

**Minutes of the Ordinary Meeting of the Municipal District of Bray held in the Council Chamber,
Town Hall, Bray on Tuesday 4th October 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 John Ryan
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:

A Vote of Sympathy was extended to the family of Séamus Dunne who had recently passed away. A minute's silence was observed, as a mark of respect.

At this point Councillor O'Connor requested a suspension of Standing Orders to discuss the recent surface dressing that has been carried out in a number of estates. It was decided not to suspend Standing Orders as this was already on the agenda as part of the Roads Report.

1. Confirmation of Minutes of the Ordinary Meeting dated 6th September 2016.

Councillor Joe Behan proposed confirmation of the minutes of the Ordinary Meeting of the Municipal District of Bray dated 6th September 2016 and Councillor Thornhill seconded the proposal.

2. To Receive a presentation from SWAP

At this point the District Manager excused himself under the Lobbying Act stating that it would be inappropriate for him to stay for the presentation and was doing so under legal advice.

The Cathaoirleach stated that while he respected the legal advice the assumption was maybe premature. We are all officials and have clear obligations under the Lobby Act. We can stop the presentation if we feel it contravenes the Act.

A presentation was made by Vincent Eaves, Noeleen McManus and Liam McGarry.

The following is a synopsis of the presentation.

This day and this date eleven years ago – Tuesday, 4th October, 2005 - our community group came here to make representation to the then Bray Town Council.

We didn't – and don't - want to stop this development: we simply want to have it stepped back onto the remainder of the 47 acre site, so that future flooding coming down through our homes would still have their traditional escape route back to the river and sea

We don't intend to make the same mistake tonight. Instead we want to respectfully request your consideration over time of the issues we are raising.

From La Vallee to the harbour, flood defences paid for by the State are almost completed, and undoubtedly saved our homes last winter. We are extremely grateful for them.

We are here tonight to express that gratitude, but also to ask our councillors not to compromise the excellent, and extremely expensive, work they have begun with these defences. In the summer of 2010, Pizarro Developments were eventually granted permission to build on the floodplain. Even then, the permission was given against the advice of An Bord Pleanála's inspector, who quoted from the OPW's Draft Guidelines as part of the reason for his recommendation. It cannot be repeated often enough – "flood defences can only reduce the risk of flooding, they cannot eliminate it. Therefore, the presence of a flood defence indicates an area at risk, not one that is safe and lands should be categorised accordingly".

Flood defences can fail, particularly in this era of rapid climate change. The resulting floods may be less frequent, less deep, less extensive because of the defences, but they can still be devastating, as they discovered in Cumbria last winter. Their response was to put in place 1/100 year flood defences, like ours. Those defences failed last winter, six years after their installation.

A number of houses, built by the Council specifically for older and disabled people, and the one-storey houses in Maitland St. adapted for the same purpose. They are right at the heart of our neighbourhood.

The validity of this warning on the OPW's www.flooding.ie website has already been illustrated by a failure of our own flood defences, ironically, on the part of the floodplain we have been trying to keep clear of development – the golf club lands.

This advice is clearly set out by the OPW on its [flooding.ie](http://www.flooding.ie) site: 'In times of flood, the river flows not only through its normal channel but also along the flood plains. Any constriction of the natural flow path can 'back-up' the river and lead to increased flood levels upstream. The construction of buildings or houses in or across a floodplain can therefore not only put the development itself at risk of flooding, but can also increase the flood risk for land and properties upstream.'

We now have the scenario that:

- a) in the event of a failure of the defences upstream from our community, or alongside it, the floodwaters can no longer get back into the river when the sea and river subside because of the high walls between the river and our homes;
- b) In the event of a failure of the culvert downstream, any flooding that would have happened on the old golf course lands will now be pushed back up into our homes.

Imagine our surprise then, to find in CFRAM's Draft Flood Risk Assessment Plan for Wicklow, that Bray is graded as Very Low Risk. CFRAM, is the section of the OPW tasked with producing Flood Risk Assessment Plans for Ireland in compliance with European law and our own Government's flood policy. We were surprised at this grading, not only because it contradicts all of the OPW's statements about the residual risk of flood defences, but also because we know no flood risk assessment has been carried out on the Dargle for this plan.

We rang the OPW. Their Mark Anderson explained that there is none yet for our area because a flood risk assessment cannot be carried out on the Dargle while the flood defences are being erected. The river is literally changing day by day. Instead, it will be carried out at the end of this year, he promised, when the flood defences should, hopefully, be complete.

If the Pizarro's new development was moved to the high ground above it, it would have a lofty view over the park and the river and provide a counter-point to the planned, and again much needed, Florentine Centre and our traditional shops and businesses in Big Bray.

Our seaside town, surrounded by the Wicklow mountains, yet just 30 minutes by road or train from our capital city, and with a safe and beautiful river running through the heart of it, would once again be a bustling tourist – and community - town.

We have written to the Board of Directors of Pizarro, requesting a meeting at which we could work together to develop a plan, such as the one we have just outlined. We want to generate a mutually supportive and beneficial relationship with Pizarro rather than an adversarial one.

We would appeal to you to come together across party-lines also to get all parties sitting around the table to come up with a plan that will work for all of us. Pizarro will be our neighbours: we will be Pizarro's

neighbours. It makes sense if we come up with a plan, together, that is good for all of us, and for all of Bray.

We did enquiry to see if we needed to register to comply with the Lobbying Act and the reply was that it was up to us to decide. It felt it was only applicable if there was a monetary benefit but we only want to protect our homes, we made this decision in good faith. We did not intend to come here under false pretences.

Thank you for your time and your courtesy tonight.

The members raised the following points:

- Thank you for your well informed and researched presentation.
- It is an important cause and you can count on my support.
- It was an enlightening talk and an example of the community pulling together and wanting to work together.
- This issue is new to me and your presentation was informative and helpful.
- The CFRAM's Draft Flood Risk Assessment Plan is not up to date it is still being complied.

3. To Consider the Housing Report

The members raised the following points:

Failte Park

- I would like to congratulate Richard Sheridan, Estate Development Officer for organizing the event to celebrate the community in Failte Park. It is a great example of co-operation between the Local Authority and the tenants. I would like to commend Richard for his ongoing positive work.
- This event was thoroughly enjoyed by all. I would also like to thank the Gardai who provide the transport.
- The windows and doors in this development are 26 years old can we get a price for their replacement?

Oldcourt Energy Efficiency Works

- There is a lack of progress regarding this scheme, houses are still boarded up and this is all people see.
- What process will be used to select the next batch of houses?
- Will the same level of work be carried out?
- How much will it cost for each house?
- What is the situation with private houses in the estate, fire safety is the issue here?
- These works were funded on foot of a report where faults could lead to fire risks. There is a history of tragedy in this estate. Those who bought their houses did so in good faith we cannot ignore their needs.
- In the past tenants names were pulled out of a hat.
- Priority should be given to people who have been there for a long time.
- What is the timescale for these works from start to finish?

Kilbride Lane-Murphy's Land

- There is a slight design issue in relation to this development; can we accommodate the person living in Cloverhill?
- What is the timescale for these works from start to finish?

Cedar Court

- Is there a guarantee that there is funding for these works.
- What are the issues is it badly fitted windows and doors?

The Administrative Officer stated that she would pass on the member's comments to the Estate Development Officer.

We hope to have the tender ready for the Oldcourt Energy Efficiency Works shortly. After that the tender report will be sent to the Department for approval. I cannot say at this time what the cost will be, this will be subject to the tender. The proposed scope of works will be the same as before. We have not approached the Department in relation to the private houses; our priority was to deal with the social houses. The private houses will get the benefit through the work carried out on the social houses. They can apply for a grant through the SEAI. The forum for Oldcourt will be consulted prior to the draw. There were different options in the past it was a random draw. We will take on board the wishes of the tenants. There is funding to complete this scheme. Work should be complete 18 months after the contractor arrives on site.

I don't have a timeframe for the housing on Kilbride Lane at this time. This is being dealt with by Wicklow County Council.

There is no budget to carry out works in Failte Park.

The District Engineer informed the members that we are dealing with the necessary works to the houses in Cedar Court. These include the works relating to the ingress water problems and latent defects, windows and doors are part of this. I am not sure what amount is left but I am fairly confident that it is enough to complete the works.

Councillor Behan proposed that when the selection was taking place for the Energy Efficiency Works that the longest serving tenants be accommodated first and this proposal was seconded by Councillor Vance.

Councillor Behan proposed that we write to the Department seeking funding for the Energy Efficiency Works for the private houses in the Oldcourt Estate as we also have a duty of care for them and this proposal was seconded by Councillor O'Connor.

The Cathaoirleach informed the members that if anyone had any questions in relation to the Tenant Purchase Scheme then the Director of House was happy to take the queries.

4. To Receive a Report on Roads and Traffic

The District Engineer informed the members that the Roads Programme 2016 was substantially complete. Surface dressing in a number of estates that was originally planned before summer holidays was substantially completed in the third week of September. A new contractor had to be appointed as the original failed to carry out the works. The work was late in the season and had to be completed quickly.

The members raised the following points;

- A number of years ago this type of surface dressing was carried out in the Newcourt area and it was disastrous. It destroyed cars and ended up in drains. There was a furore at the time of these works; I thought it would never happen again.
- This happen in Monastery, it was a disaster which cost a fortune to remedy. It is scandalous we should have learnt a lesson.
- The roads would have been better left than to use this type of dressing. It is not fair it is a cheap solution. The standard is poor; we are spending less and doing less work.
- It is a substandard type of surface, now we have a rough finish. We would be better doing less but better quality work.
- People are paying their property tax, now they have this mess outside their doors. How are we going to fix this?
- I can understand this type of work being carried out on country road but not in the middle of the town. It can't be worth it.
- It is a cheap way of doing it; in future it should be done properly.
- What is the alternative?
- Are we looking at a plan on how to deal with this? Are we looking at a planned period of time on how to resurface these areas?
- Are we liable if there is an accident?
- I welcome that the NTA have approved funding to complete the scheme at the Aquarium. Can we see the design for the scheme through the harbour which will serve the schools on the Golf Club Lands? There are concerns regarding car movements, children etc in this area.

- Was the Gardai consulted regarding these works, there has been a lot of disquiet with the way things worked out on the Strand Road.
- The turn at the Putland Hill is very narrow for buses.
- If the Public Realm Works are not completed this year is the money capitalised?
- When are works going to take place at the pedestrian crossing at Springfield?
- Are the experimental ramps on the Meath Road going to be removed?
- I would like to thank the engineer on the way the Fergal Og project is moving along.

The District Engineer stated that he understood that this type of dressing was unpopular but it seals the roads and restores skid resistance. There is a period immediately after the works when there is a slight excess of chippings. There is a bedding in period for the chippings; the estates will be swept before the end of the week. The surface texture is an essential part of the road safety. At the development stage of an estate, careful consideration is given to the bitumen road surface. This is only temporary this surface overtime becomes brittle and deteriorates. If these works were not carried out then the road could fail in the next few years.

At this time we have an outline design of the proposed cycle lane to the schools site, we should have details in the New Year. It is proposed to preserve as much parking as possible. We are looking at a combined path and cycle lane on the west side between the Harbour Bar and the Boxing Club. A footpath is needed in that area. The same applies to the area in the vicinity of the Aquarium, parking and a drop off point will be preserved. If there is any variation in the Part 8 process we will come back to you. Consultation was carried out with the Gardai, the one way system on Convent Avenue was requested so that they could have quick access to the seafront.

The N.T.A. incorporated the cycle scheme onto the side roads. The Putland Road junction was tightened too much, buses have to almost stop to get around the corner. This was amended because of the cyclists using the contra flow cycle lane.

We should have the traffic speed survey results next week and then we will look again at the Meath Road, Deepdales and Raheen Park proposals.

The District Administrator informed the members that he has requested that the Finance Section capitalised the money for these projects but this request may not be granted.

The Cathaoirleach stated that we would put the surface dressing as an item on the agenda for next month and look at how it has turned out. It will be the member's decision to put money into this.

The members raised the following points;

- I would like to give the works time to bed in.
- I would be deeply unhappy with this proposal we do have procedures and the suspension of Standing Orders is for emergency situations. We have to have some control of what happens at Council Meetings.
- We should invite the residents back to make a presentation this is the way to go about it.
- We will then have all the information and will be able to make a decision.
- If we defer it gives the residents a chance to prepare and get the best person to articulate their concerns.
- They can give consideration to their questions rather than speaking off the cuff.
- It is a new and important issue to them, they are here now.
- This is the first time I have seen such a crowd here, I understand their frustration. I would support them speaking for a few minutes.
- We should set aside a few minutes this evening to hear the concerns of the residents.

Councillor O'Connor called on the suspension of Standing Orders to hear the concerns of the residents in relation to the surface dressing in their estates and this proposal was seconded by Councillor Behan.

The Cathaoirleach stated that he made a decision at the beginning of his term to stick to Standing Orders asked the members to support him in this.

The following vote was taken on the whether to invite a delegation to hear their concerns in relation to the recent surface dressing at next month's meeting on the 8th November.

The members voted as follows;

	<i>For</i>	<i>Against</i>
<i>Councillor John Behan</i>		√
<i>Councillor Christopher Fox</i>	√	
<i>Councillor Steven Matthews</i>	√	
<i>Councillor Oliver O'Brien</i>		√
<i>Councillor Michael O'Connor</i>		√
<i>Councillor John Ryan</i>	√	
<i>Councillor Brendan Thornhill</i>		√
<i>Councillor Pat Vance</i>	√	
Total	4	4

At this point the Cathaoirleach used his casting vote so the vote was carried by 5 votes to 4 votes.

The Cathaoirleach informed the members that Margaret Hartnett would attend a meeting in the Civic Offices on the 18th October from 3.30 to 4.30 to discuss N.T.A. funded schemes in Wicklow.

5. To Receive an Update on the Skateboard Park

The District Engineer informed the members that a brief/detailed design was being drawn up for the Peoples Park; we want to ensure that this design would integrate into the area and ensure that it is not a dominate feature to the detriment of the other users. We also want it to contain features that would be attractive to the Skateboard Users

The members raised the following points;

- Has the consultant been engaged yet?
- What is the timescale for the works?

The District Engineer informed the members that a consultant has been engaged as part of the River Dargle Flood Defence Scheme for the entrance to the park and discussions have been held with them. There is a specialised element involved. A concept of what is proposed will go to the members before going to tender.

6. To Receive an Update on the Florentine Centre.

The Town Manager informed the members that at this time the application is residing with An Bord Pleanala. A number of submissions were received and we are preparing a response to these. We are looking for a financier who would like to become a partner. We will come back to the members on the specifications we are looking for, before anything is finalised. This centre will add to the vibrancy of the town.

The members raised the following points;

- Can we ensure that we retain as much control as possible?
- What is the timeframe from start to finish?
- Has any consideration been given to housing, is there any way it can be achieved?
- We should take a positive view and keep working on this and have as much work as possible done before the decision, so that we are ready to go.

The District Manager stated that we will have control until it is built. We will have a penalty clause for those who do not deliver. We hope to have a decision from An Bord Pleanala by the end of the year. I

would hope that this would be carried out in 2-3 years but Jim Duffy who has experience in previous developments would say 4 years. Maybe I am being optimistic. A high density development in the Main Street would provide more security but would add huge cost to the scheme; this maybe viable in a vibrant economy. An underground car park would be expensive. We have to cut our cloth this would require more columns and supports. We are trying to keep costs down, if we have a roofed centre then services charges go up accordingly. Rents go up.

7. To Receive an Update on the Old Dump at Bray Harbour

The Cathaoirleach informed the members that Dun Laoghaire Rathdown County Council has undertaken a site investigation. A copy of the report will be provided to Wicklow County Council, we will keep this on the agenda.

8. To Receive an Update on the Blue Flag

The Cathaoirleach informed the members that this will be on the next month's agenda.

9. Reports and Recommendations

The District Engineer informed the members that the Briarwood Drainage would be carried out this month and the works at Giltspur Heights access path and gates started this week. Both works will be carried out by the same contractor.

Sediment samples have been taken from Bray Harbour for testing; it will take several weeks to get the results. This item will be kept on the agenda for next month.

10. To Discuss Meeting Times

This matter was deferred.

11. Notices of Motion

1. Notice of Motion In The Name of Councillors Michael O'Connor and Oliver O'Brien (06/09/2015)

That the Council consult with Dublin Bus and the Tenant's Organisation in Fassaroe to arrange for a turning area for the 185 bus with the goal of returning the 185 bus to that area of Fassaroe

Response

Residents in Hazelwood, Fassaroe objected to previous proposals by the Bray Town Council to provide a bus turning circle. Unless the residents agree to a viable proposal, there will be no incentive for Dublin Bus to return the service to Fassaroe. The turning area must be of adequate size to allow the bus to turn in one movement without reversing.

The members raised the following points;

- Can we talk to the residents in more detail to see what they want?
- The residents do want this but the question is how do we provide it?
- There is a piece of land at the top of the road which would provide enough space.
- Can we contact Dublin Bus and ask them to visit the site?
- They have attended our meetings twice before, we should invite them again.
- People can't get a bus directly to St. Vincent's Hospital it is scandalous.

It was agreed by the members to invite representatives from Dublin Bus to the meeting in January.

2. Notice of Motion In The Name of Councillor John Ryan (06/09/2015)

That Bray Municipal District place several dog fouling bins and signs to instruct dog owners to keep dogs on their leads.

Response

It is proposed to provide dog fouling bins in the Peoples Park. There is no law in place requiring dogs to be kept on a lead.

The members raised the following points;

- Can we ever ask if this is not the law?
- Dogs should be banned from sport areas in the town; it is very dangerous for the users of the fields.
- This should include the seafront.
- Dog Parks are the solution we need at least two, they build a community spirit in the area. Can the engineer have a look at this?
- Dogs should be kept on leads not banned/barred.
- People are throwing dog bags away; we need to promote responsible dog ownership.

The District Engineer informed the members there are no bye laws for the control of dogs only national legislation. We can look at prohibiting dogs in certain areas such as playgrounds but I am not sure about leads. We can check and see if we can bring in Bye Laws. Legislation has been watered down so much it would be impossible to enforce.

It was agreed at this point to circulate the current Bye Laws relating to the seafront.

12. Correspondence

There was no correspondence at this time.

13. Any Other Business

J.P.C. Meetings

The Cathaoirleach informed the members that he was looking at starting the J.P.C. Meetings again may be every three months.

The members agreed.

Rats in Fassaroe

There is a plague of rats in a house in Fassaroe where a young family lived. It is a very distressing situation; they can be heard through the walls and have been seen at night. I would call on the engineer to carry out tests to resolve this issue.

Solar Bins

The members raised the following points;

- Our solar bins are now carrying advertisements can the money raised from this be used to provide bins on the Southern Cross Road?
- I have no problem with this provided the money is ploughed back in and the advertisements are tasteful.
- There are no bins on the Southern Cross Road can they be financed through advertisements?

The District Administrator informed the members that this was a pilot scheme that has taken place for the last 6-8 weeks. Any income raised will be used to offset any costs associated with them. This scheme is also used by Dublin City Council and Dun Laoghaire Rathdown County Council to generate income. We have 22-23 bins already; we have no budget but can look to see if we can provide more money for extra bins.

Bray Tidy Towns

The members raised the following points;

- Congratulations to Bray Tidy Towns on the excellent results received; can we send them a letter?

* * * *

This concluded the meeting.

Signed:

CATHAOIRLEACH

Signed:

DISTRICT ADMINISTRATOR

Dated:
