

Minutes of the Special Housing and Planning Meeting of Bray Town Council held in the Council Chamber, Town Hall, Bray on Tuesday 1st July 2008 at 7.30 p.m.

Present: Councillor Ciaran O'Brien, Cathaoirleach
Councillor John Byrne
Councillor Brid Collins
Councillor Anne Egan
Councillor Anne Ferris
Councillor David Grant
Councillor Michael Lawlor
Councillor John McManus
Councillor Steve Matthews
Councillor Pat Vance

Also present: Mr. Des O'Brien, Director of Services
Ms. Christine Flood, Town Clerk
Mr. Sean O'Neill, Town Engineer
Ms. Máire Halvey, A/Administrative Officer

Not In Attendance: Councillor Caroline Burrell
Councillor John Brady

Councillor Pat Vance requested a suspension of Standing Orders so that the members could discuss the issue of clamping in the area of Duncairn Terrace. It was agreed to a suspension from 9.30pm

1. **Re: Section 140 (8) (b) Local Government Act 2001 "This Council looks with dismay at the continuing and repeated failure of Ballymore Properties to begin their development of the Florentine Centre over 12 years. We recognise the blight that this has caused in an important retail and trading area of our town.**

If by the end of April 2008 the development has not commenced we instruct the Town Manager to cease all negotiations with Ballymore Properties and initiate the process to retrieve our property with a view to providing much needed car parking in the town centre."

SIGNED: Councillors John McManus, Anne Egan, Ciaran O'Brien, Steve Matthews, Caroline Burrell, Pat Vance, John Brady, Brid Collins.

The Cathaoirleach Ciaran O'Brien asked the Town Manager, Mr. Des O'Brien to give the members an update on the Florentine Centre before discussions on the Section 140 Notice commenced.

The Town Manager informed the members of the following:

- Ballymore Properties have informed us that they couldn't go to the financial institutions to request funding before the difficulties regarding the entrance to the site/right of way was resolved.
- Ballymore Properties didn't want to go to the financial institutions for funding until all ownership issues were addressed and resolved.
- We have initial agreement with the owner of the right of way, but nothing has been signed yet.
- Ballymore Properties are now in negotiations with the banks for funding, it will be three weeks before the banks will indicate if they will give funding.
- I request that the members give Ballymore this extra time, as if the Section 140 is passed tonight, it will kill the project.
- We could try to fund the parking ourselves, but the chance of getting funding from central government is very small, as funding is being cut back in various areas.
- The members might consider a Special Meeting to address the Section 140.

- Bray Town Council have to buy Ballymore Properties lands for a nominal amount, resolve title issues and then sell the land back to them, again for a nominal amount. This will require a Disposal Notice. Disposal Notices require 10 days notice. The Special Meeting could address the Disposal Notice and also the Section 140.
- Ballymore Properties still believe that the Florentine Centre will be completed by Christmas 2009.

The members paid tribute to the hard work and dedication of the Town Manager, Des O'Brien and the Town Clerk, Christine Flood on this matter and raised the following points:

- [Councillor Pat Vance] I agree. I propose that we leave the discussion of the Section 140 until the end of the month at the Special Meeting and make a decision one way or the other then.
- If we go another route with the site, a resolution will be years away.
- The issue with the right of way was not foreseen, in fairness.
- [Councillor Steve Matthews] It is wise to wait. I second the proposal.
- I find it extraordinary that Ballymore Properties don't have finance in place.
- [Councillor John McManus] I propose we have the meeting on 29th July.
- I am concerned with this talk of 'firm title'. We want to know well ahead of time what conditions will be laid down. Do the bankers know there will be conditions attached? We need liens, otherwise it is not acceptable.
- Do we have anything in writing from Ballymore? Finance should have been agreed in principle long ago.
- If this Section 140 is pushed through, there will be other issues to deal with.
- There have been breaches of the walls surrounding this site at Eglinton Road and Quinsborough Road. There is a lot of anti social behaviour in this area. I ask that instruction be given to Ballymore Properties to secure the area properly.
- Ballymore have to take ownership they should have 24 hour security on the site.
- [Councillor John Byrne] I would like to propose that the Law Agent attend the meeting. We need to be careful that no-one claims compensation from Bray Town Council.
- This will give Ballymore the opportunity to say if they can or cannot develop the site, rather than having it on the council's shoulders.
- Does the Town Manager really believe that this development will take place?

The Cathaoirleach Ciaran O'Brien asked the members if it was agreed that the meeting would be held on 29th July? All options will be presented to the members at this meeting. He added that Ballymore Properties will be asked to secure the site and that the Law Agent will be invited to the meeting.

