

**Minutes of Meeting held on 22<sup>nd</sup> September 2008**

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**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL  
HELD AT ARAS AN CHONTAE, PROSPECT HILL ON MONDAY, 22<sup>ND</sup>  
SEPTEMBER, 2008**

**CATHAOIRLEACH:**

Cllr. P. Feeney

**I LATHAIR FRESIN:-**

**Baill:-**

Cllrs. W. Burke, S Canney, J. Conneely, S Connaughton, D. Connolly, M. Connolly, Comh. O’Cuaig, Cllrs. J. Cuddy, M Fahy, M. Finnerty, M Carey, M Hoade, P Hynes, J. Joyce, C Keaveney, S Kyne, M. Maher, T Mannion, J McDonagh, T McHugh, M. Mullins, Comh. C. Ni Fhatharta, Comh O Tuairisg, Cllrs. M. Regan, T. Reilly, S Walsh, T Walsh, T Welby, B. Willers.

**Oifigigh:**

Ms. M. Moloney, County Manager, Messrs. J. Cullen, P. Ridge, K. Kelly, J. Morgan, F. Gilmore, Directors of Services, M. Lavelle, M. Dolly, Senior Engineers, G. Mullarkey, Head of Finance, B. Mc Dermott, County Secretary. A. Comer, C. Wallace, Senior Executive Officers Mr. P. O’Neachtain, Oifigeach Gaelge, Ms. M. McGrath, Senior Staff Officer and R. O’Boyle, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

The Mayor welcomed everybody back after the Summer Break.

**RESOLUTIONS OF SYMPATHY**

**1816**

A Resolution of sympathy was extended to the following:-

Mrs. Ann Kirrane & Family, Bel Air Drive, Tuam, Co. Galway.

Mrs Ann Moggan & Family, Ballygaddy Road, Tuam, Co. Galway.

Mr. Joseph Lunn & Family, Dublin Road Estate, Tuam, Co. Galway.

Mrs. Lucy Mc Cormack & Family, Ballinagrive, Kilchreest, Loughrea, Co. Galway

Maírin Bn. Uí Ghadhra, Na Forbacha, Co. na Gaillimhe.

Mr. John Shaughnessy “Castleview House” Mirah, Turloughmore, Co. Galway.

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Ms. Ailish Shaughnessy, Ballyvoneen, Castlefrench, Ballinamorebridge, Ballinasloe, Co. Galway.

Dennis & Winnie Ward, Gilmartin Road, Tuam, Co. Galway

Mrs. Anna Mitchell, Loughboun, Ballinasloe, Co. Galway.

### **CONFIRMATION OF MINUTES OF MEETINGS**

**1817**

The Minutes of Monthly Meeting held on the 21<sup>st</sup> July, 2008 were approved by the Council and signed by the Mayor on the proposal of Cllr. Mullins and seconded by Cllr Maher

Arising from the Minutes, the following issues were raised:

Comh O’Cuaig referred to the problem of flooding near the residence of the Wallace Family in Spiddal, the possibly of an additional lake source for the Carna/Cill Chiarain Water Supply and the CLAR Funding for Local Improvement Schemes.

Mr. Morgan said that he had received no communication to date from Wallace’s Engineer and in relation to CLAR Funding for Local Improvement Schemes he said there was no additional funding available for CLAR Schemes. He said a submission in the amount of €500,000 had been sent to the Department and the Council are awaiting clearance for that. Mr. Cullen said a report is awaited from the Consulting Engineers about the feasibility of the Carna/Cill Chiarain additional water source.

### **REPORTS OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION.**

**1818**

The Report of the Planning and Sustainable Development SPC Meeting held on the 3<sup>rd</sup> September, 2008 was considered. It was adopted by the Council on the proposal of Cllr. S. Walsh and seconded by Comh. Ni Fhatharta.

The Report of the Ballinasloe Area Committee Meeting held on the 13th May, 2008 was considered. It was adopted by the Council on the proposal of Cllr. D. Connolly and seconded by Cllr. Mullins.

Arising from the Report the following issues were raised:

Cllrs. Finnerty, Mullins and Joyce referred to Page 4 of the Minutes dealing with the introduction of Parking Meters on roads in the Town of Ballinasloe. They said that this proposal should have come before the Area Meeting.

Mr. Kelly referred to the relevant legislation which gave the power to the Town Council in this regard and also referred to a joint meeting of Ballinasloe Area Committee and

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Ballinasloe Urban District Council in November, 2000 at which time it was agreed that Ballinasloe Urban District Council would assume the traffic management role in the Town which subsequently resulted in the Town Council agreeing and implementing a Traffic Management Plan for the Town.

Cllr. D Connolly referred to his Notice of Motion No. 27 which is on the Agenda for today's Meeting which proposed "that Galway County Council send a deputation to meet the Minister of Transport to resolve issues that are causing continuous concern on the Ballinasloe to Galway section of the N6." All Members expressed their dissatisfaction with the way in which the N6 Company are dealing with the problems arising.

Cllr. Cuddy referred to his Notice of Motion No. 22 which he had on the Agenda for today's Meeting which proposed "that Galway County Council recoup the monies involved from the contractors of the new N6 for damage being done by vehicles involved in construction to roads such as Lisheenkyle and Gauraun". He said he was not happy with the answer received. He referred to the Castleambert and Lisheenkyle roads and said they were breaking up. He asked what the Terms of Contract for Quarries were.

It was proposed by Cllr. D. Connolly, seconded by Cllr. Joyce, and agreed that a deputation meet with the Minister for Transport and also with the NRA, and that these meetings take place separately but on the same day.

The Report of the Conamara Area Committee Meeting held on the 3<sup>rd</sup> March, 2008 was considered. It was adopted by the Council on the proposal of Comh. O'Tuairisg, and seconded by Cllr. Conneely.

The Report of the Conamara Area Committee Meeting held on the 25<sup>th</sup> March, 2008 was Considered. It was adopted by the Council on the proposal of Comh. O'Tuairisg, and seconded by Cllr. S. Walsh.

### **DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT, 1993**

**1819**

A report was already circulated to each Member

On the proposal of Cllr. Connolly, seconded by Cllr. McHugh, the Council approved the declaration of the following road to be a public road, the statutory procedure having been complied with:-

LT63802 T Junction with N63 in the townland of Killeroran via Sycamore Court Housing Estate running southwards and westwards for a distance of 118 metres.

LT63803 T Junction with LT63802 in Killeroran towaland via Sycamore Court Housing Estate running eastwards and northwards for a distance of 52 metres

Electoral Area: Tuam.

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**TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001 ON THE DISPOSAL OF 0.70 ACRES AT COPPENAGH, KYLEBRACK , LOUGHREA, CO. GALWAY.** 1820

Report dated the 1st September, 2008 was already circulated to each Member.

On the proposal of Cllr Regan, seconded by Cllr. Willers the proposal to dispose of 0.70 acres at Coppenagh, Kylebrack, Loughrea to James Blanchard Project in the amount of €80,000 plus legal fees was approved.

**TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 9.329 HECTARES AT BALRICKARD, HEADFORD, CO. GALWAY** 1821

Report dated 9<sup>th</sup> September, 2008 was already circulated to each Member.

On the proposal of Cllr. Hoade, seconded by Cllr. Carey, the proposal to transfer 0.329 hectares at Balrickard, Headford to John E. Varley, The Square, Headford in exchange for .0055 hectares of land at Balrickard Headford owned by John E. Varley, subject to three conditions was approved..

**TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2002 – TUAM INNER RELIEF ROADS** 1822

Report dated 5<sup>th</sup> September, 2008 was already circulated to each Member.

Mr. Ridge referred to the Manager's Report which gave an accurate summary of the proposed development and which was accompanied by a summary of the 15 submissions/observations received. He said the Relief Road is vital for the development of Tuam as a Hub and it will ensure that North Galway will be rejuvenated.

The Members while welcoming the Plan for the Tuam Inner Relief Road expressed concerns regarding some of the issues arising and requested an opportunity to examine the submissions.

Mr. Ridge informed the members that every submission and observation had been given full and proper consideration. He advised Councillors to be extremely careful, that if they want to debate one submission they must give equal consideration to the 15 submissions received, or they would be in danger of being challenged under a judicial review. However, following discussions all the individual submission details were circulated to each Member.

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On the proposal of Cllr. Connolly, seconded by Cllr. Reilly it was agreed to defer a decision on the above until the next Council Meeting on the 20<sup>th</sup> October, and in the interim to discuss same at a Tuam Area Committee Meeting.

### **TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – CLAREGALWAY WASTEWATER TREATMENT PLANT** 1823

Report dated the 9<sup>th</sup> September, 2008 was already circulated to each Member.

On the proposal of Cllr. Cuddy, seconded by Cllr. McDonagh the proposal to construct a Waste Water Treatment Plant for Claregalway was approved.

Cllrs. Cuddy and McDonagh welcomed this scheme and said it was vital to the area. In reply to queries raised Mr. Cullen confirmed that Claregalway will be part of Bundle No. 4 with Milltown.

Cllr. Regan enquired about the Craughwell site as there had been some Wildlife issues Mr. Cullen said the Council are still in discussions with the National Parks and Wildlife about issues concerning the Craughwell site.

Cllr O’Cuaig enquired as to the position of the Carraroe Scheme. Mr. Cullen said that it was intended to revert to the Area Committee and advise of the consideration of the issues raised by a local group and then to revert to the group directly. The matter would then be brought before the full council for consideration under part 8.

Cllr. T Walsh asked if everything was going according to plan for the Glenamaddy Scheme. Mr. Cullen replied and said that the Consultants have been appointed and Contract Documents are being drawn up. The Scheme is progressing in accordance with target date.

### **APPROVAL TO BORROW €28 MILLION FROM THE HOUSING FINANCE AGENCY PLC TO FUND HOUSING LOANS AND LAND PURCHASE** 1824

Report dated the 27<sup>th</sup> August, 2008 was already circulated to each Member.

Mr. Gilmore explained that this funding is required to fund housing loans, land purchase and annuity house purchase. The Members discussed the issues relating to borrowing and also queried if the Council is getting value for money. Mr. Gilmore assured the Members that the price paid for Part 5 Units was much more reasonable in relation to the market prices and represented good value for money

On the proposal of Cllr. Cuddy, seconded by Cllr.S Walsh, approval was given to the borrowing of €28 Million from the Housing Finance Agency to fund Housing Loans and Land Purchase.

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### **APPROVAL TO INCREASE OVERDRAFT ACCOMMODATION TO €35 MILLION FOR THE PERIOD 01/09/2008 – 30/06/09** 1825

Report dated the 15<sup>th</sup> September, 2008 was already circulated to each Member.

On the proposal of Cllr.S. Walsh, seconded by Cllr. D. Connolly, the members approved overdraft accommodation of €35 Million from 1<sup>st</sup> September, 2008 to 30<sup>th</sup> June, 2009, subject to sanction of the Minister for Environment, Heritage and Local Government.

Cllrs Mullins proposed that the following resolution be sent to Minister John Gormally at the Department of the Environment.

*“That Galway County Council deplore the failure of the Department of the Environment to provide funding as it falls due in respect of Housing and Water Services, which is resulting in our Council having to incur huge overdraft costs. This will ultimately affect our level of service provision”.*

### **TO APPROVE ANNUAL FINANCIAL STATEMENT FOR YEAR ENDING 31/12/2007** 1826

Report dated the 16<sup>th</sup> September was already circulated to each Member.

The Members complimented the Finance Section on the transparency of the Report circulated. In response to queries raised by the Members, Mr. Mullarkey pointed out that the Statement before the Members was in accordance with the format set down by the Department.

On the proposal of Cllr Keaveney, seconded by An Comh. Ni Fhatharta, the Annual Financial Statement for year ending 31st December, 2007 was noted.

With reference to Page 20 of the Annual Financial Statement it was proposed by Cllr. Canney, seconded by Cllr. Hoade and agreed to approve the Over and Under Expenditure as detailed in Note No. 17 in the Statement

### **SUSPENSION OF STANDING ORDERS.** 1827

Cllr. Walsh proposed that the Standing Orders be suspended so that the Meeting could continue after 6 p.m. and this was seconded by Cllr. Regan and agreed

### **SPEED LIMIT REVIEW** 1828

Report was already circulated to each Member.

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Mr. Morgan briefed the Member on the proposed Speed Limits and informed them they would be forwarded to the National Roads Authority and the Gardai in the next 10 days.

Members pointed out that the process on the Speed Limits began in 2005 and felt that that this is a very long process and enquired as to when the process would be completed.

Mr. Morgan said the timeframe for the preparation and adoption of Speed Limits is out of the control of the Council. He said the proposed Speed Limits will be forwarded to the NRA and Gardai for their observations, but they normally respond fairly quickly. A Public Notice is then placed in the paper. Submissions received are examined and then the final report comes before the Council for approval. He informed the Members that Speed Limits on National Roads are the function of the NRA which Regional and County Roads are a Reserved Function of the Council.

On the proposal of Cllr Burke, seconded by Cllr. M. Connolly, it was agreed that the Speed Limits Review be forwarded to the National Roads Authority and the Gardai.

***IT WAS PROPOSED BY THE MAYOR AND SECONDED BY CLLR. BURKE TO TAKE A PRESENTATION BY MR. JOE WALSH, MANAGING DIRECTOR, GALWAY AIRPORT AND HIS COLLEAGUES MR. MICHAEL COYLE AND MR. DAVID NILAND OF THE CHAMBER OF COMMERCE***

### **PRESENTATION BY MR. JOE WALSH, MANAGING DIRECTOR, GALWAY AIRPORT** 1829

The Mayor welcomed Mr. Walsh and his colleagues to the Meeting.

Mr. Walsh informed the Members that earlier this year a Technical Committee was set up to look at long term development options available for Galway Airport. He confirmed that the Airport is staying put on the present site at Carnmore and will not be moving to a new Greenfield anywhere else in the County. He then gave a presentation on the current position, and future proposals for the Airport up to the year 2030.

Following a questions and answers session, the Mayor thanked Mr. Walsh and his colleagues for a most interesting and informative presentation on the future proposals for Galway Airport and wished them every success in this regard.

The Manager also complimented Mr. Walsh and said that air transport is a key ingredient to the future development of the City & County. She said the Council contributed to the Airport Board and are well represented through the presence of Cllr. Michael Carey who is a member of the Board. She also said it is the Council's intention to put a Planning framework in place to help them deliver on the vision presented today.

### **HOUSING ADAPTATION GRANTS FOR PEOPLE WITH DISABILITY, MOBILITY AIDS HOUSING GRANTS AND HOUSING AID FOR OLDER PEOPLE GRANTS** 1830

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A report was already circulated to each Member.

Mr. Gilmore presented the report which outlined the new range of grants which is replacing the old Essential Repairs Grant and the Disabled Persons Grants. The new Grants are know as

1. Housing Adaptation Grant for people with disability
2. Mobility Aids Housing Grants
3. Housing Aid for Older people

He outlined the problems that are being faced with regard to the lack of funding and the administration of these grants/schemes, and he proposed that this matter be brought before the next Housing SPC Meeting to be held in October. If agreement can be reached at SPC then the matter can again be brought before the full Council for their meeting at the end of October.

Members expressed concerns at the way in which the most vulnerable in our society are being treated. They said the cost involved per grant is modest compared to paying for Residential Care, which also meant the applicants could stay at home. Members asked if application forms were still being sent out to people and Mr. Gilmore confirmed that this was the case. It was agreed by the Members to defer any actions proposed today until the matter was further discussed at the SPC Meeting in October.

It was proposed by Cllr. Burke, seconded by Cllr. McDonagh and agreed “that Galway County Council, pending Council Meeting on 20<sup>th</sup> October, 2008, that all applicants for Disabled Persons Grants, Essential Repair Grants, Housing Adaptation Grant for people with Disability, Mobility Aids Housing Grants, and Housing Aid for Older People Grant aid be written to outlining the present situation and detailing the reasons for the delays in inspection and approvals.”

### **SCHEME OF GRANTS FOR SPECIFIC IMPROVEMENT WORKS TO REGIONAL AND LOCAL ROADS.**

**1831**

Report was already circulated to each Member

Cllr. Canney proposed accepting the Report but made specific mention to the R333 road at Claretuam which was not included. Cllr. Mannion said he was not happy satisfied with the proposals as outlined. He referred in particular to the following roads R363, the L3406, L3405 and L2310 and pointed out that money has not been spent on these roads for years with the exception of emergency works.

Cllr. Hoade referred to the Oranmore Electoral Area i.e the Currandrum to Peggy’s road and streets in Headford which all needed restoration. Cllr. Connolly said he supported Cllr. O’Tuairisg’s comment on the road from Maam to Killery He said he was unhappy with the state of the roads at Ahascragh//Fohenagh and said he agreed with Cllr.

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Mannion. Cllr Ni Fhatharta said she seconded accepting the report and welcomed it, she said it was a good scheme, but she referred in particular to the Hump Bridge on the Main Road at Clynagh and hoped it would be considered in the future.

Mr. Morgan said he could see the Members points of but that certain guidelines and parameters had been laid down within which the Council have to operate.

It was proposed by Cllr. Canney, seconded by Cllr. Willie Burke, and agreed to accept the report as presented

### **TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS/OBSERVATIONS RECEIVED ON THE DRAFT DEVELOPMENT CONTRIBUTION SCHEME 2008 -2012 AS PER SECTION 48(7) AND (8).** **1832**

The Mayor invited Mr. Ridge to present the Manager's Report on the submissions /observations received on the Draft Development Contributions Scheme 2008-2012.

The Manager urged the Members, when considering the Draft Development Contributions Scheme to take the long term view as to what is important for County Galway.

She stated that ambitious capital programmes had been presented at Budget time which will need enormous funding

She stated that the economic social and cultural development of County Galway was critical.

She also added that €100M funding was required for the Council's contribution to the Water Services Capital Programme.

She stated that funding was required in order to make progress on the National Routes and also on other projects such as the development of inner relief roads.

She also stated that in relation to Recreation & Amenities, applications from Community groups had significantly exceeded the available resources and added that Recreation and Amenity facilities are a key contributor to the quality of life of the County.

She added that her capacity, as Chief Executive of Galway County Council, to get additional funding would be severely impacted on if there wasn't adequate local funding available and that this would have very undesirable consequences for the county. She added that the Local Authority needs to be ambitious for County Galway and needs to be in a position to compete with other parts of the Country for funding.

Mr. Ridge referred to the documents presented to the Members at the meeting:

- Current Development Contributions Scheme
- Draft Development Contributions Scheme
- Manager's Report on the Submissions/observations received on the Draft Scheme
- Copy of the Submission on the Draft Development Contributions Scheme from the Department of the Environment Heritage and Local Government.

Mr. Ridge explained to the Members that based on the detailed analysis carried out on the

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capital expenditure programme and other expenditure programmes which established the amount of investment that had taken place in the previous five years and the projected investment that will take place in the next seven years, that on average each new house in the county would benefit from over €30,000 worth of infrastructure once it has been completed.

Mr. Ridge also referred to the Minister's submission and outlined the key points made in it. He stated that the analysis carried out clearly shows that the roads and transportation charge is required and that the adoption of this development contribution scheme was critical.

He referred to the Athenry Northern Ring Road, the N18 Dualway and the Tuam Inner Relief Roads and the impact that these projects will have on the future development of the County.

He added that in order to compete with other local authorities for funding from Central Government, it was imperative that Galway County Council have the ability to provide matching funding in order to provide such benefits as roads and transportation, water and wastewater infrastructure and recreational and amenity facilities. He also referred to the list of Recreation and Amenity projects for the County and added that between now and 2013 €2.5M will be spent in each Electoral Area. As National Funding is not provided for Recreational and Amenities facilities, these facilities which improve the quality of life for everyone in the County cannot be provided without Development Contributions.

Mr. Ridge also indicated to the Members the Development Contributions charged by various other local authorities throughout the country.

Mr. Ridge commenced the presentation of the Manager's Report to the Elected Members. He explained that 33 submissions were received during the statutory public display period which was a disappointingly poor response. He added that in the Manager's Report submissions were grouped into different issues, summarized and a formal response from the Manager given on each issue.

Mr Ridge presented to the meeting each of the issues in the Report and gave the response to each one.

He recommended that the Draft Development Contributions as published be adopted by the Members.

Cllr. S. Walsh proposed that the Draft Development Contribution Scheme as amended at the Planning Strategic Policy Committee (SPC) Meeting be adopted.

He also proposed the Equestrian Centres should be exempt from Development charges.

Cllr. McHugh stated that he could not support the Draft Development Contribution Scheme as it was impacting on the most vulnerable in society, the youth and added that it was the Government's job to provide financial resources.

Cllr. Cuddy stated that other local authorities have already introduced a Roads and Transportation charge and that Galway County Council was falling behind. He stated however, that he did not agree entirely with the scale of change, he proposed that in Sub area 1, the sewerage charge be increased to €3500 and that the Roads, Footpaths and Transportation charge be reduced by €500.

Cllr T. Walsh stated that he could not support the Draft Scheme as it is only going to affect the young people of the County. He added that the Government should be making the hard decisions.

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Cllr Hoade stated that there would not be any funding available for the various projects proposed for the County unless there is adequate local funding available. She supported the Draft Development Contributions Scheme as amended at the Planning SPC Meeting. Comh O'Tuairisg stated that he supported the Draft Development Contribution Scheme as amended at the Planning SPC meeting but had difficulty with the Roads, Footpaths and Transportation charge of €7.50 per m<sup>2</sup>.

He also referred to the DoEHLG Circular DD/5/2007 and regeneration areas and proposed that there be a separate reduced charge for the Clár areas in Sub area 3.

Mr. Ridge stated that all monies from Clár are matched by the Council and suggested that the Development Contributions collected in the Clár areas be ring fenced for these areas and matched by funding from Clár.

Cllr. Kyne stated that if the Council was realistic about the future development of infrastructure in the County, the Draft Scheme as amended by the Planning SPC should be accepted.

Cllr W.Burke stated that he supported the Draft Scheme as amended but added that a mechanism should be in place for drawing the money .He also stated that the requirement to spend 50% of all funds collected in an area in that area must still apply.

Cllr. Welby supported the Draft Scheme as amended by the Planning SPC but added that the development of wind farms should not be hindered by excess development charges as there is a major problem with the generation of electricity in Conamara and it has the potential to generate its own electricity .He did not agree to the increased charge for wind farms as per the SPC Meeting. He also stated that the charge for Telecommunication Masts should be increased.

He also seconded the proposal from Cllr. S. Walsh that Equestrian centres be exempt from Development Charges.

Cllr. M.Connolly supported the €8,000 development charge for wind turbines and stated that the charge for small community based operators should be reduced by 50% and he also proposed that Telecommunications Masts should be increased to €10,000 and an extra fee of €10,000 every 5 years.

Cllr Mannion stated that every opportunity should be taken to obtain charges from the Telecommunications Masts when these applications are up for renewal.

He added that he supported the development charges for Water and Sewerage and for Recreation/ Amenities but had reservations in relation to the Roads, Footpaths and Transportation Charge. He added that sections of road in the County are being totally neglected, and until there was some balance in the way that roads were funded he could not support the Draft Contribution Scheme.

Cllr McDonagh stated that because the Claregalway By-pass would not happen unless local funding is available he had to support the Draft Development Scheme as amended by the Planning SPC.

*It was proposed by Cllr McDonagh and seconded by Cllr S.Walsh that crèches would be exempt for Development Contributions.*

Comh Ní Fhartharta stated that she rarely received complaints in relation to Development Contributions. She also supported the earlier proposals in relation to wind farms and

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telecommunication masts. She stated that a substantial reduction in the development charge for wind farms was the way forward for wind farm development.

She also supported the proposal for the exemption of crèches from Development charges.

Cllr D. Connolly proposed that community based Recreational Facility/Sports Club should be exempt from development charges.

He also stated that Recycling developments should also be exempt from Development charges so as to encourage recycling.

He referred to the submission from the IFA. Mr Ridge outlined to the meeting the content of the IFA submission.

Cllr Carey stated that he was worried about the effects of this Draft Scheme on young people and first time home buyers in this difficult economic climate where job security was now an issue.

He queried if these charges could be written off against income tax. He stated that some concession needs to be in place for first time buyers before he could support the Scheme and further added that it was difficult to support the introduction of a Roads Footpaths and Transportation Charge when some roads such as the N84 haven't been improved for years.

Cllr Mullins stated that if the Development Contribution Scheme was implemented, the amount of revenue generated was going to be insignificant due to the downturn in economic activity in the country He added that he agreed with the charges for water, sewerage and Recreation and Amenity but added that the Roads, Footpaths and Transportation Charges should be kept at a minimum. He agreed with Cllr Carey's suggestion that some assistance should be given to people seeking planning permission for their first house. Cllr Mullins supported the Scheme if some concession was available to first time buyers.

Cllr Conneely stated that roads such as the N63 and other facilities had not improved in communities and the public do not believe that the development charges will bring improvements to their communities.

Cllr Connaughton stated that the overall gain for the County must be looked at, but added that she had difficulty with the Roads, Footpaths and Transportation Charge and the implications of it for first time house buyers.

Mr Ridge stated that developments exempt from planning fees would also be exempt from development charges. Non profit making sports/recreation development would be exempt from development charges.

He also stated that non profit making recycling facilities would be exempt from development charges.

Cllr M.Connolly proposed that in Sub area 3 that the Roads, Footpaths and Transportation charge would be €5.00 per m<sup>2</sup> for all houses irrespective of size.

Cllr Cuddy stated that he did not agree with the increase of the development charge of €3.50 per tonne of waste deposited as it would eventually be paid by the householder as additional bin charges.

Cllr Canney expressed concern for young people due to the additional development charges now proposed. He added however, that if the Claregalway Bypass and the Tuam

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Inner Relief Roads were going to be put in jeopardy due to a lack of local funding then the Development Contributions should be adopted.

*It was proposed by Cllr McDonagh and seconded by Cllr W.Burke that Education facilities in Group 3 should be moved to Exempted Developments.*

***On the proposal of Cllr S. Walsh and seconded by Cllr Cuddy it was agreed to adopt the Draft Development Contribution Scheme with amendments as follows:***

### **Charges for Residential Units in sub-area 1.**

**Sub Area 1. Tuam, Athenry, Loughrea, Gort and other towns, villages and rural areas within the 15km zone and the urban fringes of Tuam, Athenry, Loughrea and Gort.**

	Description	Charge
1a	Sewerage	€3,500
1b	Water only* <sup>Note 1</sup>	€3,300
1c	Recreation/Amenities* <sup>Note 2</sup>	€3,000
1d	Roads, Footpaths and Transportation Charge	€7.50 per m <sup>2</sup> for all houses irrespective of size
1e	Recreation/Amenities for the development of estates of five or more houses (Oranmore Area Only)* <sup>Note 3</sup>	€100,000 per 0.404 hectares (1 acre) of development site

### **Charges for Residential Units in sub-area 2.**

**Sub Area 2. Within the boundaries of all other towns, villages and settlement centres**

	Description	Charge
2a	Sewerage	€3,500
2b	Water only* <sup>Note 1</sup>	€2,200
2c	Recreation/Amenities* <sup>Note 2</sup>	€1,800
2d	Roads, Footpaths and Transportation Charge	€7.50 per m <sup>2</sup> for all houses irrespective of size

### **Charges for Residential Units in sub-area 3.**

**Sub Area 3. All other areas**

	Description	Charge
3a	Sewerage	€3,500

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3b	Water only* <sup>Note 1</sup>	€1,150
3c	Recreation/Amenities* <sup>Note 2</sup>	€650
3d	Roads, Footpaths and Transportation Charge	€5.00 per m <sup>2</sup> for all houses irrespective of size

**Note 1:** Private houses connected to private GWSS off public supplies will be charged at 50% of the water rate.

**Note 2:** Private houses of less than 125 m<sup>2</sup> floor area will benefit from a reduction of €200 in the recreation and amenity charge in each of the three areas.

**Note 3:** The Recreation/Amenities for the development of estates of five or more houses of €100,000 per .404 hA applies only to those developments contained fully or partly within the Development Plan boundaries of Oranmore.

**Part 2 Industrial Commercial and other development**

Developments contained in the following table will be subject to a development contribution based on floor area at the rate specified in the table. The rate will vary for each of three sub areas identified in the earlier portion of the scheme namely:

**Sub Area 1** Tuam, Athenry, Loughrea, Gort and other towns, villages and rural areas within the 15km zone and the urban fringes of Tuam, Athenry, Loughrea and Gort.

**Sub Area 2** within the boundaries of all other towns, villages and settlement centres.

**Sub Area 3** all other areas.

Industrial/Commercial and Other Development		Charge per m <sup>2</sup>		
		Sub Area 1	Sub Area 2	Sub Area 3
<b>Group 1</b>	Abattoir, Concrete Asphalt Plant, Industry General, Waste Transfer Station, Cash and Carry Wholesale Outlet, Dancehall/Discotheque, Hospital, Retirement Home, Residential Institution, Hotel/Motel, Offices over 1,000 m <sup>2</sup> , Petrol Station/Service Garage, Public House/Restaurant, Shops – Major Sales Outlet ,Betting Offices	<b>€70</b>	<b>€60</b>	<b>€45</b>
Group 2	Household Fuel Depot, Industry-light, Industry-special, Science & Technology Based Enterprise, Scrap Yard,	<b>€55</b>	<b>€47</b>	<b>€38</b>

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	Warehousing-Retail			
Group 3	Warehousing, Offices less than 1,000 m <sup>2</sup> , Local Neighbourhood Shop, Doctor, Dentist, Veterinary Surgery, Funeral Home, Private Crèche, Boarding Kennels, Enterprise Centre, Guest House/ B and B, Garden Centre, Heavy Vehicle Park/Transport Depot, Home Based Economic Activities, Motor Sales Outlet, Recreational Buildings Commercial, Recreational Facility/Sports Club, Rural Industry	€50	€42	€33

All development not listed in the above table will be considered to be included in Group 2 above and will be subject to charges set down above namely, €55 per metre square in Sub area 1, €47 per metre sq. in Sub Area 2, €38 per metre square in Sub Area 3. This provision does not include the following industry, which will be charged under the Special Contribution Provision contained in Section 48(ii)(c)

### **Car parking**

A contribution of €2,000 per space underprovided by the development shall be charged.

### **Special Development Contributions**

A special development contribution may be imposed under Section 48 of the Act, where the council in the provision of a specific public infrastructure or facility incurs exceptional costs not covered by the general contribution scheme. Only developments that will benefit from the public infrastructure or facility in question will be liable to pay the special development contribution. Conditions imposing special contributions may be appealed to An Bord Pleanála.

### **Waste landfill, Quarries and gravel pits**

Special contributions for waste/land fill Quarries and gravel pits to be based on the following criteria:

- (i) The scale of the proposed development i.e. in the case of landfills the volume of material that it is proposed to deposit at the site or in the case of Quarries and Gravel Pits: the volume of material it is proposed to supply from and deliver to the site
- (ii) The condition of the road serving the development.
- (iii) The length of the road or roads from the development to the nearest Class 1 local roads which is in good condition.
- (iv) The cost of bringing the road or roads up to a standard necessary to facilitate the development and not cause an adverse impact on other road users.
- (v) The cost of traffic control measures.

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- (vi) Buildings provided as part of a Waste Landfill/ Quarries and gravel pits development will be subject to the provisions of the general contribution scheme for applicable development.
- (vii) Waste landfills will also be subject to a €3.5 per tonne of waste deposited development contribution.

### **Wind Farms**

A charge of €8,000 per turbine shall apply.

A charge of €4,000 per turbine shall apply to community based/local wind farms

Wind turbines up to 0.5 megawatts are exempt of development contributions.

### **Telecommunication Masts**

A charge of €10,000 shall apply for the first permission issued and an extra fee of €10,000 every 5 years.

### **Golf Courses and other Leisure facilities, which incorporate premises**

Special contributions for these types of developments shall be based on the following criteria:

- (i) the demand that the development will place on water services
- (ii) the traffic likely to be generated by the development
- (iii) the condition of the road serving the development
- (iv) the length of road or roads from the development to the nearest Class 1 local road which is in good condition
- (v) The cost of bringing the road or roads up to a standard necessary to facilitate the development and not cause any adverse impact on other road users
- (vi) The cost of traffic control measures
- (vii) Buildings provided as part of a golf course or other leisure facilities development will be subject to the provisions of the general contribution scheme for applicable development

### **Exemptions**

The Development Contributions Scheme shall exempt development from contributions where that development is classed as exempted from planning fees under Section 157: Part 12 of the Planning and Development Regulations 2001. Social and Voluntary Housing are included in the exempted classification.

Where a planning application consists of or comprises of development which, in the opinion of the Planning Authority, is development proposed to be carried out by or on behalf of voluntary organisations, and which in the opinion of the Planning Authority

- (a) is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination, and is not to be used mainly for profit or gain,
- (b) it is designed or intended to be used as a workshop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain, or
- (c) is ancillary to development referred to in paragraph (a) or (b)

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- (d) Public/Community Crèches
- (e) Community based Recreational Facility/Sports Club
- (f) Rural/Cottage Industry-Indigenous home produced food

A development contribution shall not be payable by such development.

- (i) Where a planning application consists of or comprises the provision of houses, or development ancillary to such provision, which is proposed to be carried out by or on behalf of a body approved for the propose of Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 (No. 18 of 1992) and is not to be used mainly for profit or gain, a development contribution shall not be payable in respect of any such development.

### **Agricultural development shall be exempt from development contributions.**

For the purpose of this provision agriculture shall be defined to include horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or furs, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, Equestrian farming, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds.

Agricultural structures listed in the Part 3, exempted development rural classes 6,7, 8, 9, 11, 12, 13 and 14 of The Planning & Development Regulations, 2001 will be regarded as exempted from development contributions under this scheme.

Aquaculture shall be regarded as exempted from development contributions under this scheme.

### **Record of Protected Structures**

All buildings and premises included in the record of protected structures shall be exempt from the development contribution.

### **Inflation**

The rates will be adjusted with effect from the 1<sup>st</sup> April each year based on changes to the Wholesale Price Index for Building & Construction published by the Central Statistics Office, commencing on the 1<sup>st</sup> April 2008.

### **Period of contribution Scheme and Review**

The Council from time to time having regard to circumstances prevailing at that time may review this scheme. The cut-off year for the scheme (unless a new scheme is made before them) is March 2012.

### **Distribution of development contributions**

A minimum of 50% of the contributions collected in each electoral area will be spent in that area, measured over the period of the development contribution scheme.

Monies collected for industrial and commercial activity shall be distributed over Roads Sub-Area 1 €30, Sub-Area 2 €25 and Sub-Area 3 €20, Water 25% of the balance, Waste Water 40% of the balance, and Recreational\Amenity 35%.

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*A vote was taken on Cllr. S Walsh's proposal and the result of the vote was as follows:*

*AR SON: Cllr Burke, Cllr Canney, Cllr. Carey, Cllr Connaughton, Cllr. Conneely Cllr D Connolly, Cllr.M. Connolly, Cllr Cuddy, Cllr Feeney, Cllr. Finnerty, Cllr Hoade, Cllr Hynes, Cllr. Kyne, Cllr Maher, Cllr. McDonagh, Cllr.Mullins, Comh. Ní Fhatharta Comh O'Tuairisg, Cllr Reilly Cllr S. Walsh Cllr Welby, Cllr. Willers (22)  
IN AGHAIDH Cllr Mannion Cllr McHugh, (2)  
Gan Votáil: (0)*

*The Mayor declared Cllr S.Walsh's proposal carried.*

### **TO APPROVE DRAFT POLICY DOCUMENT RELATING TO "TAKING IN CHARGE OF DEVELOPMENT"** **1833**

The Mayor invited Mr. Ridge to present the Draft Taking in charge of Developments Document. Mr. Ridge explained that the document was prepared through the Planning Strategic Policy Committee (SPC).

He stated that the Department of Environment Heritage and Local Government set up a Review group in relation to Taking in Charge of Developments; as it had concerns in relation to Management Companies amongst other concerns. The Department of the Environment Heritage and Local Government issued a Circular in relation to Taking in Charge of developments. Mr Ridge added that the Draft Document being presented to the meeting takes on board the Department's requirements and was effectively amending the Taking in Charge of Estates Document adopted in November 2005.

Mr Ridge explained that there were two types of estates for the purpose of Taking in Charge, (1) Historical Estates, which are over 7 years. This period was selected because generally Planning Enforcement legislation may only be enforced for a period of 7 years after the expiry of Planning Permission.

In the cases where planning enforcement cannot be used, the estates can be taken in charge over time but will not have funds expended on them beforehand. Instead any problems will be addressed over time as resources become available.

(2) Current estates, housing estates which are less than 7 years, the Council will take a stricter approach; it will ensure all works are completed before taking in charge.

Mr Ridge explained that this document sets out the protocol the Council has in place for the taking in charge of developments.

Cllr W.Burke welcomed the document and the improvements to it but added that it was the implementation of the policy that was important. He proposed the taking in charge of 3 estates in each of the 5 electoral areas per year He stated that there were huge problems with unfinished housing estates in the County and added that this proactive approach was welcomed.

He stated that bonds should be index linked.

He proposed that the Taking in Charge of Developments policy be adopted.

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Cllr Canney stated that a copy of the Taking in Charge Document should be issued to each applicant/agent/development along with the planning permission. He welcomed the inspections of sites during development but questioned if we had the resources.

He also queried what safeguards were in place for residents when Development Companies and Management Companies go out of business.

Mr Ridge stated that he hoped that the targets for the County would be more ambitious and urged people to apply to have their estates taken in charge.

He also agreed with Cllr Canney's suggestion to inform applicants of the Council policy on the taking in charge of housing estates at preplanning stage or when obtaining planning permission. Mr Ridge also informed the Members that the Taking in Charge of Developments would be discussed at the Planning Seminar for agents on Wednesday 24/09/2008 where emphasises would put on the construction inspections of developments in association with Building Control policies.

Cllr Cuddy queried if residents of housing estates required a signed plebiscite when applying to have their estates taken in charge.

Mr Ridge that the signed plebiscite was a requirement.

Both Cllr Cuddy and Cllr McDonagh referred to a housing estate in Lackagh where the taking in charge has become very complex and legalistic.

Mr Ridge stated that the completion of housing estates, depending on whether estates were "historic" or "current" estates could be carried out by 1) pursuing under planning legislation, 2) using the facility to draw down the bond or 3) draw down on the professional indemnity insurance of the person who certified the completion of the estate or a combination of these.

Mr Ridge added that there was a lot of work involved in drawing down a bond where proof and legal agreement is required but, that over time this process would become much more efficient.

Cllr Mannion asked how many housing estates were taken charge to date.

Mr Ridge stated that 20 estates were taken in Charge by the Council.

Cllr McHugh referred to estates that are serviced by Waste Water Treatment Systems and stated that it would be an onerous task to maintain these Systems.

Mr Ridge referred to page 2 of the document which outlined the facilities that the Local Authority will take control of through the taking in charge of estates and this included Wastewater Treatment plants and associated buffer zones.

Cllr Reilly asked that the local authority move quickly in taking estates in charge once the residents have made the application so that the best value is obtained from the bond.

Mr Ridge stated that the Local Authority cannot get involved while the Planning permission is still current as the Developer can claim that they have not finished works on the site.

When the Planning Permission has expired the Local Authority can then pursue it under planning enforcement, or by drawing down the Bond or both.

The Local Authority can also seek recourse from the professional indemnity insurance of the person who certified the completion of the estate.

*On the proposal of Comh. o'Tuairisg and seconded by Cllr Mullins it was agreed to adopt the Taking in Charge of Developments Policy Document.*

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Mr Ridge acknowledged the work of the Planning SPC on the original Taking in Charge Document and on the newly adopted document.

Cllr Cuddy asked if there would be any budgetary implications in relation to the Taking in Charge document. Mr Ridge stated that there would be.

### **MANAGERS BUSINESS**

**1834**

The Manager said she wished to thank the Members and said she appreciated their support in bringing forward the Galway City Outer By Pass report which is now An Bord Pleanala.

She informed the Members that a letter had been received from Central Government advising of the requirement to cut Payroll costs by 3% next year and the impact of this on the Budget for 2009

### **MAYORS BUSINESS**

**1835**

The Mayor thanked the Members who attended the meeting with the Minister last week. He also informed the Members that the Special Olympics were celebrating their 30<sup>th</sup> Birthday and that this should be marked in some way. He proposed that the Council host a Reception to mark the occasion; this was seconded by Cllr. Cuddy and agreed.

It was proposed by Cllr. Cuddy, seconded by An Comh. Ni Fhatharta and agreed that the October Monthly Meeting be held on the 20<sup>th</sup> October, 2008.

### **NOTICE OF MOTIONS**

#### **NOTICE OF MOTION NO 19 – CLLR. B. WILLERS**

**1836**

*The following reply was given:-*

“The Council has no proposals to appoint a Water Conservation Officer.”

#### **NOTICE OF MOTION NO 20– CLLR. B. WILLERS**

**1837**

*The following reply was given:-*

“Road Signage on Local Roads will be upgraded on a continuous basis as resources permit. A budget of €200,000 has been provided from the Council’s own resources for the provision and renewal of signage on local roads in 2008.

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The Regional Roads Signposting Programme which is currently underway with funding provided by the Department of Transport will be completed by the end of December 2008.”

### **NOTICE OF MOTION NO 21 – CLLR. B. WILLERS**

**1838**

*The following reply was given:-*

“Following extensive efforts the Town Hall in Loughrea was tendered for sale in 2005 with the requirement that 10% would be retained for community use. Notwithstanding the receipt of attractive offers, agreement on this approach was not reached and the sale did not proceed. Unfortunately the Tax Incentives which pertained then have now expired and the period of the Planning Permission which exists on the building continues to diminish. Given the costs involved in refurbishing the building the only realistic way forward is the sale of the property with a requirement to make an agreed portion available for community uses. However full agreement on the approach must be achieved before any steps would be taken in this regard.”

### **NOTICE OF MOTION NO 22 – COMH. C. NI FHATHARTA**

**1839**

*The following reply was given:-*

“Is mian liom a chur in iúl go dtosnóidh Comhairle Chontae na Gaillimhe ag ullmhú Plean Trácht don Cheathrú Rua go luath.”

### **NOTICE OF MOTION NO 23 – COMH. C. NI FHATHARTA**

**1840**

*The following reply was given:-*

“Is mian liom a chur in iúl go mbeidh an Sceidéal Teorainn Luais i bhfeidhm faoi dheire 2008, sé sin, má bhíonn aontas le gach páirtí atá á chomhairliú.”

### **NOTICE OF MOTION NO 24 – COMH. C. NI FHATHARTA**

**1841**

*The following reply was given:-*

“Tá soláthar stáisiún dóiteán chun freastal ar cheantar Iarthair na Gaillimhe, Deisceart Chonamara san áireamh, ina chuspóir ag an gComhairle le fada anois. Tá sé ag cruthú deacair suímh oiriúnacha a aithint ach coinneofar leis na hiarrachtaí atá ar siúl i gceantar na Ceathrú Rua. Tá sé tábhachtach a rá arís go bhfuil an Roinn Comhshaoil, Oidhreacht agus Rialtas Áitiúil chun treoirínite a fhoilsiú go gairid ar Clúdach Riosca Tine agus

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Éigeandála agus caithfear iad seo a leanacht chun an mhéid agus láthair stáisiúin nua don Chathair agus don Chontae ina iomláine.”

**NOTICE OF MOTION NO 25 – CLLR. D. CONNOLLY**

**1842**

*The following reply was given:-*

“This matter will involve a joint approach between the Department of Environment, Heritage and Local Government and the Department of Agriculture, Fisheries and Food. Galway County Council are actively involved in addressing ragwort on National Roads with funding being provided from the National Roads Authority through a special maintenance allocation. The matter will be discussed with officials from the Department of Transport with a view to securing an allocation to allow for the extension of the programme to Regional and Local Roads.”

**NOTICE OF MOTION NO 26 – CLLR. D. CONNOLLY**

**1843**

*The following reply was given:-*

“The Area office are in discussion with the road design section to establish a proposal to improve the safety issues associated with this bridge. A costing will be prepared for the works involved and an application for funding will be sought.”

**NOTICE OF MOTION NO 27 – CLLR. D. CONNOLLY**

**1844**

*The following reply was given:-*

“These issues have been raised with the C.E.O. of the National Roads Authority at a recent meeting and it is hoped that this will bring about an improvement in the situation.”

**NOTICE OF MOTION NO 28 – CLLR. J. MCDONAGH**

**1845**

*The following reply was given:-*

“The funding approved for school flashing lights in the 2008 Roads Programme has been allocated as follows:

School Flashing Lights Clydagh NS 2008	€5,250.00
School Flashing Lights Claran Boys NS 2008	€5,250.00
School Flashing Lights Annaghdown NS 2008	€5,250.00



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*The following reply was given:-*

“A preliminary report for this project has been sent to the Department of Environment, Heritage and Local Government and approval is presently awaited.”

**NOTICE OF MOTION NO 34 – CLLR. M. FAHY**

**1851**

*The following reply was given:-*

“The number and grades of outdoor staff is currently being reviewed having regard to available funding and additional seasonal staff have and will continue to be employed if and when required within the context of available resources.”

**NOTICE OF MOTION NO 35 – CLLR. M. FAHY**

**1852**

*The following reply was given:-*

“Verge trimming will be carried out on a priority basis as resources permit. The funding available for verge trimming in the current year is insufficient to allow for verge trimming to be carried out on all roads.”

**NOTICE OF MOTION NO 36 – CLLR. M. MAHER**

**1853**

*The following reply was given:-*

“It is anticipated that the speed limit review for Towns and Villages will be completed and implemented by the end of December 2008, subject to a timely response to the Council’s proposals from An Garda Síochána and from the National Roads Authority in relation to proposals concerning National Roads.”

**NOTICE OF MOTION NO 37 – CLLR. M. MAHER**

**1854**

*The following reply was given:-*

“No funding for the Monivea Road Railway Bridge is at present available, however, a 3<sup>rd</sup> Party Developer as part of a planning application has indicated a willingness to provide a footpath from the Athenry approach.”

**NOTICE OF MOTION NO 38 – CLLR. M. MAHER**

**1855**

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*The following reply was given:-*

“Following receipt of observations from the National Parks and Wildlife Service, as a result of the commencement of the Part 8 planning process, the Council sought additional information from its consultants to address the issues raised.”

### **NOTICE OF MOTION NO 39 – CLLR. M. REGAN**

**1856**

*The following reply was given:-*

“The revenue generated from Pay Parking in Loughrea since its introduction in December 2004 is as follows:

2004	€26,542.00
2005	€433,446.73
2006	€420,114.60
2007	€283,763.30
2008	€240,375.90 (Income to date in 2008)
	<b>€1,404,242.53</b>

The revenue generated from pay parking is allocated in the Annual Budget. The revenue is allocated to cover the operational cost associated with implementing pay parking and for the repayments on the loan used to finance the costs associated with the introduction of pay parking and the acquisition and development of car parks. The revenue is also used to facilitate the ongoing preparation and implementation of traffic management plans.”

### **NOTICE OF MOTION NO 40 – CLLR. M. REGAN**

**1857**

*The following reply was given:-*

“The upgrading of Main Street resulted in the loss of 8 parking spaces. This included 5 spaces for the bus stop.

It is not possible to restrict HGV’s entering the town centre as a weight restriction would also have to restrict the necessary HGV deliveries to the various business outlets. Such restrictions would not be practicable.”

### **NOTICE OF MOTION NO 41 – CLLR. M. REGAN**

**1858**

*The following reply was given:-*

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“The Local Area Office is waiting for the unseasonably high water level to drop so that grouting of concrete slabs can take place and removal of topsoil can also go ahead.”

**NOTICE OF MOTION NO 42 – CLLR. P. HYNES**

**1859**

*The following reply was given:-*

“It is not anticipated that we would introduce parking permits for other than residents due to the number of groups who feel that they should have a dispensation and each in their own right having a good cause.”

**NOTICE OF MOTION NO 43 – CLLR. P. HYNES**

**1860**

*The following reply was given:-*

“The road in question is not included in the roads programme for 2008. It will be considered for inclusion in the drafting of the next roads programme. Until then it will receive routine maintenance.”

**NOTICE OF MOTION NO 44 – CLLR. P. HYNES**

**1861**

*The following reply was given:-*

“This road is not included in the 2008 Roads Programme for improvement works. It will be considered for inclusion in the 2009 Roads Programme and in the interim routine maintenance will be carried out as necessary.”

**NOTICE OF MOTION NO 45 – COMH. S. O’TUAIRISG**

**1862**

*The following reply was given:-*

“Is mian liom a chur in iúl go ndéanfar scrúdú ar na fograí in aice na scoile ach tá soilse péacach ag an scoil cheana agus tá an scoil sa Teorainn Luas de 50kph. Déanfar mion oibreacha ar an cosán coisithe ach níl aon phlean ann an cosán coisithe a leathnú.”

**NOTICE OF MOTION NO 46 – CLLR. J. CUDDY**

**1863**

*The following reply was given:-*

“There are a number of reasons why this is not possible under the Planning and Development Act 2000.

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1. There is no mechanism available in the Planning Legislation to make any Variations to a Local Area Plan once it is adopted. Legislation only provides for variations to Development Plans which are a distinctly different legal document for the purposes of the Planning and Development Act.  
For this reason, the Planning Authority cannot make an interim change to a plan, other than re-commencing the entire Local Area Plan making process.
2. Section 47 of the Planning and Development Act 2000 (amended) allows a Planning Authority to enter into a legal agreement with any person with a legal interest in land in the functional area of the Authority, for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be specified by the agreement. Any such agreement may contain such incidental and consequential provisions (including provisions of a financial nature) as appear to the Planning Authority to be necessary or expedient for the purposes of the agreement.
3. The principle of accepting any property or other consideration in return for zoning lands is something which should be avoided by a Planning Authority, particularly when there are other mechanisms whereby a Local Authority may acquire lands which it deems necessary for public projects - Compulsory Acquisition is one such mechanism. In the instance proposed by this notice of motion, the lands are not being acquired for purposes necessary for the Local Authority to carry out a scheme or works but so that same can be used for the National School. This would seem to be outside the remit of any of the purposes for which powers of compulsory acquisition can be used.
4. The lands in question are currently zoned for Community Facility purposes. I note that a very small proportion of lands are zoned for this purpose – probably less than 8 acres undeveloped. In a town with potential for substantial growth facilitated by the proposed town bypass and the proposed new waste water treatment plant, well located lands for this purpose should be protected rather than being forced out onto edge of town locations where they are difficult to access other than by car. The expansion of the national school is only one such use – a community facility such as a sports complex or community centre should be provided for through appropriate zoning.”

*Criochnaigh an Cruinniú Ansin.*