan 2011-2017 and the Strategic Environmental Assessment were placed on public display on Wednesday the 19th May 2010.

Written submissions and/or observations were invited over a 10 week period commencing on 19th May 2010 and ending at 5.00p.m. on Friday the 30th July 2010.

This process resulted in the receipt of a total of 66 submissions.

The Planning and Development Act under Section 12(4) states that the Manager shall prepare a report on any submissions or observations received and submit the report to the members of the authority for their consideration.

This report is required to;

List the persons or bodies who made submissions or observations

Summarise the issues raised by the persons or bodies in the submissions or observations, and

Give the response of the Manager to the issues raised, taking account of any directions of the Members of the authority, the proper planning and sustainable development of the area, the statutory obligations of the local authority and any relevant policies or objectives of the

Government or of any Minister of the Government, and if appropriate, any observations made by the Minister for Arts, Heritage, Gaeltacht and the Islands.

Accordingly, the Managers Report was prepared and issued to the members on the 14th of September. The Act provides that the consideration of the draft plan and manager's report shall be completed within 12 weeks of its submission to the members.

Where, following consideration of the Draft Plan and Manager's Report, it appears to the Members that the Draft should be accepted or amended, they may by resolution accept or amend the Draft and make the Development Plan accordingly.

However, if the proposed amendment would be a material alteration of the Draft, the Planning Authority, not later than 3 weeks after the resolution, shall publish notice of the proposed amendments, which will go back on public display for a period of at least 4 weeks (commencing December 21st).

Written submissions/observations on these amendments, made within the consultation period, shall be taken into account before the making of any amendments.

1 Gaming Policy

Bray Town Council by resolution, in accordance with the provisions of the Gaming and Lotteries Act 1956, limited the development of such establishments to designated areas within the town. In the interests of clarity and consistency it is proposed to amend the text of Section 12.4.4 to indicate the designation and to include a map indicating the designated areas.

Amusement arcades and other gaming establishments will only be permitted in designated areas in accordance with the provisions of the Town Council resolution under the Gaming and Lotteries Act 1956. Four such areas exist within the town, these being highlighted in amber on Map No. 15.

The members raised the following points:

Gaming Policy.

- Can there be an expansion in these gaming machines?
- There has been an increase in gaming machines on premises along the seafront.
- The previous Council did a great job by designating controlled areas. Areas have shrunk as they went out of business. There is nothing to stop applications being lodged but these can be dealt with as they come in. The town is better protected now.
- The Quinnsboro Road is it the full length of that block, no pubs have gaming machines is this a planning or license issue?
- What about 'Cash for Gold' shops being added to the list of restrictions, it would do no harm?

Stephen Fox, Executive Engineer informed the members of the following:

The areas on the maps showing the designated Gaming Areas were put in place by resolution of the Council in accordance with the Gaming and Lotteries Act 1956, these can be changed as they are not part of the Development Plan process.

Pubs who would have gaming machines are not contravening any planning law, it is up to An Garda Síochána to enforce the gaming legislation.

Cash for Gold is to be added to policy, 12.4.2

Des O'Brien, Town Manager, informed the members that 'Cash for Gold' is type of shop and would have no significance/impact by being added to the plan.

2. Sealife Development.

The proposal to develop a seal sanctuary at this location, which attracted 93,000 visitors in 2009. It is anticipated that this facility would increase footfall by 100,000. The existing zoning for the area is OS1 'To protect and provide for recreation, open space and amenity provision', while Section 11.4.2 of the Draft Plan sets out the specific development objectives for the area which include the following 'Development will not be permitted on land zoned as OS1 on

the east side of Strand Road from Martello Terrace to Bray Head, (current plan) this would limit development on this side.

It is recommended that the existing zoning remain in place for the time being.

However, in order to accommodate minor development works to this building, it is considered that the text of Section 11.4.2 should be amended as follows;

'Additional new development will not be permitted on land zoned as OS1 on the east side of the Strand Road from Martello Terrace to Bray Head. **Minor works to existing structures will only be considered where a compelling case can be made**'.

The reason behind this is to accommodate minor/small works whilst precluding any extensions. Works to floor plan layout to the existing building (Sealife) into another part of the building, would require planning permission.

Recommendation

No change in zoning, amend Section 11.4.2.

Sealife

- Should we zone area north of Sealife? We should be careful a management plan should be put in place within the MPC remit, is that what we are considering?
- We should go along with the Manager's recommendation, it would bring approximately 100,000 people into the town.
- We should not rezone at the moment and be open minded if Planning is applied for.
- We need more information, it needs to be looked at and teased out. If anything is done there it has to be right.
- If planning permission is applied for, issues can be addressed then and also any material contravention issues.
- I do not agree, we should send out the message to encourage tourism, interest in the town and also encourage development.
- We should not agree to hand over land, may be it could be leased?
- Maybe it could be allowed in principle; a prime development could be blocked by a small group.
- I have mixed feelings about this, I agree in principle, it would bring additional tourism to the town. The seafront is our jewel in the crown, this could turn people away.
- We cannot zone land without seeing what is proposed.
- Sealife are only tenants and are 12 years into a 25 year lease, it would be premature to extend the lease on this.
- It is an exciting proposal and a fantastic idea, they are not buying it would still be Council owned and put Bray on the map.
- This is a prime area as well as an iconic residential area and we must carefully consider any development. Maybe we could zone another area more suitable such as Naylor's Cove.
- Sealife should be commended, this is a specialized building, which would be left if anything happened to Sealife, however, it needs to be teased out more.
- This is a dangerous proposal what does "agree in principle" mean?
- This is public land and people will not agree to it.
- We should take what comes out of the MPC and discuss then
- It is a complementary tourist development.

3. Management of Open Space area North of the Barracuda.

The Draft Development Plan recognises the importance of the Seafront area as the primary tourist, recreational and leisure centre of the town. In Chapter 11 the document set out a vision for the area and includes policies that are intended to promote the development of the area in line with this. These policies give guidance to potential developers on how best to deliver upon the objectives by giving examples of favoured uses and highlighting the importance of high quality design. The Draft Plan also sets out appropriate development standards, including applicable building heights, plot ratios and site coverage.

The Draft Plan, within Section 11.4.2, also provides for the preparation of Seafront Improvement Schemes that will develop further guidelines for development in the open space area east of Strand Road. These Guidelines will be developed at MPC level before going to

the Council where they may be adopted or amended. It is considered that this process, whereby the inputs of the Elected Members, officials and sectoral interest groups can receive due consideration, is the best means by which to develop further policy ensuring effective management of the area.

Recommendation.

No change

4. Rezoning 4 Sites at Killarney Road from Residential (RE1) to Town Centre (TC).

The properties concerned are namely Braemor, Rathlin House, Abington and Ardara these being located on the eastern side of Killarney Road opposite the Health Centre. Taken together the 4 properties cover an area of c. 0.9 hectares (2.3 acres). It is noted that one of the properties Abington is a protected structure (item 32 of the RPS in the Draft Plan). To rezone these lands would result in an extension of the Town Centre area and there is no requirement at the moment. We should concentrate on the Town Centre in order to address the decline in the Core Retail Area of the town.

It should be noted that these sites are currently zoned Primarily Residential which leaves a number of commercial developments open to consideration, for example Educational, Guest House, Residential Institution, Restaurant and Doctor/Dentist.

Recommendation.

No change

Rezoning 4 Sites at Killarney Road from Residential (RE1) to Town Centre (TC).

- Proposal to change zoning is only minor we could put a Doctor's surgery under the present designated zoning "permitted in principle".
- It is not proposed to demolish these houses but would give the owners a greater opportunities and options.
- The far side of the road is zoned Town Centre Development, to rezone this side would bring it in line and is not a huge amount to rezone.
- The main issue is that it is no longer practical to maintain these properties as residences. They could fall into a state of disrepair; these are extenuating circumstances within the boundaries of the Draft Development Plan. The Town Hall is the bookend for the Main Street.
- We need to protect these distinguished properties and their visual impact.
- No need to extend Town zoning because of their proximity to the Town and the parking available.
- Stephen Fox has indicated under the existing plan, he felt there would be no difficulty with a doctor's surgery being granted as the precedent has already been set in the Vevay area.
- There should be no loophole in planning, if 'Open for Consideration' it could be appealed to An Bord Pleanala, these are big sites.
- Can these properties be used for commercial purposes, something needs to be done, we don't need more apartments.
- This is a small piece of land at the top of the Town which is restricted at the moment.
- There is huge interest in these houses, a lot of other have been carved into bedsits for example properties on the Meath Road.
- If we changed 'Open for Consideration' to 'Permitted in Principle' this would change the interest of developers.
- Some of these properties are close to dereliction at the moment.
- This is a substantial site twice the size of the Ballymore site but it is not competing with it.
- We don't want to add to the dereliction of the Town Centre.
- Don't like fiddling with zoning it is simpler to have Town Centre zoning.
- One is a protected structure, which restricts development, one is semi-derelict at the moment and has been empty for 10-15 years, I see no problem in moving from 'Open for Consideration' to 'Permitted in Principle'.
- There is ambiguity in the plan.
- These houses are of equal merit.

- There is no proposal to bulldoze these down, but this situation is serious from a maintenance point of view.
- It would be almost impossible to sell these houses and move on it is unfair.
- Change zoning to RE2 except public houses and halting sites.

Stephen Fox, Executive Engineer informed the members of the following:

The pro's and con's of any planning application in Bray is considered by the technical staff. If these sites are left residential they would be of lesser value.

The Town Clerk called for a vote on the motion for to rezone 4 sites at Killarney Road for Residential (RE1) to Town Centre (TC) and the Councillors voted in the following manner:

Rezoning 4 Sites at Killarney Road from Residential (RE1) to Town Centre (TC).

	For	Against
Councillor John Brady		✓
Councillor John Byrne		✓
Councillor Eugene Finnegan	✓	
Councillor Mick Glynn	✓	
Councillor David Grant	✓	
Councillor Ronan McManus		✓
Councillor Rossa Murray	✓	
Councillor Ciaran O'Brien		✓
Councillor Tracy O'Brien		✓
Councillor John Ryan		✓
Councillor Pat Vance	✓	
Councillor Sarah Wray		✓
Total	5	7

With regard to the 4 no. dwellings on Killarney Road (Ardara, Abington, Rathlin House and Braemor) they remain listed as residential, however, those additional categories within 'Not Permitted in Principle but Open for Consideration' be added to 'Permitted in Principle' excluding halting sites and public houses.

The Town Clerk called for a vote on the motion for to change zoning to RE2 (Permitted in Principle) except for public houses and halting sites and the Councillors voted in the following manner:

To change zoning to RE2 (Permitted in Principle) except for public houses and halting sites.

	For	Against
Councillor John Brady	✓	
Councillor John Byrne	✓	
Councillor Eugene Finnegan	✓	
Councillor Mick Glynn		✓
Councillor David Grant	✓	
Councillor Ronan McManus	✓	
Councillor Rossa Murray	✓	
Councillor Ciaran O'Brien	✓	
Councillor Tracy O'Brien	✓	
Councillor John Ryan	✓	
Councillor Pat Vance	✓	
Councillor Sarah Wray	✓	
Total	11	1

5. Public Entertainment at Dart Transportation Hub

Concern was raised that the proposed draft amendment No.22 did not go far enough in promoting the development of recreational and social uses on the GTH zoned lands. Lands in the vicinity of the public transport hub enjoy significant benefits in so far as they are readily accessible to commuters, attractive developments likely to generate increased footfall should therefore be encouraged on these lands.

Recommendation:

Modify proposed draft amendment. Initial amendment text red, modifications blue.

Public Entertainment at Dart Transportation Hub

The members raised the following point;

Does the Transport Hub extend to Fatima House Site?

Stephen Fox, Executive Engineer, informed the members that this is covered by Section 13.2.16 zoning.

AMENDMENT NO.22 (REV A)

7.4.9 Lands at Bray Railway Station

It is a policy of the Council to provide for the development and improvement of public transportation infrastructure and high level uses on the lands at Bray Railway Station. The area shall be developed as a gateway to the town with clear linkages to the Town Centre and the Seafront. The area is considered suitable for higher density mixed use development including retail, commercial, office, residential and civic use. All developments will be required to be of particularly high aesthetic design.

Bray Railway Station is the principal public transport hub for the town of Bray, It provides both the local and wider community with access to a broad range of transport modes including DART, future LUAS and scheduled bus services. Located at the end of Quinsborough Road, it functions as a primary gateway to the town centre and seafront areas. In addition to servicing significant levels of daily commuter traffic it also sees a considerable volume of tourism dependent traffic.

In recognition of the importance of the Railway Station and the role it plays, it shall be the policy of the Council to provide for the development and improvement of public transportation infrastructure and high level uses on these lands.

The area in the immediate vicinity of the Railway Station, by virtue of its location, provides opportunities for higher density mixed use development. The Council will favour attractive developments incorporating uses that give rise to increased footfall, including inter alia shops, restaurants, and/or cinema developments. Chapter 13 contains a schedule of permitted uses in the zonings accompanying land use matrix The requirement that all development proposals be of particularly high aesthetic design will help promote the visual amenity of the area and strengthen its role as a gateway to the town.

