

**Minutes of Special Housing and Planning Meeting of Bray Town Council held in the Council Chamber, Town Hall, Bray on Tuesday 6<sup>th</sup> February 2007.**

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

Councillor John Brady proposed a minutes silence for Desmond Traynor who was tragically killed on the N11. The members agreed to this.

The Cathaoirleach and the members offered their sympathy to the family of Desmond Traynor.

**1. Confirmation of Minutes of the Special Housing and Planning Meeting dated 7th November 2006.**

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It was proposed by Councillor John Byrne, seconded by Councillor Caroline Burrell and unanimously agreed to confirm and adopt the minutes of the Special Housing and Planning Meeting dated 5<sup>th</sup> December 2006.

**2. Reports and Recommendations.**

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The Town Clerk stated that there are three reports -

**Waiver Scheme**

*The waiver scheme was advertised in a local newspaper on 31<sup>st</sup> January 2007. The closing date for receipt of application forms is Wednesday 28<sup>th</sup> February. Application forms were sent to all eligible applicants from last year. Bray Town Council will accept forms signed by members of the Council.*

## **Right of Way at Mountainview Drive**

*A letter was received dated 10<sup>th</sup> November 2006 from the Mountainview Drive Residents Association requesting closure of the pedestrian right-of-way near the front of the estate in order to deter vandalism by youths loitering in the area.*

*The pedestrian right-of-way is about 6m long by 1.8m wide and is located between house numbers 94 and 112. It provides a linkage between the main green and play area with the entrance to the estate. It also provides the shortest pedestrian route between the dwellings at the end of the two larger cul-de-sacs in the estate and the estate entrance. As the residents of these same dwellings are those most likely to be concerned about vandals using the right-of-way, I recommend that Bray Town Council advertise that it is proposing to extinguish the right-way in accordance with Section 73 of the Roads Act 1993 and thereby request submissions before on the proposal before making a decision.*

*In the event that a decision is made to extinguish the right-of-way, the portion of path should be taken into the garden of either 94 or 112 Mountainview Drive and the cost borne by the benefiting resident. It was also requested that the council build up the height of the wall at 112 to prevent anyone crossing it. An increase in the height of the wall would require a total rebuild as the wall as it is in poor condition. Boundary walls are the responsibility of the property owner and I recommend that the council should not devote public money to this work.*

## **Skateboard Park**

*An application was made by Bray Town Council under the Skateboard Parks – Pilot Grants Scheme 2005. This followed extensive lobbying by skateboarders in Bray. In the application the proposed location was The Peoples Park and funding requirement was €220,000.*

*A report was prepared by Wicklow County Council's Community and Enterprise Department on behalf of all Wicklow Authorities, in which a skateboard park for Bray was placed second in the priority listing. The skateboard park for Greystones, which received funding last year, is underway and near completion. It is expected that Bray will receive funding this year and consequently preliminary consultation has commenced with local skaters. Initial enquiries indicate there may be significant opposition to the proposed location at the Peoples Park.*

*An alternative location between the South Promenade and the Cliff Walk is favoured by skateboarders. It is therefore recommended that this be presented to the public as the favoured option. The skaters have made preliminary suggestions as to the design of the skate park. Further consultation with skaters on the design is to take place.*

*Two skate parks have already opened in the country, namely Bushy Park and Lucan. Both parks have been oversubscribed. Learning from this it seems clear that it is important to plan for heavy usage, especially as yet there are still so few in the country. The fact that Bray has a very good public transport network would indicate that it too will be a popular venue. In addition, the Bray skate park will have its own distinctive design features. In fact all four skate parks differ slightly in design – Bushy park, Greystones, Lucan and the proposed Bray skate park. This would suggest that skaters will want to travel from one to another to gain a different experience from each one.*

The members raised the following points: –

### **Waiver Scheme**

- Did we go to tender for this and do we only deal with one company?
- This is a great scheme and welcomed by all.
- In excess of 1,000 people avail of this and they are very grateful.
- Can we not have a system which automatically gives people the waiver scheme each year?
- Why were elected members removed from signing the application form? This is an insult to our integrity.
- Can we examine the use of wheelie bins for the scheme?

### **Right of Way at Mountainview Drive**

- Would not normally support the closure of public right of ways but this area is plagued with trouble and it is the same culprits causing the damage in Glen Na Smól.
- There is a lot of dumping too.
- The Council should provide a boundary wall for the residents.
- Residents in Glen Na Smól were promised a fence, which the Gardai also supported.
- Issues such as this can be addressed at the next meeting of the Joint Policing Committee.

### **Skateboard Park**

- This will inevitably receive criticism from people.
- Is it possible to get a presentation from the operator or local authority responsible for a current skateboard park?
- Welcome funding but we need to move cautiously.
- Support this provision but not on Bray Seafront.
- These are very successful in the USA but they are in parks.
- Should not be near a residential area because of noise.
- We should go out to public consultation for a location.
- This matter should be referred to the M.P.C.
- We cannot go for public consultation without indicating a location.
- It's the responsibility of this Council to pick a location for the skateboard park.
- This should not be put in the Peoples Park because of the flood protection works.

The Town Clerk explained that it was not intended to insult Councillors by leaving no provision for them to sign waiver forms, she apologised if this caused offence. All application forms were updated in line with current best practice, it was not intended to question the integrity of the elected members. The reason we write to people as well as advertising the scheme is because some people pass away, some go into nursing homes or move away and new pensioners become eligible every year. We did go out to tender for the provision of refuse sacks and one company was selected. The issue regarding waivers for wheelie bins will be examined, when the level of interest is known.

Councillor John Brady stated that he had previously requested three reports; old dump at Bray Harbour, Ballywaltrim playground and the right of way at O'Byrne Lane. He also proposed that the matter of the skateboard park be referred to the M.P.C.

The Town Clerk informed the members that the report in relation to the old dump at Bray Harbour had been requested from Dun Laoghaire Rathdown County Council and she would contact them again.

The Cathaoirleach asked Cllr McManus whether his MPC would consider the matter of the skate-board park, he agreed that they would.

### **3. To consider the Housing Progress Report.**

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The members raised the following points: –

#### **Fire Safety Audit**

- Very concerned at how slow this is progressing, this isn't helping the residents fears.
- When will we receive a final report?
- The Council should write to the contractors seeking a proper explanation.
- Difficult to understand why they cannot gain access to local authority houses.
- There is one house tied up with the audit – this should be allocated.

#### **Fire Hydrants**

- There are in the region of 700 fire hydrants, 70 need upgrading and 30 need replacing – this is a frightening statistic.
- We should be writing to Wicklow County Council and the other town councils to bring it to their attention and informing them of our work.

#### **Kilbride Lane CPO**

- What is the update on this?
- Like to see a better housing scheme with open spaces.

#### **Old Bray Wheelers Clubhouse site**

- The current state of this site is horrendous, it needs to be secured.
- Has become a haven for anti-social behaviour.
- This needs to be secured and demolished as soon as possible. – *Amended and included on 8<sup>th</sup> March 2007.*

#### **Miscellaneous:**

- Welcome the smoke alarm scheme but concerned that residents who put in their own central heating are being excluded.
- Ballywaltrim / Glenthorn – the Council removed the flowerbeds from the name stone over one year ago and nothing has been done since to improve this.
- Ballymorris – problem with illegal parking in residential spaces. Can we write to the school asking them to arrange alternative parking?
- Cedar Court – has the snag list been finalised?
- Occupational Therapist reports need to be looked at urgently.
- Windows and doors scheme – can we extend this to Maitland Street?
- Central Heating scheme – can we expand this to Hazelwood? The water was cut off two months ago and many heating systems are not fully functional since.
- Fassaroe Community Centre – the architects report is a list of what needs to be done, there were no plans or proposals.
- When will the landscaping be completed in James Everett Park? Would hope this isn't going to be like Casement Park where the contractor never returned to complete it.

- Richmond Hill – understood that five 3-bed, ten 2-bed and eight 1-bed apartments were going ahead, now we're getting five 3-bed, four 2-bed and four 1-bed apartments – this is unacceptable.
- Ashlawn Court – the grey window frames look awful.
- Concerned that the Part V scheme in Bray Town Council is not administered correctly. We should not be accepting land in favour of housing and we should not be segregating social housing and private housing in Part V schemes especially in the Golf Club Lands.

The Administrative Officer informed the members of the following: –

- Smoke alarm scheme – the contractor is installing the central heating and smoke alarms together. The other houses will receive smoke alarms by the end of 2008.
- A comprehensive report on the Fire Safety Audit will be available for the March meeting.
- Kilbride CPO – the design phase is continuing. Bray Town Council have contacted the Department of the Environment, Heritage and Local Government to CPO the house also.
- The Estate Development Officer is to contact the school regarding illegal parking in Ballymorris estate.
- The Part VIII process for Carrigoona and the old Bray Wheelers site will be done towards the middle of this year.
- The Housing Officer and Clerk of Works meet with the Occupational Therapist regularly but house designs are not always straight forward and this causes delays.
- Central heating scheme for Hazelwood - will discuss this with the Clerk of Works.
- Fassaroe Community Centre have been contacted to set-up a meeting.
- Currently any Part V schemes in Bray are apartments. A voluntary body will be dealing with social housing in the Golf Club Lands. We discuss this issue with the developer at pre-planning stage. Other local authorities experience has been that from an estate management point of view the best practice is to keep social apartments together. Sometimes accepting land in favour of housing is more beneficial to the Council.

The Town Engineer informed the members of the following: -

- All critical fire hydrants have been replaced.
- Ashlawn Court is work in progress. We expect feedback and will notify the architect of the feedback received.

The members continued with the following points: -

- Part V is not about suiting the Council it is about the tenants and society. It should be the policy of the Council not to go this route.
- When looking at fire alarms can we also look at attic insulation?
- Concerned that tenants in voluntary housing cannot purchase their homes.
- Request that the current contractor continues to carry out the central heating.
- Can the Estate Development Officer meet the residents of Giltspur Heights regarding attic conversions?
- Were the applicants for Riversdale advised that they cannot buy their homes?
- What rights do the Council have in voluntary housing?

The Administrative Officer then informed the members of the following: –

- Currently only houses can be purchased under the Tenant Purchase Scheme, not apartments. This is a national policy.
- Bray Town Council do not have the staff to deal with the volume of apartments in the Golf Club Lands.
- Dealing with voluntary bodies is outlined in the Bray Development Plan.
- The Council have 75% nomination rights and the voluntary body will have 25% nomination rights.

**4. To consider Planning Matters.**

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**Planning Register Reference – 06/300**

Councillor Joe Behan stated that this is an open space. Bray Town Council led the way to develop on open spaces through the Development Plan. He also asked when the Council can expect a map of all open spaces in the town?

Councillor David Grant stated that the Council maintain this open space and there is concern over the right of way leading into Killarney Road.

**Planning Register Reference – 06/309**

Councillor David Grant stated that this development is excessive and not appropriate to the area. There is no proper traffic plan in place.

Councillor John Brady strongly objected to this application. This is an unnecessary and unwanted development in the area. There are already sewerage and traffic problems. Traffic calming is needed in the area.

Councillor John McManus stated that the ownership of public spaces needed to be addressed. If the land is publicly owned it would be difficult to build on. He asked had the audit of public spaces been completed.

Councillor Pat Vance stated that the Council encouraged building on open space when they allowed it to happen at Sugarloaf Crescent.

**Planning Register Reference – 04/91**

Councillor John Brady stated that this application was granted subject to stringent conditions. The conditions have been breached as no commencement notice was submitted, the road at Adelaide Villas was to be widened and planting completed before any works commenced. Councillor Brady expressed concern over timeframes for enforcement procedures. He stated that the developer has shown contempt for the residents and their homes.

**Planning Register Reference – 06/286**

Councillor Caroline Burrell said that this application needed to be looked at carefully. There is already an off-licence on the Vevay Road and one on the Boghall Road. She stated that they can attract anti-social behaviour.

**Planning Register Reference – 06/310**

Councillor Burrell expressed concern over the size of this development and the use of the green space in front of the protected structure.

**Planning Register Reference – 06/290**

Councillor Déirdre de Búrca stated that this development is unacceptable, four storey is not in keeping with the area.

**Planning Register Reference – 06/306**

Councillor Ciaran O'Brien stated that an exemption to Part V is not acceptable. There is a shortfall of 79 parking spaces and the underground parking is private.

**Planning Register Reference – 07/4**

Councillor Ciaran O'Brien stated that four entrances off Novara Road and on-street parking on the current double yellow lines is not acceptable.

**Planning Register Reference – 06/311**

Councillor John Byrne stated that this is not an appropriate location for shop as it is on a bend and would cause traffic problems. This should be located elsewhere.

**Planning Register Reference – 06/170**

Councillor Pat Vance confirmed that further information was requested on this application. He stated that they were operating without planning permission before being accommodated.

**Saran Wood**

Councillor John Brady requested that the Council write to McInerney Homes requesting that the hoarding be removed as the development was completed four years ago. He also stated that he was surprised to see the developers name on the estate name stone and stated that this was the first time he had seen this.

**Telecommunications Mast at Bray Garda Station**

Councillor Déirdre de Búrca confirmed that she had received a number of complaints from residents regarding the size of the new mast. Councillor de Burca asked was this exempt from planning permission? She also stated that the Planning Section had not been informed of this mast by the Department of Justice and she felt that this was very high handed.

The Administrative Officer informed the members of the following: –

- 04/91, Atlas Print site – a commencement notice was lodged with Wicklow County Council in August 2006 (as they are the building control authority).
- There is no delay in Bray Town Council with issuing enforcement letters or notices. People are usually given four weeks to respond to an enforcement letter or notice and in extreme cases they are only given two weeks. If there is still non-compliance, the matter is referred to our solicitors.
- Telecommunications Mast – the Planning Department have written to the telecommunications department of the Gardai and is awaiting a response.

The Town Manager stated that the fire hydrants were mapped first as they were priority. He also confirmed that planning enforcement matters can be reported to the Planning Section.

Councillor John Brady confirmed that he did not wish to imply that staff were not dealing with enforcement issues.

**5. To consider entering into a Section 85 Agreement (Local Government Act, 2001) with Wicklow County Council in relation to the performance by Bray Town Council of the Wicklow County Council Sanitary function within the town boundary of Bray for the year 2007.**

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Councillor John McManus asked the officials what does this mean in relation to funding and charges?

The Town Manager confirmed that he had answered this question at the recent Budget meeting. He stated that Wicklow County Council can carry out this function but they will charge Bray for doing so. It is more equitable for Bray Town Council to carry out the work and raise the money from rates.

It was proposed by Councillor John Byrne and seconded by Councillor David Grant to entering into a Section 85 Agreement (Local Government Act, 2001) with Wicklow County Council in relation to the performance by Bray Town Council of the Wicklow County Council Sanitary function within the town boundary of Bray for the year 2007.

**6. Disposal of Fee Simple Interest of lands at Ballywaltrim (commonly referred to as the 1.78 acres), Bray.**

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The Town Clerk stated that she had extensively investigated the matter of ownership of this land. She confirmed that she had a signed Managers Order agreeing that Wicklow County Council and Bray Urban District Council would jointly purchase the land from Kilruddery Estates along with the IDA. She also confirmed that she had found the signed sale agreement from 1990, which listed Wicklow County Council as the purchaser and the IDA as the sub-purchaser. The Town Clerk confirmed that Bray Town Council paid half and the IDA paid half however there was evidence that Wicklow County Council paid Bray UDC for their half at a later date. The Town Clerk informed the members that she is continuing with her investigations regarding the sale of the balance of land and which local authority received the money from the sale.

The members raised the following points: –

- The property is in Bray and if Wicklow County Council receive the money - it should be spent in Bray to part fund the swimming pool.
- Would urge all councillors on Wicklow County Council to ensure this happens.
- We do not want to end up with no money, so we should go ahead with this even if it is on a 50/50 basis.
- Was the land registered?
- If we vote now we may lose our negotiating power and we will depend on the goodwill of Wicklow County Council.
- Some of the money should be spent on upgrading the Southern Cross Road.
- Did Bray UDC pay the loan charges?
- Astonished that there is no accountable paper trails – it was only 17 years ago.
- Disappointed that Wicklow County Council are only coming in at this late stage.
- Development levies on the Southern Cross Road have not been put back into the road.

- A great deal of work has been done by the Town Manager and Town Clerk and Bray should have the superior claim.
- The area is still waiting for a shopping centre.
- Would like to see the residents of Mountainview Drive being consulted before the planning application is made.
- Can Wicklow County Council go ahead without Bray Town Council?

It was proposed by Councillor John Byrne and seconded by Councillor Joe Behan to proceed with the disposal of Fee Simple Interest of lands at Ballywaltrim, Bray.

The members then voted on this item.

<b>“To proceed with the disposal of Fee Simple Interest of lands at Ballywaltrim, Bray”</b>		
	<b>FOR</b>	<b>AGAINST</b>
Councillor Joe Behan	✓	
Councillor John Brady	✓	
Councillor Caroline Burrell	✓	
Councillor John Byrne	✓	
Councillor Bríd Collins	Absent	Absent
Councillor Déirdre De Búrca	✓	
Councillor Anne Egan	✓	
Councillor Anne Ferris	Absent	Absent
Councillor David Grant	✓	
Councillor John McManus	✓	
Councillor Ciaran O’Brien	✓	
Councillor Pat Vance	✓	
<b>Total</b>	<b>10</b>	<b>0</b>

With 10 votes for and 0 against this proposal was carried.

**7. Report on the proposed development of a single house in the townland of Bray Commons, adjacent to No. 2 Dargle Villas, Bray (copy of report enclosed).**

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It was proposed by Councillor Pat Vance and seconded by Councillor John Byrne to accept the recommendations in the report on the proposed development of a single house in the townland of Bray Commons, adjacent to No. 2 Dargle Villas, Bray.

**8. Correspondence.**

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The Town Clerk stated that there is no correspondence.

This concluded the meeting.

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

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

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