The Town Manager, Des O'Brien informed the members of the following:

- Ballymore Properties have said that they expect an answer from the financial institutions in the region of three weeks. If a disposal notice is required, 10 days notice is needed. This will mean that the Special Meeting will roll into August.
- Penalty clauses state that if the development is not at shell and core stage by a certain date, the penalty is €250,000 per annum in perpetuity.
- I don't think that we can place restrictions (on the land) as it is Ballymore's land. The Law Agent is convinced that the agreements are watertight and he believes that Bray Town Council are not in a position for compensation claims to be made against us.
- Ballymore Properties are optimistic that this will happen – I am also optimistic.

The Cathaoirleach Ciaran O'Brien again asked the members was it agreed that the Special Meeting be held on Tuesday 29th July. Councillor Michael Lawlor and the Town Manager, Des O'Brien stated that they would not be able to attend this meeting. It was then suggested that the meeting be held on Tuesday 5th August. After further discussion it was suggested that the Cathaoirleach discuss timing of the meeting with the officials of Bray Town Council.

2. Confirmation of Minutes of the Meeting dated 10th June, 2008

Councillor Anne Ferris proposed confirmation of the minutes of 10th June 2008 and Councillor Bríd Collins seconded the proposal.

3. To Consider the Housing Progress Report

The members raised the following points:

Richmond Hill

- Tenants are hanging their clothes out to dry on the balconies and it is not appropriate.
- The lights are still on all day in the estate and the light at the shop is not working.

Miscellaneous

- I hope there will be no cut backs on social housing due to the economy slow down.
- I'd like to encourage the officials to buy as many private houses as possible.
- Bray Town Council and Wicklow County Council are responsible for the Traveller's Accommodation Programme. I'm the chair of this Committee. Attendance is very poor at these meetings. If the Bray representative can't attend these meetings they should step down. We asked for a member of Bray Town Council staff to sit on this committee also.
- You should bring this poor attendance to the Protocol Committee.
- Bray Town Council officials and the Clerk of Works had a meeting with the elderly residents of Fáilte Park. We should meet with the elderly of all estates to discuss their concerns before the winter sets in.
- Thank you to the Town Engineer for the installation of the railings at the Community Centre in Fassaroe.
- I see that landscaping has started at the bank at Dargle Heights that was dug up.
- There are only two windows left to go on the Maitland Street scheme. A good job has been done.

Ms. Máire Halvey, A/SSO Housing informed the members of the following:

- We will let the tenants of Richmond Hill know that their Tenancy Agreement states that they can't hang clothes to dry on the balconies.
- Triona Irving, AO Planning is the Bray Town Council representative of the Traveller's Accommodation Programme Committee and will be taking an active role.
- I will investigate the matter of the lights and revert.

4. To Consider Planning Matters

The Cathaoirleach reminded members that Validated Applications should be discussed only. The members raised the following points:

08/110

- This application was previously granted permission in 2006 and overall the revised application is poorer than the original.
- Some of the good aspects are; water butts for water conservation, social and affordable housing will also be included on the site.
- The previous application had provision for an underground car park, but this application will have the car park at ground level. There seems to be fewer parking spaces than the Development Act calls for.
- The green spaces won't be of benefit to the residents.
- There seems to be an increase of 50% in run off water from the site. We need to be aware of this when considering applications.

08/116

- This application calls for access from O'Byrne Lane – it is a small narrow lane.
- That was withdrawn.
- It will come back to us again – I oppose it.

08/81

- Thank you to Triona Irving for informing us that this application was withdrawn. I'm delighted to hear this news. Please keep an eye out for a fresh application.

5. Reports and Recommendations

Management Committee of SAAO Bray Head

The Town Clerk informed the members that a Management Committee is being set up and called for nominations for a representative from Bray Town Council.

The members praised the work carried out on the SAAO by the Planning MPC and the Planning Department. Councillor Anne Ferris and Councillor Steve Matthews expressed an interest in representing Bray Town Council on the Committee. Councillor Anne Egan proposed Councillor Anne Ferris as the Bray Town Council representative on the Committee and Councillor John McManus seconded the proposal.

Councillor Anne Egan remarked that the Cathaoirleach of the day should also be on the Committee and proposed that the Chair is officially on the Committee and Councillor Anne Ferris be on the Committee as the Bray Town Council representative. Councillor Pat Vance seconded this proposal.

The Cathaoirleach Ciaran O'Brien then sought the members' approval for the following to serve on the Committee:

- Bray Head Residents Association
- Bray Coast Care Group
- Representative of the Brabazon family (as a landowner).

The members of Bray Town Council agreed to this.

6. Correspondence

Bray Summerfest

The Town Clerk informed the members of a free outdoor concert featuring Yurdony being held at 1pm on Friday 4th July in the Civic Plaza, depending on the weather.

Letter From Bray & District Council of Trade Unions

The Town Clerk informed the members of a letter received from Mr. Joe Byrne, Secretary of the above. The letter stated that the Bray & District Council of Trade Unions at their recent AGM adopted the following motion:

“That this Council condemns the continuing failure to develop the proposed Florentine Centre and calls on Bray Town Council to take immediate measures to take ownership of the situation.”

Letter From Department of Health & Children

The Town Clerk informed the members of a letter received from Mr. Darragh Scully, Private Secretary at the Office of the Minister in the Department of Health & Children, acknowledging a letter sent on 21st May 2008 regarding the lack of a palliative care nurse in the Bray area. The letter stated that the matter is receiving attention.

Letter From Mr. Ian Carey

The Town Clerk had circulated a letter from Mr. Ian Carey, a young archer who is requesting sponsorship. Councillor John Byrne suggested discussing the matter at the Protocol Committee meeting.

County Wise Newsletter

A Notice of Motion had recently been put forward regarding a newsletter being issued by Bray Town Council. The Town Clerk informed the members that Wicklow County Council are producing a County Wise newsletter and that she had requested that a full page be devoted to Bray Town Council. This newsletter will be produced in September, and there is no requirement to wait for funding to be allocated in Budget 2009.

7. Any Other Business

Councillor Bríd Collins informed the members that Bray School Project has requested a finger point sign.

Bray Tourism Kiosk

Councillor John Byrne complemented the provision of a kiosk along the seafront for tourist information and remarked that it might be a good idea to put finger point signs in the area to direct people towards it.

Councillor Bríd Collins stated that the lottery system that is utilised for the allocation of the kiosks is very fair and added that people who have been allocated kiosks are not using them properly, as the Bray Tourism kiosk is beset by members of the public wishing to purchase cold drinks/ confectionery items.

Temple Vevay Sports Field

Councillor John Byrne informed the members that a meeting with all parties would be held the following day.

Hedge/Tree Cutting

Councillor John McManus remarked that a number of complaints have been received in relation to overhanging hedges/trees around the town, particularly on the Church Road at the Department of Defence site. He remarked that a resident of Loreto Grange has cut back a number of hedges and has requested that Bray Town Council arrange collection of the cuttings.

Councillor Bríd Collins remarked that she was aware that certain trees can't be cut back until the autumn due to the Wildlife Act. She asked the engineers to take note that when signs are erected, trees are growing over them and obscuring them.

Suspension of Standing Orders

Duncairn Terrace

Councillor Pat Vance informed the members residents of Duncairn Terrace had requested Bray Town Council take the area in charge, which was always a private road and was in a state of serious disrepair. On foot of this agreement, Bray Town Council spent circa €40,000 upgrading the area. He noted that some residents did not sign the agreement and there is now a private clamping company operating along this road. The clamping company also patrols the Boulevard Shopping Centre.

Councillor Pat Vance added that some of the residents are of the view that the road is private and therefore the clampers are justified operating here. He stated that while technically the road might still be private, morally this is not the case. Councillor Vance asked for a report on the legal position, as public money was spent on the upgrading of the area and the residents have reneged on the agreement that was reached.

Sean O'Neill, the Town Engineer informed the members that the issues of clamping and works carried out on Duncairn Terrace are two separate issues. He stated that if there is a private area in the town, where people are parking, management of the area is up to the owners and added that the same principle applies to car parks. He remarked that Bray Town Council will look at the issue of clamping at the Boulevard Shopping Centre in relation to the conditions attached to the planning permission when it was granted and added that Bray Town Council are not adverse to parking being managed in this area.

Councillor John McManus asked if Bray Town Council were maintaining the road, sweeping the area and cutting the grass and remarked if the road was indeed private, that there is no obligation on Bray Town Council's part to do so. He wondered if all the residents were on board with the clamping policy and asked the officials to further explore the situation.

Councillor Pat Vance remarked that if the road became damaged within the next few years, the residents would contact Bray Town Council to fix it.

LUAS B2 Line

The Town Manager, Mr. Des O'Brien informed the members that the RPA have written to Bray Town Council, Wicklow County Council and Dun Laoghaire Rathdown County Council regarding a Section 49 for the LUAS B2 line. Dun Laoghaire Rathdown County Council wish to publish the scheme, which applies to their area in September and Wicklow County Council are hoping to do the same for Bray area. He suggested that Bray Town Council publish at the same time. The RPA hope to launch the railway application in May 2009.

Dun Laoghaire Rathdown County Council had suggested a figure of €750 per hectare. It has not been decided how to approach this in relation to Bray Town Council and Wicklow County Council, but this can be discussed at the second meeting in September.

Development Levies

The Town Manager informed the members that Wicklow County Council are trying to increase their Development Levies for sanitary waste water. Under the Water Pricing Policy, all water services have to be paid for. Central government pays for domestic water. Central government has decided that new residential builds are not deemed residential during construction. Bray Town Council will have to pay for these charges.

Bray Town Council is acting as the Waste Water Authority for Wicklow County Council and have to raise €10 million to help fund the Shanganagh Waste Water Treatment Plant. If Wicklow County Council raise their levies, it is likely that Bray Town Council will have to raise their levies also.

* * * *

This concluded the meeting.

Signed: _____
CATHAOIRLEACH

Signed: _____
TOWN CLERK

Dated: _____