

SPECIAL MEETING OF WICKLOW COUNTY COUNCIL

HELD AT WICKLOW COUNTY BUILDINGS, WICKLOW TOWN

ON MONDAY, 22ND JANUARY 2018 AT 7:00 P.M.

Gwen Malone Stenography
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GWEN MALONE STENOGRAPHY

1 THE HEARING COMMENCED ON MONDAY, 22ND DAY OF
2 JANUARY, 2018 AS FOLLOWS:

3
4 CATHAOIRLEACH: Good evening, Members. Thanks for
5 coming down here this evening. We're going to continue 19:04
6 on from where we left off last Monday evening and, in
7 particular, the planners have circulated, this
8 afternoon, an updated version of what we agreed last
9 week, plus a list of outstanding items that we didn't
10 have time to get to last Monday. The items that we're 19:05
11 going to deal with and we didn't get time to get to are
12 highlighted in yellow on this document (indicating) so
13 I propose to go down through the document like I did
14 last week in chronological order.

15 19:05
16 Before I do there's one small anomaly that was picked
17 up by Cllr. Fox in relation to a mapping issue and I'd
18 just ask Cllr. Fox to bring that to the attention of
19 the meeting. I think that map that he's referring to
20 has also been circulated to Members and apparently 19:05
21 there was an error in the map and Cllr. Fox will
22 explain now what it should be and we'll see if we can
23 agree that.

24 CLLR. FOX: Thank you, Chairman. Thank you for your
25 indulgence. Yeah, just to say there is a commercial 19:06
26 property in Bray which is zoned in the Draft Plan as a
27 neighbourhood centre. However, part of the commercial
28 site was inadvertently excluded and as you see on the
29 screen, I would propose to include the piece that was

1 inadvertently excluded as commercial or neighbour
2 centre and not as residential as indicated in the
3 Draft. As you see the car park is actually the car
4 park of the property. That's at the Members'
5 discretion to do that but I would propose that we would 19:06
6 amend it accordingly. Thank you, Chairman.
7 CLLR. VANCE: I'll second that, Chairman.
8 CATHAOIRLEACH: Would the planners like to comment on
9 it.
10 MR. O'BRIEN: Cathaoirleach, this is just a technical 19:07
11 thing. That is a mapping area. I think it was in the
12 last plan as well. I think that car park is attached
13 to both what we would call The Pickled Pig site but as
14 well as there's three light industrial units from
15 memory, served by that car park as well so it's not 19:07
16 residential at all. I think it has been there a couple
17 of plans now. It's one of these things that got
18 through.
19 CATHAOIRLEACH: I have a proposer and a seconder.
20 Sorry, CLLr. Vance, do you want to speak? 19:07
21 CLLR. VANCE: No. I know the area well, I know exactly
22 what it is. It is a mapping error so I have no problem
23 seconding the change.
24 CATHAOIRLEACH: I have a proposer do, I have a
25 seconder. Is it agreed or does anyone else want to 19:07
26 comment?
27 FROM THE FLOOR: Agreed.
28 CATHAOIRLEACH: It's agreed. Okay. I'll revert now to
29 the handout we received and we'll start up at Chapter 6

1 and the first item highlighted in yellow, which came up
2 at our meeting halfway through and wasn't finalised at
3 the time. Cllr. Matthews' number 12 it is described as
4 here. Cllr. Matthews, do you wish to speak on it or
5 will we just take a vote? 19:08

6 CLLR. MATTHEWS: This is on the open space protection,
7 Cathaoirleach and it was circulated so we can proceed
8 to a vote, or agree it.

9 CATHAOIRLEACH: I'll just get the planners to comment.

10 MR. O'BRIEN: Cathaoirleach, as it's worded it is 19:08
11 sometimes very useful because you're in a housing
12 estate and there is maybe a big site on it and you
13 might come across a very, very small part of open space
14 and there has been two or three that I can remember,
15 mainly in Greystones where this has been useful. So as 19:08
16 long as -- it does say "not normally permit" and I
17 think that allows us to be able to use our head, where
18 there is a bit of land that otherwise wouldn't be
19 serviced and that can be serviced with a house. So as
20 long as that's the intention. In fact that's what we 19:09
21 do in all cases. We never allow any building in open
22 space. Sometimes we use our head and there is a small
23 access allowed over it. I can think of one in Rathdown
24 Park and one in Redford Park. There was another one in
25 Bray but I just can't pinpoint where it was in my 19:09
26 memory now. It is useful to be able to do it. I think
27 the way the Councillor has worded it allows us to do
28 that. On that basis I'd be quite happy.

29 CATHAOIRLEACH: Cllr. Vance.

1 CLLR. VANCE: Chairman, if that's the interpretation of
2 it, I'm happy enough to go along with it because there
3 was an incident here last week where I felt that it was
4 wrong of people to try and put in amendments into the
5 Development Plan that would or could possibly have 19:09
6 affected a court case that was going through and I
7 didn't want -- at the time I said I didn't want this
8 Council to get involved in it. I mean I'm happy enough
9 to go along with that given the interpretation and the
10 reading I have based on that and given the 19:10
11 interpretation that the Director says on that, I'm
12 happy to go ahead with this at this particular stage.
13 Thank you.

14 CATHAOIRLEACH: Cllr. Behan.

15 CLLR. BEHAN: Cathaoirleach, I seconded it I think at 19:10
16 the last meeting and it was, I suppose, as a result of
17 trying to find a compromise on Cllr. Thornhill's
18 proposal. But I think we had a very strong safeguard
19 against this in the last Bray Plan and one of the
20 reasons we had was that in Dun Laoghaire/Rathdown, 19:10
21 developers who had to build housing estates were coming
22 back and looking to develop on those open spaces those
23 housing estates because technically they still own the
24 land. You know, I take what the Director is saying
25 there that we wouldn't normally permit it. I'd like to 19:10
26 hear the Chief Executive stating his opinion on this
27 because it will be his interpretation, at the end of
28 the day, that will actually matter on this. I don't
29 want a situation to arise where developers, because

1 they could make huge profits coming back and building
2 on open spaces, using this as some way of getting in
3 the door on that. Thanks, Cathaoirleach.

4 MR. CURRAN: As the Director says, not normally allows
5 for situations where, for instance, if there's an area 19:11
6 that we need to access for further development or
7 something, that we can take that into account. I think
8 that would cover situations where it would be
9 reasonable for a small portion of land to act as an
10 access or a access road or something like that. But in 19:11
11 general I think we're happy enough with the amendment
12 in that it refers to lots of residential space or
13 public open space. I think we're happy enough with
14 that. That "not normally" does allow the latitude that
15 we may need in exceptional circumstances. 19:12

16 CLLR. BEHAN: Thanks.

17 CATHAOIRLEACH: Okay. Cllr. Ryan.

18 CLLR. RYAN: Could I just ask one question with regard
19 to this. I know Joe Lane, Director of Housing, was in
20 Bray Municipal District and he talking about just some 19:12
21 areas that they might look at putting a house in that's
22 a Local Authority where a particularly large area of
23 open space, maybe part of it was subject of anti-social
24 behaviour or the like. How would this, if it's passed,
25 affect his ability to bring a proposal forward like 19:12
26 that?

27 MR. O'BRIEN: Cathaoirleach, I think already the Plan
28 wouldn't allow for that as it stands, from memory.
29 This is just cementing something in it. I think what

1 Director Lane was doing was maybe talking about taking
2 some open space, land that's not used, in fact it's not
3 used at all, and maybe taking it in for housing for
4 special circumstances. I think you'd probably need to
5 do a modification of the Local Area Plan in any case 19:13
6 for that. I don't think it really affects it that
7 much.

8 CATHAOIRLEACH: Cllr. Thornhill.

9 CLLR. THORNHILL: Cathaoirleach, go raibh maith agat.
10 Cathaoirleach, I just would like clarification because 19:13
11 I couldn't make out what the Chief Executive was saying
12 there about Sidmonton Court, about this amendment that
13 I'm trying to get through, you know, about going across
14 the green space. Maybe someone could clarify clearly
15 for me. 19:13

16 MR. CURRAN: We can't comment on a particular case or a
17 court case. What I'm saying is, in general sometimes
18 to get from one area of a site -- I'm not referring to
19 that case now, I'm just talking about in general, to
20 get from one area of a development to another that's 19:13
21 zoned residential you may need to go through, in terms
22 of access road, through a small amount of open space
23 which was always the intention and I think that "not
24 normally" will allow us to do that. That's what I'm
25 saying. They're not referring to that case in 19:14
26 particular.

27 CLLR. THORNHILL: You're saying just generally speaking
28 but this is a special case.

29 MR. CURRAN: I'm saying what the amendment says.

1 Generally speaking if it's a public open space, if it's
2 a playing field, if it's a children's play area, if
3 it's residential amenity, zoned for recreational open
4 space purposes, then it will not normally allow
5 development on it, but there may be specific 19:14
6 circumstances where we have to make an exception.
7 That's what the amendment is saying and we don't have a
8 problem with that.
9 CLLR. THORNHILL: Go raibh maith agat.
10 CATHAOIRLEACH: Okay, Members. I have a proposer and 19:14
11 a seconder for Cllr. Matthews. Is that agreed or do
12 you want to take a vote?
13 FROM THE FLOOR: Agreed.
14 CATHAOIRLEACH: Okay, that's agreed. Okay, moving on
15 then. Cllr. Matthew's, number 10, Oldcourt. Sorry, 19:14
16 Cllr. Behan's number 9. Same subject. Cllr. Matthews,
17 do you wish to --
18 CLLR. MATTHEWS: Does it go alphabetical order as we
19 get to them?
20 CATHAOIRLEACH: Cllr. Behan pressed the button first so 19:15
21 Cllr. Behan.
22 CLLR. BEHAN: Well, Chairman, I think we actually had
23 the discussion on this at the last meeting and we
24 didn't take a vote because the time had run out. My
25 objection in this particular case - and it applies to 19:15
26 both sides of that particular property, the Charnwood
27 side and the Giltspur Wood side, that in the event that
28 an access from the Vevay Road is not possible, a
29 developer is quite likely to apply for planning

1 permission to enter either end of that site through
2 existing cul-de-sacs in existing long-established
3 estates. So that's why I propose that both be taken
4 out. I know Cllr. Matthews has a different opinion
5 about the Charnwood side. I did explain that the last 19:16
6 time. I think most people had had their say on it, we
7 just we hadn't voted on it.

8 CATHAOIRLEACH: Do you have a seconder for your
9 proposal?

10 CLLR. BEHAN: I don't know. 19:16

11 CLLR. THORNHILL: I'll second that vote.

12 MS. GALLAGHER: Seconded by Cllr. Thornhill.

13 CATHAOIRLEACH: Cllr. Matthews.

14 CLLR. MATTHEWS: And my proposal, which is different to
15 that one, Cathaoirleach, is to remove the R20 zoning 19:16
16 from the western side and leave that as, I think that's
17 been classed as OS2 now, it was OS4, but I think it's
18 OS2, and the eastern zone that's proposed for R20, I
19 propose that we go for high density residential in
20 there. And also to the south of that I think there's 19:17
21 scope to increase that zone slightly to the south. The
22 reason I say that, Cathaoirleach, is you want to give a
23 designer the most scope and the best chance of
24 designing something that's of high quality and high
25 density. That site is very, very close to all services 19:17
26 and I think we could optimise that site by having a
27 higher density on it and slightly expanding that zone
28 to south. I don't think it would impact negatively on
29 anything there. We've already agreed that access would

1 be through the roadway that currently serves Sunbeam
2 and Oldcourt House there and the RE zone there that
3 incorporates the protected structure, I think there's
4 scope for expanded on that slightly to the south and to
5 the west. As long as the construction that's in there 19:18
6 in the design complies with our policy on protected
7 structures, I think it provides a good opportunity for
8 residential development, it will actually bring a
9 protected structure back into the public realm. That's
10 what I would be proposing, Chairman. 19:18
11 MS. GALLAGHER: Do we have a seconder?
12 CLLR. VANCE: Chairman.
13 CATHAOIRLEACH: Cllr. Vance.
14 CLLR. VANCE: Chairman, I want to formally second this
15 proposal. People who wouldn't know this area, actually 19:18
16 this is an area right in the middle of hundreds of
17 houses, probably I'd say thousands of houses up there
18 and the main problem with it over the years has been
19 access. Now, there was a number of estates that
20 Councillors, including myself, gave people a guarantee 19:18
21 that the entrance wouldn't be through those particular
22 estates and in this proposal it's very, very clear that
23 access to this development would be from the Vevay
24 Road. There's two reasons to that, as far as I'm
25 concerned and I'm very happy with that; one, that the 19:19
26 access is not, like as promised by most Councillors
27 that it wouldn't go through a number of other estates
28 that people were concerned about, but also go through
29 the Vevay, and there's an opportunity then, at the

1 entrance on the Vevay to get rid of a very serious
2 traffic hazard coming out of the petrol station there
3 to improve the sightlines there. So it has a bonus of
4 that and it has a bonus of giving people an opportunity
5 to buy houses in Bray, which we haven't had for a long 19:19
6 number of years as well. This is an area where there
7 is a significant amount of housing. It also opens up
8 that particular area because there has been anti-social
9 behaviour in it for quite a considerable time. I've
10 talked to an awful lot of the residents in the area, 19:19
11 they're happy enough in regard to that because there
12 has been damage to very old trees down there and they
13 see this as an opportunity of preserving the trees and
14 having a nice development down there and cutting out
15 the anti-social behaviour and also improving the 19:20
16 entrance on the Vevay Road as well. I can see an awful
17 lot more positives in this than negatives as well. So
18 I want to formally second that. Thank you, Chairman.
19 CATHAOIRLEACH: Cllr. Ryan.
20 CLLR. MATTHEWS: Can I submit the map just on those 19:20
21 slight amendments I was talking about?
22 CATHAOIRLEACH: Cllr. Ryan to come in please.
23 CLLR. RYAN: Chair, I'd also be supportive of this but,
24 you know, Cllr. Behan sort of says there that he's not
25 supportive of it on the basis that if it becomes clear 19:20
26 that access isn't possible through the Vevay that then
27 pressure will build to let access through those
28 estates. Obviously we don't want access through those
29 estates so I just want to know is there some way,

1 within this, that we can get a cast iron guarantee that
2 we're only zoning that if access is through the Vevay?
3 Will that absolutely stand up? Because if it does
4 stand up I'm happy to go with it.

5 MR. O'BRIEN: I think the way Cllr. Matthews has 19:21
6 structured his amendment, it is a called a special
7 local objective for Oldcourt House and it says:

8
9 "Access to the residential element shall be via the
10 Vevay Road and no through roads through Charnwood or 19:21
11 Giltspur wood shall be permitted."

12
13 So I think it's fairly explicit.

14 CLLR. RYAN: Absolutely explicit, I'm just saying it
15 will stand, will it? Once it's in the Plan it's in the 19:21
16 Plan.

17 MR. O'BRIEN: From the County Council obviously they
18 can appeal to An Bord Pleanála. They're not bound by
19 the Plan. Obviously people up here, yeah, or even
20 people who follow people up here won't be able to 19:21
21 ignore that.

22 CATHAOIRLEACH: I'm going to take a vote on it.

23 CLLR. BEHAN: Can I just ask a question then. When the
24 Manager's report came out on this issue, what the
25 planners actually said at the time was the question of 19:22
26 an access would be decided at planning stage, as part
27 of the planning process. So why did the planners say
28 that at that time if now they're willing to accept that
29 it can only be decided by virtue of this decision? It

1 was made quite clear there was no point in talking
2 about access, it would have to be discussed at planning
3 stage.

4 CLLR. VANCE: Chairman, could I just come in there? I
5 clarified this with the planning staff in regard to 19:22
6 specifying that the entrance would be from the Vevay
7 Road and I was told as long as we were specific and
8 mentioned that it had to be from the Vevay Road that
9 effectively was cast in stone as regards the Council's
10 point of view and if it went through this meeting here 19:22
11 today. That's the information that I got in regard to
12 when I questioned it because obviously if it was going
13 through the other estates I wouldn't be voting for it.
14 But I think this is a great opportunity to solve a lot
15 of problems and provide housing as well. I got that 19:23
16 cast iron guarantee that once we were specific in what
17 -- Cllr. Matthews has been very specific in saying that
18 the entrance has to be through the Vevay Road, then I'm
19 happy enough with it.

20 MR. O'BRIEN: Cathaoirleach, we didn't recommend this 19:23
21 in the first place so we didn't comment on the
22 entrances. Obviously in any planning when you zone
23 land, the Development Plan doesn't decide where the
24 accesses are in a plan. In this particular case the
25 Members didn't want it going through existing housing 19:23
26 estates and they made proposals. We didn't actually
27 support those but it is the Members' plan so the
28 Members have come in with this and at the last meeting
29 it was very clearly obvious there was support to change

1 this. So that's it. All I was asked to do was give an
2 interpretation of the special local objective and that
3 is explicit.

4 CATHAOIRLEACH: Okay, thanks.

5 MR. O'BRIEN: It's not a question of whether we like it 19:24
6 or not; it is explicit.

7 CATHAOIRLEACH: I propose to take a vote.

8 MR. O'BRIEN: It's a bit unclear whether the Councillor
9 is proposing not just his amendment but he is sort of
10 modifying his amendment to add in extra land and it's 19:24
11 not very clear what these are?

12 CLLR. MATTHEWS: Cathaoirleach, I have just drawn it
13 here and I'm going to submit it.

14 CATHAOIRLEACH: Can you speak there, I'm not up to
15 speed on this. Can you explain the background? 19:24

16 CLLR. MATTHEWS: It's just on the basis of giving a
17 design the most scope for a high quality design, not
18 just high density but a high quality design to -- that
19 there's a small portion of land to the south and
20 slightly to the west and there would be most 19:25
21 opportunity there for a quality design making best use
22 of open space. It's just to try and give that little
23 bit of extra scope to improving the quality of it.
24 Thank you.

25 CLLR. BEHAN: Chairman, a point of order. Are we not 19:25
26 to see all of these things in advance of the meeting?
27 There's obviously an extra area of land now being
28 proposed. We don't have a map in front of us. It's
29 just being added. I accept Cllr. Matthews' bona fides

1 in all this. As long as everybody else is judged by
2 the same standard in further plans when other areas
3 come up and somebody comes in at the last minute with a
4 drawing with an extra bit of zoning, for whatever
5 reason, the same rules should apply to every one of the 19:25
6 32 Members.

7 CATHAOIRLEACH: I agree with you, Councillor, I am
8 concerned. This is the first I've heard of it actually
9 this minute. Do you want to come in?

10 MR. O'BRIEN: I would agree with Cllr. Behan. I mean 19:26
11 we want to get away from 15 years ago --

12 CLLR. MATTHEWS: Okay, Cathaoirleach, we'll revert --

13 MR. O'BRIEN: -- when no one knew what they were voting
14 on. I'm not attributing any other motives to you.

15 CLLR. BEHAN: Neither am I. 19:26

16 MR. O'BRIEN: I appreciate that, Councillor, and the
17 point you brought up is very, very well made. I would
18 say to Cllr. Matthews, on private development they can
19 do material contravention. Now I know Sorcha Walsh is
20 a bit concerned because part of where you were 19:26

21 including, there's a good stock of trees there which
22 are worth preserving, but if it does make sense and the
23 designer sees that a bit of the green there can easily
24 be taken out, they can do it during the planning
25 permission process and if we think it's reasonable we 19:26
26 can do material contravention and then put it before
27 the Council again. You just need three-quarters of the
28 votes to pass it. I don't think by not putting it in,
29 Councillor, means that a designer can't propose that to

1 us subsequently. I agree with what you say to give
2 flexibility to people designing things and not to do
3 design during the Development Plan process. I think in
4 this case there is a remedy for it. So I'd
5 recommend -- 19:27

6 CATHAOIRLEACH: We'll go as is.

7 CLLR. MATTHEWS: I accept the comments in the spirit
8 that they were made and I will withdraw that and revert
9 back to my original, I don't know what submission it
10 is, number 10. 19:27

11 CATHAOIRLEACH: Cllr. Fox.

12 CLLR. FOX: Chairman, I accept also what Cllr. Behan
13 has said. He's quite right. However, this is going on
14 public display. Will Cllr. Matthews have an
15 opportunity at a later date to distribute what his 19:27
16 thinking is on it? You know, when it comes back off
17 public display how much modification can be made at
18 that particular point? Thank you.

19 MS. WALSH: Cathaoirleach, just to clarify. You can't
20 add additional zoned land at the next stage. 19:28

21 CLLR. MATTHEWS: Can we change the zoning to high
22 density rather than R20?

23 MS. WALSH: This is your amendment stage so you may
24 change it to anything you wish at this stage but not at
25 the next stage. 19:28

26 CLLR. MATTHEWS: To amend the R20 to RHD residential
27 high density.

28 MS. WALSH: We would have no particular issue with
29 that. I mean a higher density zoning would really be

1 bound by what would fit on the site in any event. So
2 RHD might end up being 22 to the hectare rather than
3 20, or 50, whatever the fit might be. It might make
4 better use of the land if that's the right type of
5 development for the site. The standard sort of 19:29
6 prevailing density in the area would be around 20 to 25
7 to the hectare. That's the reason why we recommended
8 R20 but we'd have no particular issue with RHD.
9 CLLR. MATTHEWS: Okay.
10 CATHAOIRLEACH: We'll take a vote, please. 19:29
11 CLLR. BEHAN: What are we voting on, Chairman?
12 CATHAOIRLEACH: We are voting on Cllr. Matthews'
13 proposal.
14 MS. GALLAGHER: Amendment 10 page 3, proposed by
15 Cllr. Matthews; seconded by Cllr. Vance. [VOTE TAKEN] 19:29
16 That's 27 for; two against; two not present; and one
17 abstaining.
18 CATHAOIRLEACH: Okay, as this is a contradiction of
19 Cllr. Behan's proposal, Cllr. Behan do you want to take
20 a vote on it or do you accept that this has gone 19:31
21 through?
22 CLLR. BEHAN: The other one's carried.
23 CATHAOIRLEACH: Okay. The next item is the Chief
24 Executive's proposal number 17.
25 MR. O'BRIEN: This was on foot from submissions from 19:31
26 the owner, but on the basis that the County Plan has
27 lowered the amount of retail in Bray it was felt that
28 the site was too big just for the neighbourhood centre
29 so we propose to have a portion of it to be new

1 residential and the other to be a neighbourhood centre.
2 CATHAOIRLEACH: Cllr. Behan.
3 CLLR. BEHAN: Just a point of information. Which
4 amendment are we talking about now, is it number 18?
5 CLLR. WINTERS: SLO10. 19:32
6 MS. WALSH: Page 7.
7 CLLR. BEHAN: 17. So it's the Southern Cross one?
8 Okay. Just in relation to that, so there's a new
9 element in this which is new residential which is at
10 the back of Mountain View Drive and originally in the 19:32
11 last Plan, my recollection is the shopping centre was
12 going to go into that particular location. No? Sorry.
13 I'll just continue on with my points anyway.
14
15 I just want to ask in terms of residential, because it 19:32
16 will definitely affect the people in Mountain View
17 Drive there, just confirmation about access to that
18 residential where is it proposed? I think you're
19 proposing from the Southern Cross, but just to get
20 confirmation of that. Secondly, are we talking, 19:33
21 apartments or housing, or both on that location?
22 Personally I would be very opposed to apartments there.
23 There's housing all around and I think if there is
24 going to be something there it should be traditional
25 housing. Thirdly, will there be a height restriction 19:33
26 comparable to the heights of the houses in Mountain
27 View Drive applying in that particular location? I'll
28 make my decision then based on what the reply is,
29 Cathaoirleach. Thank you.

1 CATHAOIRLEACH: Thanks. Cllr. Matthews.

2 CLLR. MATTHEWS: Cathaoirleach, just on the description
3 of that site. On the second line:
4
5 "The site is surrounded by existing housing areas to 19:33
6 the west and north, by zoned employment land to the
7 west..."
8
9 MR. O'BRIEN: Should be east.

10 CLLR. MATTHEWS: Okay. That's grand. 19:34

11 MR. O'BRIEN: I'd like to thank Cllr. Matthews for
12 spotting the deliberate error we put in there!
13 Look, Cllr. Behan, in the planning application that was
14 granted we actually suggested putting housing backing
15 on to Mountain View, otherwise it would have been a car 19:34
16 park where then residents' back gardens would have been
17 open to a public area. So there was a line of housing
18 all along the back and then there was also some --
19 there was the big box probably elements of Superquinn
20 and I think there was to be a discount store and then 19:34
21 there was more neighbourhood shops and housing above
22 them as well at the time. So the idea at the time was
23 to protect the residential amenities in Mountain View.
24 I think the access, I mean I think there was been no
25 through road into Ard Na Greine at that time from the 19:35
26 Southern Cross Road but the residential could probably
27 come in through Ard Na Greine, but it could also come
28 in through the Southern Cross Road.
29 CLLR. BEHAN: And what about height? Are they houses

1 or apartments.

2 MR. O'BRIEN: The density is 40 to the hectare, which
3 16 to the acre. There could be some apartments but it
4 might be low rise apartments, you're not going to have
5 high rise apartments there because it is two-storey, 19:35
6 generally, housing around there. There might be some
7 three-storey housing further away from Mountain View
8 Park. That's what I would envisage now.

9 CLLR. BEHAN: Thank you.

10 CATHAOIRLEACH: Cllr. O'Connor. 19:35

11 CLLR. O'CONNOR: Sorry, Cathaoirleach.

12 CATHAOIRLEACH: You didn't press, did you not. Sorry.
13 Okay, we have a proposal. Do I have a proposer for the
14 Chief Executive's amendment 17?

15 CLLR. VANCE: I'll propose it. 19:36

16 CLLR. RYAN: I'll second it.

17 MS. GALLAGHER: Cllr. Vance, seconded by Cllr. Ryan.
18 Is that agreed?

19 FROM THE FLOOR: Agreed.

20 CATHAOIRLEACH: Okay, the Chief Executive's proposal 19:36
21 number 18 zoning table.

22 MR. O'BRIEN: Cathaoirleach, we inadvertently omitted
23 zoning descriptions for the neighbourhood centre and
24 retail and the third one which was predominantly
25 employment falls due to amendments made already in the 19:36
26 process. So it's just really, it's the neighbourhood
27 centre and the E3 retail.

28 CATHAOIRLEACH: That's in red, is it?

29 MR. O'BRIEN: That's in red, yeah. And the E4

1 employment falls because Cllr. Matthews proposed a
2 change for AO Smith. It's now strategic local
3 objective, or special local objective. This is more
4 technical.

5 CATHAOIRLEACH: Any questions on that proposal by the 19:37
6 CE?

7 CLLR. MATTHEWS: Just a brief question.

8 CATHAOIRLEACH: Sorry, Cllr. Fox was in first.

9 CLLR. FOX: Just to clarify that a neighbourhood centre
10 does allow for hotel, does it? 19:37

11 MR. CURRAN: Yes, it's said there.

12 CATHAOIRLEACH: Cllr. Matthews.

13 CLLR. MATTHEWS: Just on page 46 the box there, the
14 second paragraph:

15 19:37

16 "Uses general appropriate for town..."

17

18 Should that be Town Centre, is it, or just town?

19 MR. CURRAN: Town Centre.

20 CLLR. MATTHEWS: Okay. 19:37

21 CATHAOIRLEACH: Any other comments? Is that proposal
22 agreed then by the Members?

23 MS. GALLAGHER: Do we have a proposer?

24 CATHAOIRLEACH: Proposer Cllr. Vance; seconder
25 Cllr. Winters. Is that agreed by the Members? 19:38

26 FROM THE FLOOR: Agreed.

27 CATHAOIRLEACH: Okay, on to map number 2. The CE's
28 proposal number 20 and Cllr. Behan's proposal number 4,
29 Bray Retail Park. I think they're both covering the

1 same topic. Cllr. Behan, do you wish to comment on
2 your proposal?

3 CLLR. BEHAN: Cathaoirleach, I just want to get
4 clarification first of all. As Councillors can see
5 there, the lower map, the lower diagram and the E1 19:38
6 zoning. Now in the Chief Executive's original Draft
7 Plan, is that a new zoning of land that was unzoned
8 before or was that land zoned in the previous plan?
9 And if it was zoned in the previous plan, what was it
10 zoned as? Just a clarification first of all, 19:39
11 Cathaoirleach, before I go any further.

12 MS. WALSH: Thank you, Cathaoirleach. The land on the
13 upper map there on your sheet, E3, zoned retail
14 warehousing in the Draft Plan and in previous plan. So
15 the current zoning for that land is all E3 retail 19:39
16 warehousing. What the Chief Executive is recommending
17 is the part that's underdeveloped. So this is where
18 the big woodies is, the Woodies Retail Park in Bray.
19 The land in behind that that's currently zoned for
20 additional retail warehousing is just amended to more 19:39
21 general employment use because we're not recommending
22 or we don't see the need for another large block of
23 retail warehousing at that location. But given that
24 land is already zoned for that type of building and
25 type of use, we feel it would be suitable for more 19:39
26 general, mixed employment type.

27
28 Cllr. Behan's proposal, which is part of his wider
29 Kilruddery proposal that we discussed the last day,

1 entailed omitting the undeveloped lot. So on your
2 lower map there, the area in purple that is shown as
3 E1. So they're the two proposals that are being
4 proposed to omit the land completely or to change it
5 from retail warehousing to general employment. 19:40

6 CLLR. BEHAN: Okay, Cathaoirleach, I won't delay people
7 but the reason why I was proposing omitting that was
8 that that's going to quite high up the side of the
9 Sugar Loaf Mountain. To be consistent in other
10 decisions we've made about the Sugar Loaf on the last 19:40
11 occasion, I think we should take that out of the plan
12 at this point in time and at least put it for public
13 display to take it out and see what proposals or
14 arguments are made to put it back in. I think that's
15 going to encroach seriously on the slopes of the Sugar 19:40
16 Loaf. That's why I'm proposing my amendment.

17 CATHAOIRLEACH: Cllr. Vance.

18 CLLR. VANCE: Chairman, I'd second that. I've been
19 consistent in regard to the Southern Cross in regard to
20 the contours on it and to my knowledge this is far too 19:41
21 high and with those buildings the size they are as
22 well, I just couldn't go along with this. I just think
23 this is far too high. I certainly couldn't go along
24 with it. I second that.

25 MS. GALLAGHER: Seconded by Cllr. Vance. 19:41

26 CATHAOIRLEACH: Any other comments? I'll take a vote
27 then on Cllr. Behan's proposal.

28 MS. GALLAGHER: Proposed by Cllr. Behan; seconded by
29 Cllr. Vance. [VOTE TAKEN] That's 29 for; and three not

1 present.

2 CATHAOIRLEACH: That means I don't need to take a vote
3 on number 20 by the CE.
4

5 Next item, number 21 proposed by the CE. Again, this 19:42
6 is just to do with maps. Map 2.

7 MR. O'BRIEN: This is where someone brought to our
8 attention this really is open space land rather than
9 residential land and we're just correcting that to
10 reflect what's on the ground. 19:43

11 CATHAOIRLEACH: Do I have a proposer?

12 CLLR. MATTHEWS: Proposed.

13 MS. GALLAGHER: Cllr. Matthews. Seconded
14 Cllr. Lawless.

15 CATHAOIRLEACH: Is that agreed? 19:43

16 FROM THE FLOOR: Agreed.

17 CATHAOIRLEACH: I think we're at the last item, number
18 22 from the CE.

19 MR. O'BRIEN: Second last item.

20 CATHAOIRLEACH: Sorry. 19:43

21 MR. O'BRIEN: This number 22, there's no map here on
22 this but there's a green infrastructure map which
23 really shows greenways and connected green spaces and
24 it's been brought to our attention that there's some
25 non-publicly owned land in there. We just want to 19:44
26 amend that map. There's an awful lot of them so we
27 actually don't have a map there. This will go on
28 display and they can be taken out again at the end of
29 display, if necessary. This is more just to correct

1 this.

2 CATHAOIRLEACH: Do you have any comments or a proposer?

3 CLLR. O'CONNOR: I'll propose that.

4 CATHAOIRLEACH: Proposed by Cllr. O'Connor.

5 MS. GALLAGHER: Seconded by Cllr. Walsh. Agreed? 19:44

6 CATHAOIRLEACH: Cllr. Behan would like to speak.

7 CLLR. BEHAN: I just want to make one comment on it.

8 What this is really saying is, for example for

9 Councillors from Bray, the Danish Embassy land at the

10 moment shows a lot of open space around the big house. 19:44

11 What that is, as I understand it from talking to

12 Bernadette, I think, is that that land at the moment

13 looks as green space. So by taking out that map we're

14 effectively saying that's all ready for development,

15 including where the trees are and so on. While it 19:45

16 might look a tidy way of solving a problem, it actually

17 could have unforeseen consequences because there could

18 be certainly many parts of Bray that we think are green

19 but by taking out the map we're taking away a

20 protection for some of that green space. So on that 19:45

21 basis I'd be opposing it, Cathaoirleach, and I would

22 call for a vote on it.

23 CATHAOIRLEACH: Cllr. O'Connor, you wanted to come

24 back?

25 CLLR. O'CONNOR: Thanks, Cathaoirleach. I think, to be 19:45

26 honest, this is a matter of tidying up plans that need

27 to be tidied up to make things more simplified and for

28 ease of understanding for the citizens of Bray. If

29 there was an issue there such as Cllr. Behan is talking

1 about, I think it can certainly be sorted out at the
2 end of the day. I personally don't think we can be
3 sitting here thinking that the Council are trying to
4 get one over on us at every single opportunity. I
5 don't think that's what this is about. If, for 19:45
6 example, and I agree for Cllr. Behan, that would be a
7 horrendous development should something happen in those
8 particular lands that Cllr. Behan referred to, I think
9 that's something that'll have to come before the
10 Council. But for now this is a simple matter of 19:46
11 tidying up some maps.

12 CATHAOIRLEACH: Cllr. Whitmore.

13 CLLR. WHITMORE: Can I just offer an alternative view
14 on that? When I look at, say, in Greystones and you
15 see a lot of green space you think there's a false 19:46
16 sense of security that you have all this open space to
17 you but in actual fact a lot of the time the public
18 can't access it. I think that by removing this from
19 the maps it will really show exactly how much green
20 public space is available in Bray and elsewhere. I 19:46
21 think it's something that should apply across the board
22 and I think it will sort of keep it on our agendas that
23 we may need to improve and bring in more open space
24 that the public can use, as opposed to looking at
25 something like that golf course and having the sense 19:46
26 that we have lots of land available for people to
27 wander in when it's actually not the case. That's just
28 the flip side.

29 CATHAOIRLEACH: Cllr. Fox.

1 CLLR. FOX: Thank you, Chairman. Is there a different
2 designation that we can give such lands? I mean it
3 doesn't make sense to have land that's not open to the
4 public being declared as open space and parks. But
5 perhaps there is an alternative type of zoning that we 19:47
6 could give those type of land. Thank you, Chairman.
7 CATHAOIRLEACH: Cllr. Matthews.
8 CLLR. MATTHEWS: It's a similar question to
9 Cllr. Fox's. If we do omit it as being that green
10 colour that we use for all the Os, what colour are we 19:47
11 proposing to make it and what would the zoning on it
12 be? Would it be existing residential then?
13 CATHAOIRLEACH: I'll ask the planners to come back on
14 that. If you're you moving it from that what are you
15 moving it to? 19:47
16 MS. WALSH: Thank you, Cathaoirleach. Just to clarify.
17 The green infrastructure map that went with the map is
18 not a zoning map. So nothing that's shown green on
19 that green infrastructure map is necessarily zoned open
20 space of any form in the zoning map. So there may be 19:48
21 lands that are zoned for new residential or for
22 employment or a whole range of uses on the zoning map
23 but on the GI map they're showing up as green assets.
24 I'd agree with what Cllr. Whitmore was saying that
25 that's giving a distorted picture of what green assets 19:48
26 are available for the public to use and for nature to
27 thrive in. A number of these sites would be sites that
28 you, as Members, are designating for development and
29 yet there might be a perception from looking at the GI

1 map that they're being preserved for open space or for
2 habitat development.

3
4 So the green infrastructure map is supposed to give a
5 picture of the networks of open spaces that exist, 19:48
6 whether they be long streams or rivers and how they're
7 connected to each other. So the green infrastructure
8 map that we published erroneously, in my opinion,
9 included lands that included people's private gardens,
10 for example, as well as lands that are identified as 19:49
11 development sites.

12
13 This came about because the green infrastructure map
14 was very difficult to create because you're trying to
15 build a picture of all different types of green assets 19:49
16 that are out there and we draw on numerous map sources,
17 sourced from the Ordnance Survey, survey work and so on
18 and we believe these sites ended up in the map really
19 in error. In trying to be overzealous to include
20 everything, we perhaps included too much. What we 19:49
21 would propose is to clean up that map and put it out on
22 display and if there's a difficulty with that at the
23 next stage, obviously the Members can reject that
24 amendment. Essentially it's as Cllr. Whitmore set out,
25 it's giving a false picture of what the green assets 19:49
26 are in Bray.

27 CATHAOIRLEACH: So there's no implication for zoning
28 then?

29 MS. WALSH: No, this is a GI map. You're not dealing

1 with a zoning map.

2 CATHAOIRLEACH: Do I have a proposer for the CE's
3 proposal?

4 MS. GALLAGHER: Cllr. O'Connor, seconded by
5 Cllr. Walsh. 19:50

6 CATHAOIRLEACH: Do you want to go for a vote then?

7 CLLR. BEHAN: I just want to be recorded as against it
8 but if no one else is you don't need a vote, it's
9 recorded on this.

10 CATHAOIRLEACH: If you're against it we'll have a vote. 19:50

11 CLLR. BEHAN: Okay.

12 [VOTE TAKEN]

13 MS. GALLAGHER: That's 25 for; three against; and four
14 not present.

15 CATHAOIRLEACH: Last item on the Bray Plan, item number 19:51
16 23 CE's proposal. Quite a long proposal actually.

17 MR. O'BRIEN: Cathaoirleach this in response to the
18 Department of Housing, Planning and Local Government
19 who wanted to have an implementation in phasing part of
20 the plan. It's something they've looked for previously 19:52
21 in the Arklow Plan as well which we put before you. So
22 it's quite long but there's not an awful lot of
23 substance in it. It's very, very obvious stuff. It's
24 what was asked for by the Department.

25 CATHAOIRLEACH: Could I ask if there is anything 19:52
26 significant in it that's a change for existing policy.

27 MR. O'BRIEN: No, not in my opinion, Chairman.

28 CATHAOIRLEACH: Any other comments? Cllr. Behan.

29 CLLR. BEHAN: Well there is one significant thing in

1 it, I think anyway because it goes against the motion
2 that Cllr. Vance and Cllr. Fox proposed last week, with
3 regard to the phasing of the Fassaroe active open space
4 which I understood they had proposed would be done in
5 Phase 1. On page 17 you can see that 50% of the active 19:53
6 open space back in Phase 2. Now that wasn't what was
7 agreed last week, I think.

8 MS. WALSH: Cathaoirleach, if I might just come in
9 there. This phasing and implementation plan was issued
10 to you before Christmas, before that proposal was put 19:53
11 to us or to you. So your final vote at the end of this
12 process will be to put all these amendments that you've
13 agreed on display, plus any changes consequent. So a
14 change consequent, this would be a perfect example of
15 it, if there are any changes needed to this amendment 19:53
16 on foot of an amendment you've already made, then
17 that's what'll go on display.

18 MR. O'BRIEN: Having said that, Cllr. Behan is right.
19 If we'd been on our mark we should have actually noted
20 that we amended it. Thank you for pointing it out. 19:53

21 CLLR. BEHAN: You're welcome.

22 CATHAOIRLEACH: Do I have a proposer for the CE's item
23 number 23 then?

24 CLLR. VANCE: Propose.

25 CATHAOIRLEACH: Vance and Matthews. 19:54

26 MS. GALLAGHER: Is that agreed?

27 FROM THE FLOOR: Agreed.

28 CATHAOIRLEACH: We have to vote on putting this on
29 public display. Just read out the proposal by the CE.

1 MS. GALLAGHER: The proposal that the Chief Executive's
2 report as per the amendments proposed and agreed by the
3 mention, the recommended amendments of the Chief
4 Executive as agreed by the Members and any changes
5 consequent be adopted and put on public display as per 19:55
6 the statutory requirements.
7 CATHAOIRLEACH: Do I have a proposer?
8 CLLR. RYAN: Proposed.
9 CATHAOIRLEACH: Do I have a seconder?
10 CLLR. VANCE: I'll second it. 19:55
11 CLLR. BEHAN: Cathaoirleach, could I comment on that
12 please?
13 CATHAOIRLEACH: Sure.
14 CLLR. BEHAN: I want to propose an amendment that we
15 defer the putting out of the plan on public display 19:55
16 tonight on the basis of a statement that was made last
17 Monday while our meeting was in progress by the
18 Minister for the OPW, Kevin Boxer Moran, where he
19 pointed out that he did not want to see and was not in
20 favour of building on floodplains. Now obviously that 19:55
21 information came out while we were meeting.
22
23 I know, I understand decisions were made last week on
24 that but I think we have to have cognisance of what he
25 said. But we also have to have cognisance of something 19:55
26 else that didn't really get a full airing last week but
27 this is the opportunity to raise it now is whether
28 anybody who builds on that floodplain, whether it's
29 houses, shops, offices, whatever it is, whether they

1 will be able to get insurance for their property
2 because people may or may not be aware that in the Town
3 of Bray in areas that are close to rivers, tributaries
4 of the Dargle, not even the Dargle, are finding it
5 increasingly difficult to get insurance for their 19:56
6 property. So if we vote to put this plan on display
7 what we're really saying is that we believe all of
8 these developments can be insured and I think we need
9 to satisfy ourselves that that is the case. I don't
10 see what the big rush is between now and let's say the 19:56
11 meeting in February, to get information from the
12 Insurance Federation, Insurance Authority and also to
13 seek the advice of the OPW and the Minister for the
14 OPW, with regard to that specific proposal regarding
15 building on the floodplain at the River Dargle. 19:56

16
17 So on that basis I'm proposing an amendment that we
18 defer putting the plan on public display until we get
19 further clarification on those two items.

20 CATHAOIRLEACH: Cllr. O'Connor. 19:57

21 CLLR. O'CONNOR: I'll certainly second that proposal by
22 Cllr. Behan. It's a very, very important issue and if
23 you can't get insurance for your house you might as
24 well move out because eventually the house may be in
25 serious trouble and the people down there can't afford 19:57
26 to fix them.

27 CATHAOIRLEACH: Could I ask Cllr. Behan if you could
28 please put that in writing. Cllr. Fox.

29 CLLR. FOX: Thank you, Chairman. Well, I'm not in

1 favour of deferring it because I thought the point of
2 putting it out on public display was you were putting
3 it all to all relevant stakeholders to make comment and
4 put their information forward. I assume this will be
5 sent out to all the relevant agencies, including the 19:57
6 Minister's Department so I certainly am in favour of
7 proceeding with putting it on public display, putting
8 it out there for comment. That's the concept of
9 putting it on public display, Chairman. So I certainly
10 wouldn't support the motion. 19:58

11 CATHAOIRLEACH: Cllr. Vance.

12 CLLR. VANCE: Chairman, I'm of the same opinion. We
13 had a vote on this last week. We actually had a vote
14 on this last week and I mean really and truly this is
15 for the plan to go out for the public to have another 19:58
16 four weeks to have a look at it again. Really and
17 truly, like it's anti-democratic to say the least
18 because we had a vote last week and a very significant
19 majority of Members voted in favour obviously of
20 building there for various reasons and we've had a 19:58
21 debate last week and as far as I'm concerned nothing
22 has changed in the meantime and the least we can do to
23 the people of Bray is and the surrounding areas is to
24 allow this to go out for their further consideration.
25 Totally against this. 19:59

26 CATHAOIRLEACH: Cllr. Kavanagh.

27 CLLR. KAVANAGH: Thanks, Cathaoirleach, I agree with
28 Cllr. Behan that we were unaware at the time that we
29 took this vote that not necessarily a directive but a

1 recommendation had gone out from Minister Moran to say
2 that under no circumstances, that we should have
3 learned from the mistakes in the past and that under no
4 circumstances would there be building of any
5 description on floodplains. He's from the Athlone area 19:59
6 so I mean he has witnessed firsthand what happens when
7 you build on floodplains. And I think it would be
8 absolutely reckless of us, I mean what's the problem of
9 waiting four weeks or a couple of weeks till the next
10 meeting just to find out how house owners would be 19:59
11 fixed from an insurance point of view? It's only a
12 couple of weeks. It makes no difference in the overall
13 scheme of things. What's the hurry? I think it's
14 reckless to put this out to public consultation without
15 knowing the full facts and having disregard to an 20:00
16 instruction from the Minister at the OPW. Thank you.
17 CATHAOIRLEACH: Cllr. Snell.
18 CLLR. SNELL: Thanks, Cathaoirleach. As someone who
19 was against this zoning last week and voted
20 accordingly, you know, while I was disappointed in the 20:00
21 way the vote went I certainly don't want to stand in
22 the way of the planning process. This is only going
23 out on public display. The public will have their say.
24
25 In regards to Boxer Moran, to be honest I'd take 20:00
26 anything the Minister says with a pinch of salt.
27 Boxer Moran presented here last week without a topcoat
28 down the Murrough and you know the dogs in the street
29 know that if you're going up the Murrough you wear a

1 topcoat, or for that matter down in Arklow as well. So
2 anything he says I'd take very much with a pinch of
3 salt.

4
5 In regards to being an expert on floodplains and 20:01
6 everything else, he knows exactly what's needed in
7 regards to this County. To say that he said something
8 on Monday, you know, they invested €47 million into the
9 Dargle Flood Protection. Boxer Moran, believe it or
10 not, could be the last arbitrator on this plan, if he 20:01
11 so wants to. As the Minister he can decide and, you
12 know, we need to be conscious of that, of all the plans
13 and everything and all the work that's gone into it, if
14 he wants he can give a directive. In my opinion this
15 should go out to public display. 20:01

16 CATHAOIRLEACH: Cllr. Whitmore.

17 CLLR. WHITMORE: Just as Cllr. Snell was saying, I just
18 wanted to clarify if the Minister could make a
19 direction, a specific direction in relation to this LAP
20 and I don't know whether even as a Council that we 20:01
21 would contact him to say that it is now on display and
22 if he wants to make or put a contribution in, rather
23 than taking something that was just in the media, that
24 he could actually make a specific recommendation and
25 direction on it, but not to delay the whole process but 20:02
26 just to put it back to him and give him that
27 opportunity if he so wishes.

28 MR. CURRAN: It's a different minister. It is minister
29 Owen Murphy who can make the direction, the Minister

1 for Housing, Planning and Local Government but it will
2 go to the OPW in any case and they can make a
3 submission.

4 CLLR. WHITMORE: But he can make a submission at that
5 point to say that he would absolutely recommend it 20:02
6 didn't happen?

7 MR. CURRAN: Absolutely.

8 CATHAOIRLEACH: Cllr. O'Brien.

9 CLLR. O'BRIEN: I propose an amendment to Cllr. Behan's
10 amendment. I propose that all the plan bar this 20:02
11 particular aspect of the plan goes out on public
12 display. It is such an important issue. I think
13 information did come in at a later stage that we
14 weren't aware at the time. And given that, my proposal
15 is that the whole plan goes out bar this particular 20:02
16 aspect of the plan.

17 CATHAOIRLEACH: Do you have a seconder?

18 CLLR. WHITMORE: Is that possible?

19 MS. WALSH: No.

20 CLLR. BOURKE: It's not legal. 20:03

21 CLLR. BEHAN: It's not possible, is it not?

22 CATHAOIRLEACH: I don't know.

23 MR. O'BRIEN: Once it goes on display it goes on
24 display for so many weeks, another Chief Executive's
25 report is done and it comes back to the Members. What 20:03
26 Cllr. O'Brien is proposing is that you run the vote
27 again on the Dargle and then take out. That's really
28 what you're proposing. You can't sort of half take it
29 out and then put it back in again later on.

1 CATHAOIRLEACH: Is Cllr. O'Brien's proposal, is it a
2 valid proposal?

3 MS. WALSH: The only matters that can be considered at
4 the next Council meeting, Cathaoirleach, are the
5 amendments. So if there's no amendment agreed and put 20:03
6 on display then the matter does not even come up on the
7 agenda for the final meeting in May.

8 CATHAOIRLEACH: Cllr. O'Brien has a proposal, we've got
9 to get a seconder before we can --

10 MS. GALLAGHER: He needs to put it in writing and 20:04
11 submit it to the Chair.

12 CATHAOIRLEACH: Can anyone guide us on whether that
13 proposal is valid?

14 MR. O'BRIEN: The proposal was to take it out now and
15 then possibly put it back in again? 20:04

16 CLLR. VANCE: Chairman, what was the status of last
17 week's vote then? Can somebody tell me what's the
18 status of last week's vote in regard to this? This is
19 a vote to put the plan out for public consultation.
20 What was last week's vote about then if we're going to 20:04
21 have a second go at it again here today.

22 CLLR. BEHAN: On a point of order.

23 MR. CURRAN: It has already been agreed to keep it in.

24 CLLR. BEHAN: All I'm proposing is that we defer
25 putting it on public display until we get clarification 20:04
26 about the question of insurance and the view of the
27 Minister for the OPW. That's all I'm saying. And I
28 don't see what the --

29 CLLR. FITZGERALD: Chairman, can could I just come in

1 there. Boxer Moran, the Minister is a lovely fella and
2 he was in Arklow and it is alluded to, he ran up the
3 grass and he ran down this, that and the other. It
4 doesn't come within his remit to make a suggestion like
5 that. Minister Owen Murphy is the person who should 20:05
6 make that statement. Boxer Moran's stint as minister
7 will be finished in June or July. we'll have another
8 minister there. I'm listening to floodplains since I
9 was born. I was nearly reared in one. I spoke to the
10 Minister for several minutes in Arklow. Never once did 20:05
11 he mention floodplains. He was there to give funding.
12 He agreed to give funding. I haven't heard anything
13 about it yet but he agreed he would give funding for
14 flood protection works on the North Beach. That's what
15 he was there for. It's certainly not within his remit. 20:05
16 Let him make his own proposal when it goes into the
17 Department that we shouldn't build on floodplains. I'm
18 hearing this in Arklow for 50 years and the town is
19 built on floodplains. Right. And we've had some
20 floods over the years. I believe we should go ahead 20:06
21 with it. It was voted here on just last week. We
22 should go ahead with it. Let the people have their say
23 and forget about delaying things which are very
24 important, to be quite honest about it.

25
26 This thing of delaying for this and delaying for the
27 other and it won't make a difference of a week or two
28 weeks or whatever, it's like talking about the GAA with
29 the flooding of the matches: we don't want it on next

1 week, we'll have it the following week. Let's go ahead
2 with it. Let's put it out to the people. That's what
3 we're here to do.

4 CLLR. FOX: I'd second that.

5 CLLR. BEHAN: Chairman, on a point of clarification it 20:06
6 was actually delayed by a week after Christmas anyway.
7 Right. And there was nothing about it. Someone at the
8 top table, you or somebody decided we're not going to
9 have it the first Monday, we're going to have it the
10 second Monday. That was fine. It's another two weeks 20:06
11 to find out can people get insurance down here if it's
12 built on? I think that's a very common sense and
13 important question. For the sake of two more weeks to
14 get those answers, what's wrong with that? I don't see
15 what's wrong with it. 20:07

16 CLLR. FITZGERALD: We delayed it for a week for
17 different reasons but now we have voted on it.

18 CLLR. BEHAN: For someone else's reasons.

19 CLLR. FITZGERALD: No, it doesn't make a difference
20 what it is. The point is, we have voted on it now and 20:07
21 we are being asked to delay it. We had no vote on it
22 and the meeting was put back to the 15th fine, the
23 meeting was put back. I think we should go ahead about
24 it and get it over with.

25 CATHAOIRLEACH: Director, you want to come in. 20:07

26 MR. O'BRIEN: I just want on to, just on a point of
27 information for Cllr. Behan. It wasn't delayed by us,
28 you actually asked for it to be delayed, Councillor,
29 because the meeting of the Bray Councillors was very,

1 very short and as I said to you at the time we have
2 only six weeks to do it and if it's not done within six
3 weeks the Chief Executive can actually adopt any
4 amendments that were made and anything else, if it's
5 not done, he can adopt himself.

20:07

6
7 So I said the time, it's not a big deal, the Chief
8 Executive is willing to put it out a week. We had to
9 go another week because we ran out of time last week.
10 So it wasn't that we delayed things for the hell of it.
11 I don't think we can go on indefinitely delaying it and
12 I'd say it would be a matter then for the Chief
13 Executive to have to make a decision. You know we
14 don't like doing that in this place. We always work
15 with the Councillors but the Act is fairly clear.
16 There are deadlines all the time.

20:08

20:08

17
18 There was a time that Development Plans used to take
19 ten years to adopt because they'd be put off making
20 votes again and again. The legislation made it that
21 plans have a six-year life and they have a very, very
22 strict timetable of adopting them and it's worked very,
23 very well. We can't go on delaying plans indefinitely.
24 Really it's a matter for the Chief Executive to decide
25 if it's not adopted tonight.

20:08

20:08

26
27 I'm not going to actually second-guess what he's going
28 to say, nor do I suggest he has to make his mind up
29 here and tell you what he's going to do. It is the

1 Chief Executive's prerogative to take the plan forward
2 if the Members don't do it themselves.

3 MR. CURRAN: In this case it is going to go to the OPW
4 anyway. We'll get their views back. The whole thing
5 about floodplains, as Cllr. Fitzgerald said, there's a 20:09
6 lot of towns built on floodplains but there's a
7 difference between a flowing floodplain and a normal
8 floodplain. There is, in the Flood Planning Guidelines
9 a whole justification process that you go through in
10 terms of determining planning applications, which was 20:09
11 done some before in this case.

12

13 As I say, it's going to go to the OPW anyway. It's
14 going on public display for a further month. We can
15 get whatever information we want in the meantime. So I 20:09
16 don't see the point in deferring it.

17 CATHAOIRLEACH: Cllr. Whitmore.

18 CLLR. WHITMORE: Just to clarify, is it going to the
19 OPW or is it going to be sent to the Minister?

20 MR. O'BRIEN: It is sent to prescribed bodies and I'm 20:09
21 very sure the OPW is a prescribed body, I just don't
22 have the list in front of me. If they're not I will
23 send it to the Minister. They are a prescribed body.

24 CLLR. WHITMORE: I was going to propose that the
25 Council submit the LAP to Minister Moran, specifically 20:09
26 bring his attention to that section and to request his
27 input in it.

28 MR. O'BRIEN: No problem.

29 CATHAOIRLEACH: Cllr. Ryan.

1 CLLR. RYAN: I don't think Cllr. O'Brien's proposal, I
2 know it hasn't got a seconder yet but I don't think it
3 is technically possible. I think that should go.

4
5 There's so much in this plan which is amount the 20:10
6 development of Bray and bringing housing and retail and
7 commercial, I don't want to stop that for a minute
8 because it needs to happen yesterday. So this is just
9 faffing around. So please can we just have a vote and
10 do this once and for all? 20:10

11 CATHAOIRLEACH: Cllr. Winters.

12 CLLR. WINTERS: Thanks, Cathaoirleach. I don't even
13 know where you'd go to ask about insurance because I
14 know people who live in Wicklow Town, literally the
15 Martin Road, which is, I think, about 30 metres above 20:10
16 sea level and they went for insurance this year and
17 they were told they were in floodplain and they're
18 going: I'm not in a floodplain, I'm 30 metres above
19 ground. Like the nearest stream is actually 30 metres
20 down the hill and they said: Oh, that's now marked as 20:11
21 a floodplain. I don't know where you would even get a
22 correct answer in relation to flooding.

23
24 So no, I think you just give it the OPW they are
25 prescribed bodies and if somebody comes back within the 20:11
26 regulated times to advise you otherwise, I mean I don't
27 know, is it actually possible, like we do in a County
28 Development Plan to do a material contravention? Or
29 can you do that in a Local Area Plan or do you just go,

1 if we did want to change it all in six months' time?
2 I'm not saying we do but just if we did.

3 CATHAOIRLEACH: Cllr. Behan.

4 CLLR. BEHAN: My last point, Cathaoirleach. Insurance
5 is critical to this question and there are people in 20:11
6 Bray at the moment who cannot get competitive quotes
7 for insurance because they're living near much smaller
8 rivers than the Dargle. We are planning for something
9 when we actually do not know that it will be possible
10 to insure it. So multimillions of euro allegedly is 20:11
11 going to be spent building this big retail centre when
12 we don't know if they'll ever be able to get insurance.

13
14 All this talk about delaying it for a week. You know,
15 Councillors should remember actually that the planners 20:12
16 have said it won't be adopted until May anyway. So
17 another two weeks is not going to make any difference
18 and I think it would be a lot safer to get all the
19 information we can before we make the final decision.
20 That's all I'm saying, Cathaoirleach. I'll say no 20:12
21 more. I think that's it.

22 CATHAOIRLEACH: Cllr. Vance.

23 CLLR. VANCE: Do you know, Chairman, I'm from Little
24 Bray. I know that area better than anyone in this
25 Council and I was in the flood in the sixties and I had 20:12
26 firsthand experience of the one in the eighties as
27 well. Little Bray would be flooded before Golf Club
28 lands or anything. And the amazing thing about it is,
29 nobody has objected to any development and there's

1 current planning permissions in Little Bray for
2 numerous developments down there and nobody has
3 objected to any of them because they were built on a
4 floodplain. That's a fact. Extensions, buildings and
5 all. There's even current ones in there down there at 20:13
6 the moment. Nobody objected that they were built.
7 They were actually in a floodplain and they would be
8 the first place that if a catastrophe happened that
9 they would be flooded. This is a fact. Everyone's
10 concerned about Golf Club lands where Little Bray would 20:13
11 be flooded before that.

12
13 Listen, we had a vote last week. Let's put this out.
14 Let's put this out like we voted for, exactly what we
15 knew what was going to happen last week and the 20:13
16 Minister, the Minister didn't contact me about anything
17 in regard to building on floodplains and the fact of
18 the matter is, he knows a bit about floodplains down in
19 Athlone but he doesn't know much about floodplains
20 anywhere else and he should take advice from his own 20:13
21 Department who are the main movers in this in regard to
22 doing all the plans for the Bray scheme as well,
23 Chairman. Can we just go ahead with this and put it
24 out to public display.

25 CATHAOIRLEACH: Thanks, Members and thanks for your 20:14
26 contributions over the last week. I want to just put
27 forward a proposal, first of all Cllr. Behan's
28 amendment I want to put that to a vote and then we'll
29 have the other vote.

1 MS. GALLAGHER: Okay. Proposed by Cllr. Behan and
2 seconded by Cllr. O'Connor that this Council defers a
3 decision to put the Bray Municipal District Development
4 Plan on public display until clarification has been
5 received by the Minister for Public Works and the Irish 20:14
6 insurance authorities on the question of insurance of
7 buildings to be built in the Dargle River floodplain.
8 [VOTE TAKEN] That's eight for; 19 against; and five
9 not present.

10
11 The next vote again, that the Chief Executive's report
12 as per the amendments proposed and agreed by the
13 Members, the recommended amendments of the Chief
14 Executive as agreed by the Members and any changes
15 consequent be adopted and put on public display as 20:16
16 Peart the statutory requirements. Proposed by John
17 Ryan and seconded by Cllr. Pat Vance. [VOTE TAKEN]
18 That is 19 for; eight against; and five not present.

19 CATHAOIRLEACH: Thanks, Members. Just one other item
20 on the agenda. Item number 2: To consider the Chief 20:18
21 Executive's report and submissions to proposed
22 Variation Number 1 to the Wicklow County Development
23 Plan 2016-2022 (previously circulated); and to consider
24 making or modifying the proposed variation related to
25 Arklow and Environs Local Area Plan and Bray Municipal 20:18
26 District Local Area Plan deferred from last week's
27 meeting.

28 MR. O'BRIEN: Cathaoirleach, this is to make our Local
29 Plan consistent with the County Plan so there's various

1 columns here under the population and number of houses.
2 This has been changed to reflect the amendments made to
3 the Draft Local Area Plan. So, for instance, the
4 Enniskerry and Kilmacanogue plans, there were separate
5 town and village plans in the County Plan, they're now 20:19
6 been taken out of the County Plan because they're now
7 in the Local Area Plan. I don't think there's anything
8 of substance in this that changes anything. This is
9 all consistent with what you passed in the Local Area
10 Plan. But it's necessary that the Local Area Plan is 20:19
11 consistent with the County plan. So it is a kind of a
12 technical variation.

13 CATHAOIRLEACH: Any comments from Members? Do I have a
14 proposer? Cllr. Winters. Seconder Cllr. McLoughlin.
15 Is that agreed? 20:19

16 FROM THE FLOOR: Agreed.

17 MR. O'BRIEN: Can I just say, Cathaoirleach, that it is
18 amended as per what you have in front of you, plus any
19 changes consequent because we might not have called
20 everything in this. 20:19

21 CATHAOIRLEACH: Okay.

22 CLLR. BEHAN: Could you say that again?

23 MR. O'BRIEN: Any changes consequent in the plan.

24 MS. WALSH: As a consequence of any changes made to the
25 LAP this evening. 20:20

26 CLLR. BEHAN: This will be changed again?

27 MR. O'BRIEN: No. We've caught most things but just
28 any changes to the consequent to the Local Area Plan
29 being adopted.

1 CATHAOIRLEACH: Consequent to the Bray --
2 MR. O'BRIEN: The Bray Municipal District and Local
3 Area Plan. I think we've gone through everything
4 there, Councillor, but just in case.
5 CATHAOIRLEACH: Is that agreed?
6 FROM THE FLOOR: Agreed.
7 CATHAOIRLEACH: Thanks, Members.

8
9 THE HEARING THEN CONCLUDED

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