6. Pickled Pig

Attention was drawn to the fact that the reference to the Pickled Pig in Item No. 9 of Table 8.1, Views and Prospects is obsolete following the site's redevelopment.

Recommendation:

That text of Item 9 be updated.

The view from the high ground near ~~The Pickled Pig~~ Ravenhall site of the churches in Bray namely St. Paul's, The Holy Redeemer and Christ Church.

Pickled Pig.

No objections to this proposal.

7. Enterprise and Energy

It was requested that the Draft Development Plans policies on energy usage and enterprise be revisited in light of initiatives currently underway within Louth County Council and Dundalk in particular at the last meeting. Further to discussions with officials of the Council and SEAI it has been ascertained that these likely relate to the following schemes:

a) Dundalk 2020 – This is a pilot project being conducted between the Local Authority and SEAI (who have an office in Dundalk). The mission statement intends that it “effectively demonstrates and promotes the range of technologies, techniques, policies and behaviours that will deliver a sustainable energy future for Ireland” The main elements concern improvements in energy efficiency of buildings and promoting increased use of renewable heat & electricity. The findings of the pilot will be made available in due course

b) Project Kelvin – This project involves the provision of a direct communications link between Northern Ireland and North America. The contract for the works was awarded in December 2008 with its completion being announced on 23rd November 2010. The optic fibre submarine cable that is brought ashore in Co. Derry will ensure Letterkenny and Monaghan as well as Castleblayney, Drogheda and Dundalk have direct international connectivity.

c) Louth Economic Forum. – The Louth Economic Forum was established in 2009, it brings together the business sector of Co. Louth, the local authority management and all of the State agencies that interact with those generating economic activity in the county and is a one stop shop for potential investors. It has produced a 10 point plan that sets out a number of objectives including inter alia: promoting tourism & heritage, broadband rollout, the development of the Dundalk, Drogheda, Newry corridor, education and training, and making Louth the best county to do business. To date 3 No. action plans have been produced covering the topics of sustainable energy, foreign direct investment and indigenous industry.

The schemes described above were not the result of any specific policies or objectives contained within the Louth Development Plan as this document is essentially a land use plan. It is also important to note that policy that is broad, rather than overly specific, provides greater flexibility in determining the means by which the overall objectives may be delivered. As an example of this I again refer to the Louth Draft Development Plan, this document, in its chapter on energy does not contain any policy statements in respect of specific schemes, instead relying on the following policy “To work in partnership with, and support existing and proposed initiatives by, SEAI in Co. Louth.”

In view of the above it is worth considering the provisions made in Bray Town Councils Draft Plan Chapter 5 concerning ‘Economic Development and Tourism’ sets out a number of policies that seek to encourage and promote the economic development of Bray, additionally Sections 3.4.6, 10.4.8 and 12.18 contain policies in respect of energy conservation, efficiency and improvement of telecommunications services including broadband.

In conclusion it is considered that the policies of the Draft Plan are sufficiently robust to facilitate initiatives broadly similar to those examples underway in Louth.

Recommendation:

No change.

Enterprise and Energy

No change policy plan allows

8 No. 4 & No.5 Main Street, Entrance to Florentine Site.

No. 4 and No.5 Main Street are listed as item number 49 in the Record of Protected Structures (p.86 Draft Plan). While the entry has remained unchanged over the course of subsequent development plans, the properties themselves have undergone significant development on foot of planning permissions granted for the Florentine Centre. As of writing all that remains of the buildings is the façade they present to Main Street, the remainder having been completely demolished.

A search of the National Inventory of Architectural Heritages (NIAH) website reveals no entries in relation to No’s 4 & 5 Main Street, however other properties including that adjoining (No.3 ‘Ledwidges’) and that across the street (No.105 ‘Winstons’) are listed. This may not be a definitive verdict on the architectural merit of the façade however it would be reasonable to conclude that it is neither an outstanding example of its type nor one of significant local or regional importance.

In view of this and its present condition, the removal of Nos. 4 & 5 from the RPS is worthy of further consideration.

Recommendation:

Consider removal from RPS

No. 4 & No.5 Main Street, Entrance to Florentine Site

The members raised the following points:

- The proposal to remove the wall is borne out by the report, the least impediments the better.
- This is important to the people of the town.
- What are the implications of delisting this?

Triona Irving, Administrative Officer, Housing and Planning informed the members that for the purpose of clarity an individual vote should be taken on whether to remove the above from the Record of Protected Structures.

The Town Clerk called for a vote on the motion for to remove No's. 4 and 5 Main Street from the Record of Protected Structures and the Councillors voted in the following manner:

To remove No's. 4 and 5 Main Street from the Record of Protected Structures.

	For	Against
Councillor John Brady		✓
Councillor John Byrne		✓
Councillor Eugene Finnegan	✓	
Councillor Mick Glynn	✓	
Councillor David Grant	✓	
Councillor Ronan McManus	✓	
Councillor Rossa Murray		✓
Councillor Ciaran O'Brien		✓
Councillor Tracy O'Brien	✓	
Councillor John Ryan		✓
Councillor Pat Vance	✓	
Councillor Sarah Wray	✓	
Total	7	5

9 St Cronin's, Main Street, Bray.

An independent report on the matter of the deletion of St.Cronin's from the RPS has been prepared.

St. Cronin's is now derelict and there is no intention to adapt it to alternative use or business. Because of the new developments within the area surrounding the building, it no longer retains a historic setting or context. If this building were de-listed the developer would be enabled to carry out work in a more cost effective manner without the excessive cost of a full restoration.

Recommendation:

Due to its current location and condition this building be removed from Record of Protected Structures (RPS 103).

St Cronin's, Main Street, Bray

The members raised the following points:

- This was left to go to rack and ruin, it did have merit, it is the Councilors fault.
- It is a repeat of the Frascati House in Blackrock, a disgrace right on our doorstep.
- It was in disrepair when the Developer took over, there were water leaks when the Council was there.
- It detracts from the Town Centre and has no great merit or benefit as it is at the moment as stated in report.
- Nothing is going to happen for a long time to come.

- It is blot on the landscape.

The Town Clerk called for a vote on the motion for to remove St.Cronin's from the Record of Protected Structures and the Councillors voted in the following manner:

To remove St. Cronin's from the Record of Protected Structures

	For	Against
Councillor John Brady		✓
Councillor John Byrne	✓	
Councillor Eugene Finnegan	✓	
Councillor Mick Glynn	✓	
Councillor David Grant	✓	
Councillor Ronan McManus	✓	
Councillor Rossa Murray		✓
Councillor Ciaran O'Brien		✓
Councillor Tracy O'Brien	✓	
Councillor John Ryan	✓	
Councillor Pat Vance	✓	
Councillor Sarah Wray	✓	
Total	9	3

Strengthening of Council Policy in respect of Off-License Developments

Proposed by: Cllr. David Grant Seconded by Cllr. Pat Vance.

In order to exercise greater control over the development and operation of additional off-licenses within the town, it is considered that the existing policy in section 12.4.2 of the Draft Development Plan should be strengthened.

Proposed Amendment No. 51

The following text to be included by way an additional bullet point within the body of Section 12.4.2

The Council will prohibit the further expansion of off-licenses or part off-licenses except in areas where a compelling case can be made. Any application for an off-license should include a map of all the off-licenses located within a 1km radius of the proposed development.

To adopt The Draft Development Plan

The Town Clerk by way of clarification advised the members that Bray Town Council had passed a resolution, rather than bye laws, adopting Part III of the Gaming and Lotteries Act designating parts of the town.

Following the consideration of the Draft Development Plan 2011-2017, Manager's Report and proposed amendments to the Draft Plan, the Town Clerk called for a vote on the motion for the adoption of the Draft Development Plan the Member's decided, by resolution, to adopt the Draft Development Plan and voted in the following manner.

	For	Against
Councillor John Brady	✓	
Councillor John Byrne	✓	
Councillor Eugene Finnegan	✓	
Councillor Mick Glynn	✓	
Councillor David Grant	✓	
Councillor Ronan McManus	✓	
Councillor Rossa Murray	✓	
Councillor Ciaran O'Brien	✓	
Councillor Tracy O'Brien	✓	
Councillor John Ryan	✓	
Councillor Pat Vance	✓	
Councillor Sarah Wray	✓	
Total	12	

It was resolved that the Draft Development Plan be amended in accordance with the recommendations of the Manager, further to amendments that have been passed at this meeting subject to any changes consequent to such recommendations

6. Any Other Business

Due to time constraints, this Agenda item was not addressed

* * * *

This concluded the meeting.

Signed:

CATHAOIRLEACH

Signed:

TOWN CLERK

Dated:
