

**Minutes of the Special Meeting of Bray Town Council held in the Council Chamber, Town Hall, Bray on Tuesday 28<sup>th</sup> July, 2009 at 6.00 p.m.**

**Present:**

- Councillor John Ryan, Cathaoirleach**
- 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 Pat Vance**
- Councillor Sarah Wray**

**Also present:**

- Mr. Des O'Brien, Director of Services**
- Ms. Christine Flood, Town Clerk**
- Ms. Triona Irving, Administrative Officer**

**Apologies:**

- Mr. Sean O'Neill, Town Engineer**

Before the meeting started, Councillor David Grant informed the members that Mrs Eileen Nolan, mother of John Nolan, President of Bray Chamber of Commerce, had passed away within the past hour. He proposed a vote of sympathy and extended his sympathies to Mr. Nolan and his family. The Cathaoirleach and members wished to be associated with the Vote of Sympathy. A minute's silence was observed, as a mark of respect.

**1. Disposal of Bray Town Council Interest in lands at Florence/Quinsborough Roads, Bray to Ballymore Properties otherwise Montes otherwise Florentine Properties**

The Town Clerk, Ms. Christine Flood informed the members of the following:

- The members will know this site as the Florentine site. This has been in a state of decay for a number of years.
- Bray has suffered retail leakage as a result of this.
- There is a lengthy planning history on this site, the first planning application was submitted in 1997. Under Section 212 of the Planning & Development Act, Bray Town Council exercised its' powers to acquire the site in 2007.
- CPO 2 2007 refers to lands owned by Bray Town Council and Ballymore. CPO 3 2007 refers to lands owned by third parties.
- Tonight's' meeting is purely relating to CPO 2, 2007.
- Bray Town Council will issue ourselves a Notice to Treat on our site. We are not disposing of our site to Ballymore.
- If this disposal does not go through by 5<sup>th</sup> August, the CPO will expire.
- The purpose of this meeting is to decide if we will go ahead with the disposal.
- The benefit of this disposal would be a clean title on the site, which will make it a more attractive proposition for funding.
- The purpose of the CPO is to facilitate the development of the site, not the developer.
- We could let the CPO lapse, but the situation could become more messy, particularly if attempting to secure loans.
- Members will recall the draft agreement with Ballymore circulated at the previous meeting. In order to proceed with this, it will be necessary to issue a Notice to Treat.
- There is a risk associated with issuing a Notice to Treat, without the legal agreement in place.
- Under the agreement, Ballymore waive their rights to compensation under the CPO. Should the council be required to proceed with the CPO in respect of third party properties, Ballymore will be required to provide security in the form of a bond.

The Cathaoirleach John Ryan, informed the members of the following:

- The decision is whether or not to go ahead with the disposal.

- At the last meeting it was said that officials of Bray Town Council and Ballymore would meet. I stated that I would attend the meeting to make the views of the members known, which I did.
- I've invited Ballymore here tonight to talk to you. We have Mr. Brian Clarke and Mr. Paul Keogh in attendance.

Mr. Brian Clarke, representative of Ballymore Properties thanked the members for giving him the opportunity to address them and informed them of the following:

- We met with the officials of Bray Town Council to discuss the site. The Cathaoirleach outlined his upset at the state of the site.
- At the meeting, it was agreed to revert by mid September with proposals to remove the site from the Derelict Sites register.
- We will meet with Bray Town Council to discuss the site with a view to starting works on 14<sup>th</sup> September. In the short term, we will remove the hoarding etc and we estimate that it will take 7-8 weeks to complete the works. Works will be finished by the end of October.
- We are actively seeking tenants for the two units that we have received planning permission for on the Main Street. We are looking at developing an anchor tenant at the rear of the Main Street also.
- We are seeking finance subject to prelet agreements.
- I hope that I have outlined our intentions – we will remove the hoarding and retain the façade by the end of October.

The members raised the following points:

- Removing the hoarding is a short-term plan. How will the façade be supported?
- Is there a requirement to have this CPO that we are considering in place before this small development goes ahead?
- I am surprised that Ballymore are at this meeting – we were not informed that they'd be in attendance.
- Thank you for your work in your meeting with officials of Bray Town Council, it's a pity that you didn't engage fully in the past.
- I take exception to the term 'short term works'. The people of this town have had enough. Get it done. Your company has let this town down. We should have a more substantial commitment from you. It is time that you delivered on what was promised.
- Ballymore are promising to deliver, there have been many broken promises. Ballymore has a bad name. This town has stagnated. I won't vote for the proposals here tonight, based on Ballymore's past performance. I want guarantees.
- The key issue is progress for development of the site. I ask that Ballymore are clearer on their commitment.
- The town and retail community have no faith in Ballymore. I would think the same applies for the banking community. I would think that it would be almost impossible for your company to obtain funding. I have no confidence in Ballymore progressing this site.
- When we were campaigning for the Local Elections, the state of the Main Street came up time and again. Ballymore got the blame for this. They have treated the town with contempt. Why should we trust what you are saying tonight?
- I supported Ballymore on three planning applications. I am totally disillusioned with them. I haven't heard anything tonight to convince me to go ahead with them. I remain to be convinced of the seriousness of Ballymore. I have to be convinced that what we are doing tonight is right for the town. I feel that we should tell Ballymore to go to hell and do something with our own site. The town has gone down a lot, which while not completely Ballymore's fault, can be attributed to it.
- I'd be cautious about getting involved with developers. I don't know if we can salvage anything from this.
- Did anything financially come to Bray Town Council from the Derelict Site Notice? I am nervous of removing the Derelict Site Notice from this site.
- Regarding the CPO on the third party sites – people's hands are tied regarding improvement works. Will their CPO expire or will the property still be tied up? I want to see this problem solved. There are lessons to be learned that we could put to use in the Development Plan.
- I came here hoping for assurances from Ballymore, we have gotten none. We can't trust them.

- I have heard nothing that will encourage me to vote in favour of this. There is no guaranteed funding available. Can we get a written guarantee of dates and if works are not completed, can financial penalties be imposed?

Mr. Brian Clarke informed the members of the following:

- I am aware of the huge level of frustration. We have funding secured to commence the works in September to remove the hoarding.
- I am happy to put this in writing. We have to engage with Bray Town Council regarding our proposals for these works.
- The steel supports will remain in place and a similar structure will be built.
- The reality is that funding is not readily available. Once we get tenants and funding in place, we are committed to building two units with apartments above.
- We will seek an anchor tenant and will give a written commitment to Bray Town Council once the officials agree to our proposals.

The Town Clerk, Ms. Christine Flood informed the members of the following:

- We are discussing a disposal notice. If we do not proceed with the CPO by issuing a Notice to Treat, it will expire.
- Bray Town Council will issue a Notice to Treat on itself also.
- Because we have entered the CPO process, we offered Ballymore the opportunity to perfect the title on their own property. The deadline for the issuing of the Notice to Treat is 5<sup>th</sup> August.
- We may come to the members regarding CPO 3, 2007. This is due to expire in November. However, if we get to that stage, we will have to have confirmation/guarantees from Ballymore.
- [Councillor Eugene Finnegan] If the hoarding is removed, does this mean that the site is not derelict? Will we have hoarding of a new colour?
- If Ballymore do specific works, it [the hoarding] could be removed.
- Their planning permission has a finite lifetime but we cannot force Ballymore to develop the site, any more than we can compel any applicant for planning permission to develop on receipt of the permission.

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

- Bray Town Council embarked upon the CPO when Ballymore were trying to get planning permission on their third application. Ballymore allowed deals that they had made to buy properties to lapse. Bray Town Council undertook a CPO on these for the benefit of the town.
- Bray Town Council's title is very good. It was decided to CPO Ballymore's and Bray Town Council's land.
- You never know what problems may arise during planning permission applications.
- This [disposal notice] is a reserved function of the elected members of Bray Town Council.
- Having a site with a clean title will make it easier to develop.
- There may be a temptation to say that Ballymore have messed us around. I have come to you previously to say that I'm happy with them. I am now not enamoured of them.
- This disposal will enhance the value of the site. If you decide not to go ahead with this disposal, the world won't end and it won't kill the site. It will however, put a further obstacle to the development of the site.
- This is for the good of the town. One Councillor said no to joining with developers, but Local Authorities cannot stand alone regarding loan approval now. Since joining the euro, the capacity of Local Authorities has been severely constrained. The building of Civic Offices was a joint undertaking and works well.

The members raised the following points:

- We were told that we would have written guarantees in the next few days. Will this happen? Can local workers be employed to work on this?
- [Cathaoirleach John Ryan] I'll follow up on the guarantees. We are voting on a technical matter, not discussing anything else.
- Is there provision in the Act to extend the period of 18 months? Can we wait until the works commence and then revisit the disposal notice?
- If we don't pass this tonight, will the site still be developed?
- A vote against this won't kill the site. I will vote against this. I have no wish to enhance Ballymore's assets.

- I will support this – it is time that we moved on. There will be clean title on the site. Another developer could develop it.

The Town Clerk, Ms. Christine Flood informed the members of the following:

- There is no provision in the Act to extend the Notice to Treat period. This is part of the problem regarding CPOs. They are very complicated and if something isn't done or is left out, the whole process has to start again.

The Town Manager added the following:

- We have CPO 3, 2007 to 'hold over' Ballymore. They have bought at least one of these sites. Ballymore would be keen that we do a Notice to Treat on this CPO also.
- Voting against the disposal will not kill the site. Clear title will encourage people to buy into it and develop the site.
- [Councillor David Grant] If the Notice to Treat expires, can the process be reactivated?
- [Town Clerk, Christine Flood] It would take a minimum of 18 months if we went through the process again.

It was proposed by Councillor Mick Glynn and seconded by Councillor Sarah Wray to proceed with the disposal of Bray Town Council interest in lands at Florence/Quinsborough Roads, Bray to Ballymore Properties otherwise Montes otherwise Florentine Properties.

The Town Clerk called for a vote on the motion and the Councillors 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	✓	
<b>Total</b>	<b>9</b>	<b>3</b>

The Cathaoirleach John Ryan, concluded the meeting by wishing everyone present a restful summer.

\* \* \* \*

This concluded the meeting.

**Signed:** \_\_\_\_\_  
**CATHAOIRLEACH**

**Signed:** \_\_\_\_\_  
**TOWN CLERK**

**Dated:** \_\_\_\_\_