

Minutes of the Special Housing and Planning Meeting of Bray Town Council held in the Council Chamber, Town Hall, Bray on Tuesday 2nd September, 2008 at 7.30 p.m.

Present: Councillor Ciaran O'Brien, Cathaoirleach
Councillor Caroline Burrell
Councillor John Byrne
Councillor Brid Collins
Councillor Anne Egan
Councillor Anne Ferris
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. Triona Irving, Administrative Officer

Apologies: Councillor John Brady

Not In Attendance: Councillor David Grant

Before the meeting started, Councillor John Byrne requested a Vote of Sympathy for the families of Mrs. Bridie Holmes and Mr. Patrick Kenny who had recently passed away.

Councillor Bríd Collins and Councillor Caroline Burrell requested a Vote of Sympathy for the families of Kelly Devlin and Sarah Kelly who had also recently passed away.

1. Confirmation of Minutes of the Meeting dated 1st July, 2008

Councillor Anne Ferris proposed confirmation of the minutes of 1st July, 2008 and Councillor Anne Egan seconded the proposal.

2. To consider the Housing Progress Report

The members raised the following points:

Fassaroe

- The residents are concerned about the shuttered houses in Fassaroe.
- The Estate Management Committee is also concerned about these shuttered houses. There are lights on and noises coming from these houses – drinking parties seem to be taking place here.

Richmond Hill

- I received a telephone call from a member of the press in relation to a tenant waiting for a window to be fitted since he moved in. There are two tenants who have no windows.
- I have raised this before, the lights in the estate are on all day and the light at the shop is not working.

House Purchases

- Please keep this on the agenda, the housing list is enormous. I am delighted we are still purchasing houses.

Maitland Street

- The residents are delighted with their new windows – it is not quite finished though, the fascia boards and soffits have to be done also.

Oldcourt/Ballywaltrim Heights

- Can the council look at a window replacement scheme in Oldcourt?
- I have had queries about a window replacement scheme in Ballywaltrim Heights – which is in the charge of Wicklow County Council.

Kilbride Lane

- The council made a submission to the Department of the Environment, Heritage and Local Government in May and the query raised by the Department has not been resolved. This is not acceptable. I ask the Town Manager to contact the Department to resolve this query.

Silverbridge Halting Site

- Can we have an update please?

Housing Adaptation Grant Scheme (formerly Disabled Persons Grant Scheme)

- I have concerns about this new scheme. Wicklow County Council fund the scheme and they have run out of money. There is no more money forthcoming from the Department.
- People who have applied and got approval for works to be carried out are now being told that there is no money to pay for these works. These are elderly people and small contractors who are left waiting to be paid. This is a scandal.
- Wicklow County Council were telephoning people to give them the go ahead for these works and this should not have happened.
- These grants have been very successful. The amount of approvals has gone over what was allocated by the Government.
- The Minister should be instructed to provide more money next year.
- €83.4 million was allocated in total.
- The Wicklow County Council Director of Service said that the allocations were down on last years. While everyone is arguing people are suffering.
- The council should honour its' commitments on this.
- It is a bad idea to cut back on investment e.g. building houses and infrastructure. It provides much needed resources.

Triona Irving, Administrative Officer informed the members of the following:

- A meeting is arranged for this week with the Department. We are hoping to put proposals before the Department to continue with the refurbishment scheme. If we get a favourable response, these shuttered houses will be used for re-housing. If the refurbishment scheme does not continue, we will use these for housing.
- The Clerk of Works has met with the architect and builder of Richmond Hill. The windows issue will be resolved.
- We are aware of the issue of public lighting in Richmond Hill, we had to prioritise works here. The issue will be resolved.
- Bray Town Council have purchased their quota of houses to date. We are in the process of seeking approval from the Department to purchase four more.
- The proposals and feasibility study regarding Kilbride Lane was sent to the Department in May, the query was raised in August regarding density. We will discuss this at the meeting being held this week.
- With regard to a window replacement scheme – if one is put in place, it will concentrate on elderly residents. We had a query from a resident of Ballywaltrim Heights regarding window replacement and we informed this person that they could be installed under the Self Help Scheme. This resident decided not to go ahead with the replacement windows.
- With regard to the Silverbridge Halting site, it is in the hands of Wicklow County Council. The Senior Engineer is preparing a tender document for engagement of consultants under the new procurement regulations.

3. To Consider Planning Matters

The Administrative Officer reported that the following planning files were requested:

- 08/148

The members raised the following points:

Planning File Reference 08/148

- I request that the planners refuse this application – this is the second or third time an application has been made for this site.
- This application is obtrusive and it takes away from the visual amenity of the area. There is provision for two sheds and a basement.
- This development will not be in keeping with the area.
- I agree 100% with the objections to this. I hope the planners will consider the views of the residents of Fairyhill.
- This is too big a development for a site of this size. I am also concerned regarding the underground development. There is the potential for subsidence.

Planning File Reference 08/65

- I am amazed that this school is looking for an extension, it is a relatively new building.
- They were granted 08/125 – a temporary classroom.

Planning File Reference 08/80

- I am glad that this has been granted.

Planning File Reference 08/129

- This application is very vague. The purpose of a site notice is to give information and it is not doing this. It is very unfair on people.

Planning File Reference 08/130

- I welcome the fact that this has been refused. I hope we don't see a second application.

Planning File Reference 08/131

- I have a query regarding the car parking charges. I would like to see this application go ahead as soon as possible.

Planning File Reference 08/132

- I welcome the fact that this has been refused. If this is appealed, I hope they take into account the views of the residents.
- I am glad that this was rejected. I don't think the residents are against improvement but to go to the proposed size is madness.

Planning File Reference 08/145

- This is for a development on the Seapoint Road. It is the third application from this company. The residents are very concerned. We need to send a message that people have to abide by good planning practice, that they cannot just keep submitting applications until they are granted.
- I support these views.

Planning File Reference 08/184

- I am glad that this application was refused. I hope an application is not submitted again.

Planning File Reference 07/194

- I am delighted to see that this has been granted. This development is great for Bray.
- An Bord Pleanála has approved the flood scheme.
- Councillor Michael Lawlor did a lot of work to get the sites up and running.

- The majority of the town welcome this development. The sooner it comes to the town the better. There is huge support for this.
- I find it amazing that people who are prone to flooding object to something that will bring €40 million worth of flooding protection to the town.
- This protection scheme won't go ahead unless the development goes ahead. It is vital for Little Bray.
- How likely is this development to happen in the near future?
- Is it possible to build the flood defence scheme and when the development goes ahead, levy the developers for the cost afterwards?

Miscellaneous

- A lot of private estates wish to be taken in charge – can we have a report on this please?
- There are units that were granted planning permission for industrial uses at the rear of the DART station. These are now being used for residential purposes. Concerns have been raised regarding planning and health and safety issues. Can we have an update on this please?

Ms. Triona Irving, Administrative Office, Planning informed the members of the following:

- I will discuss the taking in charge with the engineers.
- The buildings at the DART station were discussed at the recent MPC. Enforcement proceedings have started.
- We can't levy people for flooding works – the Planning & Development Act doesn't allow it.
- I will look at file number 08/131 afterwards and revert to you.

4. To Discuss Bray Town Council's Nomination to the County Wicklow Local Traveller Accommodation Consultative Committee

As the elected representative of Bray Town Council to the County Wicklow Local Traveller Accommodation Consultative Committee was not present at the meeting, Councillor John Byrne, as Chairman of the Committee requested that this item be addressed at the next meeting of Bray Town Council.

5. Disposal of Fee Simple Interest in 4 Fr. Colohan Terrace, Bray, in accordance with Statutory Notice

It was proposed by Councillor Pat Vance and seconded by Councillor Anne Ferris to proceed with the disposal of Fee Simple Interest in 4 Fr. Colohan Terrace, Bray, in accordance with Statutory Notice.

6. Disposal of Fee Simple Interest in 10 St. Cronin's Road, Bray, in accordance with Statutory Notice

It was proposed by Councillor Anne Egan and seconded by Councillor Steve Matthews to proceed with the disposal of Fee Simple Interest in 10 St. Cronin's Road, Bray, in accordance with Statutory Notice.

7. To Discuss The Boil Notice on the Drinking Water in Bray

The Town Engineer had circulated a report to the members and informed the members of the following:

- A sample taken on 5th August showed the presence of coliform bacteria. A second sample was taken on 7th August and the boil notice was issued on 8th August on the advice of the HSE.
- The EPA was also notified.
- Samples were taken from the tank at Giltspur on Friday 8th August, with the results available on Saturday 9th August. These results showed a low level of coliform. We couldn't determine at that time, whether e-coli was present.
- We took a methodical approach to this – there was no serious contamination.
- We traditionally don't treat water from Dublin, in Bray. A chlorination system has been installed in the tanks.
- The tanks are covered and tests are ongoing.

The members thanked the Town Engineer, congratulated the officials for their response to this boil notice and raised the following points:

- As the leakage rate is down, the water is staying in the pipes longer.
- The boil notice was not communicated quickly enough, but Bray Town Council took every step to ensure people that people were informed.
- Time was not on the council's side in relation to this.
- I would ask people to voluntarily register their mobile numbers and email via the Bray Town Council website in order to receive information like this more quickly. We should also look at hiring information signs and placing them on arterial routes.
- Is there any long term effects regarding chlorine in the water?
- Since the incident in Galway, people are more aware of problems regarding water.
- There are concerns in the town regarding lack of communication and information.
- The Acting Town Clerk rang us at the time and told us what the problem was.
- People were not aware when the boil notice was lifted. We need to look at different forms of communication. We should do better on this.
- Perhaps we should set up a freephone number with a recorded message.
- Every household should get a leaflet.
- This water became contaminated in our system and this is not acceptable. It should not have happened.
- We need to look at the management of the water. What is being proposed long term to prevent this happening again? I would like a report on how this will be prevented in the future.
- The boil notice was not rescinded until there were three days of zero readings, but you are allowed to have up to a level of ten, who decides this?
- Panic was created amongst people – they were not told what the problem was. There is a feeling that the council were reluctant to tell people what the problem was.
- People don't always check their emails, they could be on holidays. Text messaging is a good idea.
- The water was barely infected. The boil notice was a precaution only, the HSE informed us that no one would become ill.
- There is a 24 hour telephone answering service, which is continuously manned.
- In future, I would ask the council to name the areas – people don't understand terms 'west of the Killarney Lane/west of Killarney Road'.
- I'm glad there was no e-coli in the water. Coliforms are in water all the time, we are exposed to them constantly.
- What kind of maintenance programme is there for the tanks? Are they inspected/cleaned? Do we need new ones?

Mr. Sean O'Neill, the Town Engineer, informed the members of the following points:

- Wicklow County Council as the Sanitary Authority and the HSE had a number of meetings to decide on policy with regard to water standards. A threshold of ten was agreed for coliforms, readings above this would require a boil water notice.

- The three days of clear results takes into account the rural areas and shows that the system has been cleared completely. It was agreed with the Chief Medical officer at the time.
- We were told at 3.30pm to issue the boil notice and this was not taken lightly.
- Within 2-3 days, the results were generally clear.
- The water coming from Dublin is relatively stable, as to whether it is free from coliform, we are not sure. We will continue to monitor the supply.
- We have put in place a chlorination system, which will add the minimum amount of chlorine needed to keep the water clear.
- There are 10,000 connections to the Bray water system at any one time. Most people receive chlorine.
- If we knew for certain what the cause of problem was, we would inform people. We still don't know.

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

- We try to have a residual [disinfection] in the water at all times. The standard is 0.1 parts per million. What has been coming into the town is 0.013 parts per million, which is very low.
- I am not saying that the water that came from Dublin was contaminated, we can't say where the contamination happened.
- It is intended to remove the earth mounds from the tanks to ensure that there is no contamination from that quarter.
- It is simplistic to say that the water became contaminated in our care. We now have mechanical chlorination to the Bray water supply rather than relying on Dublin City Council.

Councillor John McManus remarked that it was likely that the contamination took place in Bray.

The Town Clerk, Christine Flood informed the members:

- Your comments regarding the communication issue have been taken on board I acknowledge Bray Town Council possibly could have acted more quickly on this issue.
- Ways to improve communication would be looked at, including texting, which seems to be the most efficient.
- The results were very marginal and perhaps Bray Town Council should have waited until the Monday to issue the boil notice. The notice was issued on the advice of the HSE.
- The following methods of communicating the boil notice were utilised: national newspapers, East Coast FM, the Bray Town Council website, a tannoy system, local shops displayed the notice, a leaflet drop to homes in the affected areas and the after hours service also had a recorded message.
- It was immediately obvious that once the water was treated, the results regarding level of contamination came down.

8. To Discuss The Florentine Centre Development

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

- A meeting was held with the Managing Director of Ballymore Properties, Mr. David Brophy, Ms. Hazel Jones, the County Manager, Mr. Eddie Sheehy and himself in July.
- At this meeting, the representatives of Ballymore said that due to the fall in the housing and rental markets that the proposed development couldn't stack up financially. He added that he appreciated Mr. Brophy's openness and honesty.
- Ballymore Properties volunteered to re-instate the car park – Bray Town Council did not need to issue a writ to this effect. No waste licence is needed as the filling material used will be gravel.
- Works have started on the site.
- I have asked Planning to issue a letter to requesting that the area be re-instated to its former use.
- Ballymore Properties have written to the members regarding the new development.
- They are now seeking an anchor tenant.

The members raised the following points:

- I am appalled at how Ballymore have handled this. The most important thing now is that the units on the Main Street are completed on time.
- Hopefully by 7th November they will have the car park back in place.
- Bray Town Council agreed to sell a piece of land to Ballymore, will the agreement be renegotiated?
- Who will get the revenue from the car park?
- We need to make the decision if we want to deal with Ballymore again, they have a lot of ground to make up.
- I am tempted to say "I told you so". For the past 18 months, it has been clear to everyone that it would not go ahead. I would like to complement the officials for remaining positive.
- After the car park is re-instated, there should be a completely fresh look at this. There will be no quick fix for the town.
- Ballymore are finally moving ahead but they are just undoing the damage they've done – they have not advanced the project.
- I am glad that the car park will be open in time for Christmas. I have concerns regarding traffic and traffic management of the car park. There should be access from the Quinsborough Road as well as the Florence Road. The Florence Road will not be able to cope with the volume of traffic, it will be madness.
- I was totally disappointed when I heard the news, but on reflection they did not walk away from the site. The officials should be wary of meeting with Ballymore again.
- Are there any penalty clauses on Ballymore?
- This [to go with Ballymore's proposal] was a unanimous decision by members of the council at the time. This is a costly lesson to us all, but it was done in good faith.
- We don't necessarily have to deal with Ballymore again. When they have completed their commitments, we should sit down and look at the options.
- If it went well it would have been great for the town.
- Compulsory Purchase Orders were raised on people's properties, but since the news that the proposed development is not going ahead, the owners have had no contact from either Bray Town Council or Ballymore. They have not been treated very fairly. This needs to be clarified.
- At least we have a conclusion to a long saga. We are guaranteed 290 parking spaces by Christmas.

The Town Clerk, Christine Flood informed the members:

- There is a temporary agreement of one year in place regarding the car park. By the time Bray Town Council takes the costs for the operation of the car park there will be very little over.
- Bray Town Council will be operating the car park – we will not be retaining a private operator such as NCPS.
- Funding will come out of the monies raised by parking charges to defray the costs of lighting, lining etc. We will review the situation after the temporary agreement expires.
- I have been speaking to the Law Agent in relation to the CPO. We hope to be in contact with the people affected by this shortly, we are awaiting an update from Ballymore with regard to the people they have completed agreements with.
- Bray Town Council are not in funds and won't be able to buy any of the properties in question.
- We will write to each individual concerning the CPO. We may let the CPO run its course and keep our options open.
- The timeframe on a CPO is 18 months from the date of confirmation of the CPO.
- CPO No. 3 concerns four or five landowners. This was confirmed in May of this year. We have 18 months from that date. If we don't serve a Notice to Treat within 18 months from May 2008, the CPO will be deemed to have expired.

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

- We never concluded the agreement with Ballymore Properties. At the time of previous agreement 4 years ago, we got a €360,000 (non-refundable) from Ballymore.
- We also got £30,000 previously, which was also non-refundable.

9. To Discuss the Recent Flooding in Bray

The Town Engineer had circulated a report to the members and informed the members of the following:

- On 16th August, Bray town had a major problem regarding surface water.
- The Bord na Mona gauge in the Pumping Station recorded a rainfall of 27.6mm between 3pm & 4pm. It appears that the majority of this rainfall was in a 15-20 minute period.
- The Pumping Station had reached at full capacity (6 cubic meters per second) at approximately 2pm and stayed at full capacity until approximately 6pm.
- The depot on the Boghall Road was opened and had 4,000 sandbags in stock.
- The 24 hour answering system was taken off and council staff answered the phones. They were informing people that sandbags could be collected at the depot.
- There was a very big amount of people volunteering on the day also.
- We have been talking to people to find out what happened on the day.
- We are still looking for information e.g. photos that show the time they were taken as we are trying to piece together a sequence of events.
- We know the drainage system can't cope with a storm of that size, but we can't predict when it will happen again.
- We don't know what the major contributory factor to the Wheatfield/Glen na Smol/ Mountainview flooding was.
- My report suggests improvements that can be made.
- In some cases, people have been complaining about gullies being blocked however we have been concentrating on gullies in the town for the past 4-5 weeks. The gullies were blocked after the event.
- If you know of any areas not included in the report, please let us know.

The members raised the following points:

- This storm was unprecedented. The huge amount of volunteers that helped on the day was great.
- The council officials came up trumps on that day. In fact, one official was moving house and he dropped everything to help out.
- The emergency number did not work satisfactorily that day.
- The telephone system was overloaded.
- We need to know what is expected of the fire brigade in cases like this.
- People are saying we should not be building on flood plains – there was no flooding on the flood plains in Bray that day.
- I complement the Town Engineer in trying to put a report together as to what can be done from an engineering perspective.

At this point, the meeting drew to a close and it was decided to place the recent flooding on the agenda for discussion at the next meeting of Bray Town Council.

10. Reports and Recommendations

Due to time constraints, Reports and Recommendations were not addressed at the meeting.

11. Notices of Motion

Due to time constraints, Notices of Motion were not addressed at the meeting.

12. Correspondence

Due to time constraints, Correspondence was not addressed at the meeting.

13. Any Other Business

Due to time constraints, Any Other Business was not addressed at the meeting.

* * * *

This concluded the meeting.

Signed:

CATHAOIRLEACH

Signed:

TOWN CLERK

Dated:
