

**Minutes of the Ordinary Meeting of the Municipal District of Bray held in the Council Chamber,  
Town Hall, Bray on Tuesday 10<sup>th</sup> May 2016 at 7.30 p.m.**

**Present:** Councillor Joe Behan,  
Councillor Christopher Fox  
Councillor Steven Matthews  
Councillor Oliver O'Brien  
Councillor Michael O'Connor  
Councillor Brendan Thornhill  
Councillor Pat Vance

**Also present:** Mr. Des O'Brien, Director of Services  
Mr. David Forde, District Administrator  
Mr. Liam Bourke, District Engineer  
Ms. Triona Irving, Administrative Officer

**Absent**

**Apologies:** Mr. Marc Devereux, Senior Engineer

A Vote of Sympathy was extended to the families of Fiona King, Merryn Lacy who recently passed away. Also thoughts and prayers were extended to the mother of the baby recently discovered at the Greenstar site. A minute's silence was observed, as a mark of respect.

At this point Councillor O'Connor suggested that a memorial/plaque be considered for Merryn Lacy, whose father comes from Bray and her grandparents live in Mountainview Drive, she was inspirational to all. Maybe we could look at a plaque near the Martello or the new benches. I will talk to the family.

The Cathaoirleach extended congratulations to Ellen Roe who celebrated her 106 birthday. Also to Comhaltas Bré who provided a great show at the reception in the Mansion House for the Sister Cities Summit. I would also like to congratulate Kilmacanogue for the great community spirit shown in their Glór na Cása garden.

At this point Councillor Matthews asked for the suspension of standing orders in order to discuss the application by the Barracuda for a the full licence. I would like to propose that we object and a document was circulated by me to the members yesterday. I know we have already discussed at length the land acquisition and it is done and dusted. The previous application was deterred because of the covenant in the lease but they have now gone the route of the Landlord Tenancy Act; as a District we could object based on that covenant.

The members raised the following points;

- I agree we should set a time for the discussion.
- Do we need to discuss this; it was made clear previously by the members that they did not want commercial usage other than what is there at the moment.
- We don't need another pub.
- I am happy to support and second this; we would be utterly inconsistent if we did not follow through on what our fellow members previously decided.
- What is the zoning for that area of Bray, does it allow for planning to be granted?
- Should we be looking at the Development Plan and should we be tightening up what zoning is in place?
- It would carry more weight if the District Manager made a submission on behalf of the landowner.

- In December 2013 a grant was issued for a change of use to a gastro pub, it should have been a material contravention. A grant for change of use to pub is not the same as a full licence. I would again ask that the District Manager represent us to retain the amenity of the seafront.
- Could the manager engage with the applicant to ascertain the date for the application?
- Planning and zoning issues should be dealt with first, as landowners we should ensure that our interest is protected.
- The implications and the way it would impinge on the area is something to think about.
- The Council at the time of the original was meticulous and they did not want it to be something other than a tourist attraction.

Councillor Matthews sought consent to represent the Councillors in court and requested that someone from the executive accompany him.

The District Manager informed the members that the licence process is not in the power of the County Council and it would not be appropriate to intervene in this process. We can take enforcement under the Planning Act if they seek to extend the licence area. We could write a letter, we are a planning authority. I can't see it being very successful. We have rights under the Fire Services Act. Members are entitled to represent themselves as Councillors but not the County Council.

The application would be going through Wicklow, I will endeavour to find out.

The members raised the following points;

- This is an issue of great concern to the people of the town to protect this amenity. The will of the people is represented through us this is an issue of fundamental democracy.
- We don't own the property as a corporate body, maybe we should call for a special meeting of Wicklow County Council and bring this to the full Council.
- I am prepared as a District Member to represent and defend district policy at court.
- If there is time we could take this to the full Council in Wicklow.
- Previously 3 members of the Council went to Court and were portrayed as representatives, this led to a number of Councillors being brought to the High Court and led to High Court costs.
- The Corporate Body should represent us on this issue; we should act as a body if we can.
- I propose a Section 140 tonight. This is open for anyone to object, it is not a court case; we need to protect the covenant and bring this to the next Wicklow meeting.
- We have had an offer of a letter from the Director; it is not a great idea to go to Wicklow County Council. I would be interested to hear what the letter would contain; has he talked to the Law Agent on the best approach; forget about a Section 140.

The Cathaoirleach would like to hear what the members think about holding a civic reception for Gary O'Toole, the 25<sup>th</sup> anniversary is coming up.

This civic reception was proposed by Councillor Behan and seconded by Councillor Vance.

**1. Confirmation of Minutes of the Ordinary Meeting dated 5<sup>th</sup> April 2016.**

Councillor Joe Behan proposed confirmation of the minutes of the Ordinary Meeting of the Municipal District of Bray dated 5<sup>th</sup> April 2016 and Councillor Steven Matthews seconded the proposal.

**2. To Consider the Housing Report**

The members raised the following points;

Oldcourt Energy Efficiency Works

- I see there is still no word from the Department and we are now into May, all I ask is that we keep up the pressure as this is a safety issue.

### Cedar Court

- The residents had a meeting with the Housing Engineer, are there any other issues other than the balconies that people are concerned about?
- The issues are not new but a couple of years old i.e. dampness and ill fitted windows and doors.

### Miscellaneous

- I welcome the Energy Retrofit Scheme surveying 400 dwellings, will the B.E.R. included or is it a catalogue of works and is money available?
- It is brilliant to see this and this will improve energy costs for the tenants.
- Wicklow County Council has carried out a survey of B.E.R. survey, Bray did not, how is Bray going to fit in?

The Administrative Officer informed the members that she was meeting with the Director of Housing and Oldcourt was on the list of items to be discussed. There was a meeting with the residents of Cedar Court and a subsequent positive outcome was that a residents association was being formed.

The Energy Retrofit Scheme is a Department scheme which includes attic insulation and cavity wall insulation. It is funded by the Department, €3,000 per unit.

Wicklow County Council did carry out a B.E.R. survey, there was no requirement to carry out this in advance and Bray did not have the resources at the time.

The District Engineer informed the members that we welcome the residents association; we can liaise with them going forward. We are aware of an issue with the chimneys, there was also a movement issue in one unit but this seems to have settled.

### **3. To Receive a Status Report on the Seafront Enhancement Scheme.**

The District Administrator informed the members that a report had previously been circulated.

The members raised the following points;

- Yesterday there was an accident at the Star Amusements and it took 25 minutes for an ambulance to get there
- There are barrels across one of the entrances, the length of time this scheme has taken; the quality of work; people are concerned.
- The paving at the Putland Road junction is square instead of rounding it off.
- If a bus breaks down it is just a single carriageway.
- It has taken far too long when will it be finished as per the contract; if this was a Bray Town Council project we would have people here to answer us.
- I take it that Wicklow County Council is also not happy, where does it go from here?
- Is there a bond, how do we enforce the contract?
- It will probably look well when it is finished, traffic issues are exasperated by illegal parking on the granite footpath. It is creating a bottleneck. We need to address this; it is an amenity for everyone.
- What about the taxi rank with a shelter at the Martello?

The District Engineer informed the members that when linage and signs were in place then we will be able to enforce the parking laws and will follow this up with the Gardai. A snag list is being done and we have added a few items. There is no bond in place but we could retain some payment and they can be fined for every week that exceeds the finish date.

### **4. To Received a Presentation on the River Dargle Flood Protection Scheme.**

#### **1.0 Completed Construction Work:**

The Culvert under Castle Street,

Walls at Seapoint Court and 80% Walls at Ravenswell Road

River Dredge from Bray Bridge to Railway Bridge

Wall at Coburg

Wall at the Maltings, Siphon across river at Glenwood, Wall at Killarney Glen

Sheet pile wall at La Vallee

River bed profiling and embankment reinforcement from the Slang to Silverbridge.

## **2.0 Construction under way:**

Works Package E, sheet pile wall and boardwalk at Dargle Road, sheet pile wall at Ravenswell Road

Landscaping opposite La Vallee and landscaping at Seapoint Court

Embankment at Glenwood

Scour protection at Coburg

## **3.0 Design Complete/Tender underway:**

River Dredge from Bray Bridge to the Slang,

Fisheries interventions and low flow channel from Bray Bridge to the Slang

Debris traps downstream of the Slang

## **4.0 Design under way:**

Underpinning of railway bridge and reinforcing river bed to prevent scour (Irish Rail partnership) County Brook, (draft proposal due this week).

Hard Landscaping (urban design) to Ravenswell Road

## **5.0 Remaining Design requirements:**

Castle Street, Dargle Road junction

Landscaping the Slang and People's Park and any area disturbed by the Scheme.

## **6.0 Headline costing figures:**

Current Estimated Construction Cost €45m including VAT, including NPV of €3.5m for future maintenance. Consistent with construction estimate at EIS stage (2007)

Committed to date: €36.5m,

Estimate of outstanding construction related costs: €4.2m

Currently we are estimating a saving of €0.8m on 2014 estimate predicted to date, but the biggest unknown is cost of removal of surplus soils.

WCC were OPW's biggest spender on Flood Defense Schemes last year at over €12m.

## **Current Program:**

It is intended that most of the construction works will be finished this year. All of the in-river works should be finished by the end of September, leaving mostly landscaping, roadworks and finishing works to be done during the autumn and some landscaping early in the New Year. The export of material from the Slang should start in the Autumn and be completed by Spring 2017. This is very much dependent on the availability of licensed disposal/re-use sites which are very scarce.

One significant exception to the above program is works to the Railway Bridge. This is being done in partnership with Irish Rail and being managed by their own Engineers, with assistance from the River Dargle Flood Defense Scheme team. It is anticipated that this will be completed in two phases: underpinning to the bridge late summer 2016 followed by scour protection/ reduction of bed level summer 2017.

## **Staff Changes:**

Amy O'Farrell, Stakeholder Liaison officer has left to pursue her career, and will be sorely missed by the team. She has done fantastic work on this scheme and her diplomatic skills when dealing with the landowners was excellent. TKFM are to provide a replacement that will start in the coming days.

The members raised the following points;

- We are dredging the river to Rehills Land, would it be economically viable to carry out a job on the harbour as well?
- We are waiting a long time on the report on the harbour.
- The river gravel is clean, I am not sure if tests on the soil at the harbour contain any contamination.
- The silting in the harbour is coming to crisis point.
- Will the lands at Rehills land be reinstated and will there be access?
- Could we facilitate clubs and could this land be used for sport pitches?
- Is this possible and what would the cost be?
- Club facilities are at a premium in Bray.

- I recently did a walk from the harbour to Rehills Land as part of the Environment Committee; it is going to be a fantastic amenity to the town when it is finished.
- Credit is due to the Council Staff and I would like to pay tribute to Amy O'Farrell who was a huge asset to the Council.

The District Manager informed the members that there was a deal made with Cosgrave's to place a bridge across the river at La Vallee. I am not sure how feasible it would be to have a permanent bridge but maybe a pedestrian bridge is possible on the debris traps, we will keep this in mind.

## 5. To Receive a Report on Roads and Traffic

The members raised the following points;

- I see from the first page that we will need separate funding for Military Road for the overlay works. I presume we will get access to the national fund that was available for flood damage?
- The capital works for the road cycling schemes, the N.T.A. have produced designs; do we not have an input into the design of these schemes? We have a direct interest in these will we be consulted at all?
- Will the scheme at the Aquarium be back before us?

The District Engineer informed the members that we are hopeful to receive funding for the Military Road; we received 100% the first time around. We have some reserves in our environmental funding so hopefully this will not impact on our footpath programme. Small item changes can occur but we try to hold onto what went to public consultation. There is nothing to prevent the members being notified first before the public. The N.T.A. drives their own agenda but have to comply with Part 8.

## 6. Reports and Recommendations

The following reports and recommendations were received from the District Engineer.

### **Amendments to the Casual Trading Bye Laws**

It was agreed at the Bray Municipal District Council Meeting on Tuesday 5<sup>th</sup> January 2016 to advertising proposed amendments to the Casual Trading Bye-Laws 1997.

The proposals were that the casual trading areas in the Main Street be removed with the exception of the one outside the Heritage Centre, that no other area be added.

The closing date for submissions was Tuesday 5<sup>th</sup> April. No submissions were received;

Accordingly it is recommended that the Draft Bray Municipal District Amendments to the Casual Trading Bye Laws 1997 made under the Casual Trading Act 1995 be adopted by the members of Bray Municipal District.

Councillor Behan proposed the adoption of the amendments to the Casual Trading Bye Laws and this was seconded by Councillor Vance

### **Proposed abandonment of a portion of the public road at Pinewood Close, Bray.**

In accordance with Section 12 of the Roads Act, 1993, it was proposed to abandon the portions of the public road at Pinewood Close that have not been maintained by the Council since taken in charge in 1981 and which do not serve a public need. These roads are in private ownership and occupation.

This proposal was advertised in the Wicklow Voice on Wednesday 16<sup>th</sup> March 2016. The closing date for submissions was Tuesday 3<sup>rd</sup> May 2016 at 12 noon. The following submissions were received;

1. Two submissions from Thomas and Bridget Monica Walshe, Units 1-6 Pinewood Close, Boghall Road, Bray.
2. Eric Ryan, Unit 5, Pinewood Close, Boghall Road, Bray.

3. Doran O'Toole, Solicitor, on behalf of his client David Doyle, Unit 4, Pinewood Close, Boghall Road, Bray.

All submissions outlined objection to the abandonment of the portion of roadway serving 1-6 Pinewood Close. The land owner for this section of roadway is Mr. Tom Walsh and Mrs. Bridget Monica Walsh. It was due to wish of Tom Walsh to have this section of roadway remain in his control that prompted a review of the files on Pinewood Close. Mr. Walsh now wants the road to remain public. Although it was recorded as having being taken in charge, the three sections of roadway off the central roadway at Pinewood Close were never entered onto the schedule of roads in charge and consequently have never been maintained by the council.

In view of the objections to the abandonment of the section if roadway at 1-6 Pinewood Close, it is recommended that this section of roadway comprising a length of 77m, remain in the charge of Wicklow Co. Co. There has also been a request for an oral hearing by the owner in the event that the council does not agree to maintain 1-6 in its charge.

The owner of the remaining two sections proposed for abandonment, Power City and Tom Walsh have no objection to the abandonment of these roadways.

The centre roadway and roadway serving Units 1-6 Pinewood Close comprise a total road length of 202m

Councillor Matthews proposed the abandonment of a portion of the public road at Pinewood Close, Bray and this was seconded by Councillor Behan.

### **Public Realm Expenditure 2016**

One of the proposals for the €16,000 that was not adopted at the last meeting would be a car park in Kilmacanogue adjacent to the 1916 Memorial Garden. There is a piece of land there approximately 150m<sup>2</sup>. We are talking about no boundary treatment just a black top treatment.

To extend the seatbacks on the promenade would cost over €100,000 and €16,000 would not make much impact.

The Victorian lamps I am awaiting a price but we could do something.

The members raised the following points;

- The car park in Kilmacanogue would complete the walkway across the Sugarloaf, it finishes at this car park.
- I support the walkway it is fantastic for tourists.
- The Garden Committee would be in favour of it.
- This would be an appropriate gesture and would pay tribute to the fantastic community spirit.
- A superb job has been done on the seatbacks on the promenade; we need to agree to finish the seafront and the Northern end. It is the biggest asset and its needs to be finished for once and for all.

Councillor Fox proposed the car park in Kilmacanogue adjacent to the Memorial Garden and this was seconded by Councillor Behan.

## **7. Notices of Motion**

### **1. *Notice of Motion In The Name of Councillor Joe Behan (02/02/2016)***

That this Council prunes the trees in Fairyhill and sweeps the footpaths in the estate and bordering the Fairyhill estate along Killarney Road.

## **Response**

In general the council does not prune trees as this will only promote more rapid growth. ON a number of occasions over the last several years trees at fairy Hill and adjacent Killarney Road have been removed or received significant surgery when it was determined that they were a potential hazard. Fairy Hill is among similar estates that are swept by the suction sweeper on average about every 6 weeks.

The members raised the following points;

- Can we look at the policy of tree planting for the future?
- There has been an issue with the sweeper over the years; I don't think it is every 6 weeks. I previously asked for a rota, can I get more detailed information?

The District Engineer stated that there are sometimes delays with the sweeper and it could be every 8 weeks, he would try and tie this down with the supervisor.

### **2. Notice of Motion In The Name of Councillor Joe Behan (02/02/2016)**

That this Council draws up a traffic safety plan for the roads surrounding St. Peter's National School, Bray.

## **Response**

An Garda Síochána are the traffic authority. Outside the planning process, the council cannot determine a traffic plan for a school. However, it will facilitate any proposals by the school or the Gardai that will provide for improved safety at the school.

### **3. Notice of Motion In The Name of Councillors O'Brien and O'Connor (05/04/2016)**

That this Council puts a yellow box at the junction of Bóthar na Scoileanna and Bóthar na Móna.

## **Response**

It is recognised that there is a traffic capacity issue at this junction, which has become more evident since the installation of the full set of traffic signals at the junction. Significant alterations are required to the junction to address the current traffic problems. A yellow box will not address this problem but will be assessed to determine if any benefit from the measure is likely.

The members raised the following points;

- A yellow box would sort out some of the problems can this be done immediately?
- I would support this, there are unresolved issues at this junction, can we look at this fairly urgently?
- Traffic is still going up the Wurzburg Road, can we place signage at the business park?

The District Engineer informed the members that he will investigate and if a yellow box is warranted it will be put in.

### **8. To Receive an Update on the Florentine Centre**

The District Manager informed the members we had a meeting last Tuesday 3<sup>rd</sup> May and it was well received. We are continuing to prepare the E.I.S. and will have a meeting next week to finalise the design. We hope to lodge the application by the middle/end of June. Hopefully we will have a decision by December, it is a moveable feast. We plan to select a partner and financier while the project is in its planning stages. We will keep the members informed

The members raised the following points;

- This is a big issue for the people of the town and I would like to pay tribute to Des O'Brien who has taken a very active and leadership role in this project.
- What are the parking plans?

The District Manager stated that a team has been involved; Christine Flood, David Forde and Marc Devereux have equally been pitching this project. I would like to pay tribute to the members who have been fully behind this project for years. We have been at the 'promised land' a few times hopefully failure is not an option at this stage. There are no parking plans at this moment but we will look at the Herbert Road car park to see what we can do in the short term. It generally takes 4 years to complete a project such as this.

**9. Correspondence**

There was no correspondence at this time.

**10. Any Other Business**

Councillor O'Connor stated that he has spoken to the family of Merryn Lacey who would like to remember her in a concrete way. He will come back with a proposal next month.

\* \* \* \*

This concluded the meeting.

**Signed:**

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**CATHAOIRLEACH**

**Signed:**

\_\_\_\_\_  
**DISTRICT ADMINISTRATOR**

**Dated:**

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