

CHOMHAIRLE CHONTAE NA GAILLIMHE

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL
HELD AT ÁRAS AN CHONTAE, PROSPECT HILL ON MONDAY THE
19th OCTOBER 2009.**

CATHAOIRLEACH: Cllr. T. McHugh

ILATHAIR FREISIN:

Baill: Cllrs. T. Broderick, S. Canney, L. Carroll, P. Connaughton, D. Connolly, M. Connolly, Cllrs. J. Cuddy, Comh T. Ó Curraoin, Cllrs. M. Fahy, P. Feeney, G. Finnerty, M. Hoade, P. Hynes, C. Keaveney, S. Kyne, E Mannion, T. Mannion, J. McClearn, J McDonagh, M Mullins, M. Noone, P. Roche, An Comh S. Ó Tuairisg, Cllrs. S. Walsh, T. Walsh, T. Welby, B. Willers.

Oifigigh: Ms. M. Moloney, County Manager; Messrs. J. Cullen, F. Gilmore, K Kelly, J Morgan, P. Ridge, Directors of Service; G. Mullarkey, Head of Finance; M. Dolly, M Lavelle, L Gavin Senior Engineers; B. McDermott, County Secretary; M. Owens, A Comer, Senior Executive Officers; J Keane, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

Before dealing with the items on the agenda the Mayor said that he would allow an issue to be raised regarding an alleged unauthorized development on the Hill of Kilskeagh. The Members expressed very strong views on the matter and thanked the Co Manager for meeting a number of them this morning when they requested the Council to take out a Court Injunction against the developer.

Mr. Ridge pointed out that it is difficult to respond based to the issues raised. The Council, in discharging its duties must give all sides a fair hearing and apply due process. He said he could assure the members that the Council will pursue this issue with total diligence. He continued by saying that it was not appropriate to have such a discussion at a council meeting and he again reiterated that everyone is entitled to, and would receive, a fair hearing.

RESOLUTIONS OF SYMPATHY

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A resolution of sympathy was extended to the following:-

Mr. Brendan Barrett, Moyardwood, Woodlawn, Ballinasloe, Co. Galway.
Bertie O'Rourke, Bawnmore, Claregalway, Co. Galway.
Tom Kirwan & Family, Fohenagh, Ballinasloe, Co Galway.
Mr. Sean Moran, Liss, Abbeyknockmoy, Co. Galway
Mr. Paddy Williams, Newtown, Abbeyknockmoy, Co. Galway
Michael Mc Tighe & Family, Carrowgariff, Kinvara, Co. Galway
The McHugh Family, Weir Road, Tuam, Co Galway.
John & Frank Burke, Ballymarchaun, Ardrahan, Co. Galway

VOTE OF CONGRATULATION

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Cllr Kyne extended a vote of congratulations to the Maigh Cuilinn Handball Team on their recent success in the World Championships. Comh O Tuairisg extended a vote of congratulations to the Micheál Breathnachs Handball Team who were also successful in the World Championships. On the proposal of Cllr. Kyne and seconded by Comh. O Tuairisg it was agreed that a Civic Reception would be held to honour both teams at the November meeting.

Cllr D Connolly extended a vote of congratulations to the Galway Intermediate Camogie Team who won the All Ireland Intermediate Camogie final and it was agreed that a letter of congratulations would be sent to the County Camogie Board.

Cllr Canney extended a vote of congratulations to the Corofin Senior Football team on winning the Galway Senior Football Championship.

CONFIRMATION OF MINUTES OF MEETINGS

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The Minutes of Special Meeting held on 7th September 2009 were approved by the Council and signed by the Mayor on the proposal of Cllr Mullins, and seconded by Cllr. Keaveney.
Arising from the minutes, the following issue was raised:

Cllr. D Connolly referred to minute number 63 and the resolution requesting the Minister of Transport to meet with a deputation regarding difficulties with N6 Construction; he said that he wanted the minutes amended to reflect that the Minister for Transport had refused to meet the elected members in relation to this matter. This was agreed.

The Minutes of Monthly Meeting held on 28th September 2009 were approved by the Council and signed by the Mayor on the proposal of Cllr McDonagh, and seconded by Cllr. Hoade.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION

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The Report of the Conamara Area Committee Meeting held on 29th July 2009

Minutes of Monthly Meeting held on 19th October 2009

was considered. It was adopted by the Council on the proposal of Comh O Tuairisg and seconded by Cllr S Walsh.

The Report of the Oranmore Area Committee Meeting held on 16th March 2009 was considered. It was adopted by the Council on the proposal of Cllr McDonagh and seconded by Cllr Carroll.

The Report of the Oranmore Area Committee Meeting held on 27th July 2009 was considered. It was adopted by the Council on the proposal of Cllr McDonagh and seconded by Cllr Carroll.

The Report of the Tuam Area Committee Meeting held on 19th March 2009 was considered. It was adopted by the Council on the proposal of Cllr Keaveney and seconded by Cllr T Walsh.

The Report of the Tuam Area Committee Meeting held on 23rd June 2009 was considered. It was adopted by the Council on the proposal of Cllr Hoade and seconded by Cllr Roche.

The Report of the Loughrea Area Committee Meeting held on 22nd July 2009 was considered. It was adopted by the Council on the proposal of Cllr McClearn and seconded by Cllr Willers.

Arising from the Report, Cllr McClearn referred to Page 2 and the item titled *Flooding on the N6* and asked for an update on the basis that the locals had work carried out. Mr. Morgan in response said that the Roads Section had made a submission to the Department for funding. He said if there is no finance available then it will be put on the Roads Programme for 2010.

Cllr. McClearn said that he did not accept this as he understood that the works would be carried out once the locals had done their part and he was now asking the Council to honour their part of the arrangement.

It was agreed that the issue would be taken up with the Roads Section and Cllr McClearn would be informed of the position.

EXTINGUISHMENT OF PUBLIC RIGHT OF WAY – SECTION 73 OF ROADS ACT 1993

115

Extinguishment of Public Right of Way at Gortgarrow over a section of the L22333, approximately 328.7 metres in length – Report dated 12th October 2009 was already circulated to each member.

On the proposition of Cllr. Keaveney seconded by Cllr Roche it was agreed that Galway County Council having complied with the requirements of Section 73(1) of the Roads Act 1993 hereby order that the public right of way over a section of the L22333 in the Townland of Gortgarrow for a distance of 328.7m in a northerly direction from its junction with the L2233 be and is hereby extinguished.'

**EXTINGUISHMENT OF PUBLIC RIGHT OF WAY – SECTION 73 OF
ROADS ACT 1993** 116

**Extinguishment of Public Right of Way at Frenchfort over a section of the
LT71072, approximately 76 metres in length. .**

This item was deferred.

**TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING &
DEVELOPMENT REGULATIONS 2001 – CONSTRUCTION OF THE N17
TUAM BYPASS IN THE TOWNLANDS OF KILLEENAUN, KILMORE,
KILLALOONTY, AIRGLOONY, GARRACLOON, KILCLOGHANS,
DEMESNE AND MOUNTPOTTER AT TUAM, CO. GALWAY** 117

Report dated the 12th October, 2009 was already circulated to each member

On the proposal of Cllr. M Connolly, seconded by Cllr. Hoade, the construction of the N17 Tuam Bypass in the townlands of Killeenaun, Kilmore, Killaloonty, Airgloony, Garracloon, Kilcloghans, Demesne and Mountpotter at Tuam, Co. Galway was approved subject to the following amendment:

“Galway County Council and the NRA would not be adverse to any future planning application for an on ramp to the south bound carriage way of the Tuam By pass and an off ramp for the North Bound carriageway of the Tuam by pass immediately to the south of the Weir Road, which would help to enhance the operation and safety of both the Weir Road and the by pass”.

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF
ROADS ACT 1993** 118

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

Blackacre Housing Estate, Tuam: Road commencing with the junction of the National Road N17 in the townland of Blackacre and extending West for a distance of 232m, and terminating adjacent to house number 33 in the townland of Blackacre. Three number access roads located off this road extending in a north easterly direction for a distance of 155m and terminating adjacent to house numbers 73,72,59,58 and 1. A further spur road located at the western end of the estate starting opposite house number 67 for a distance of 66m and thereafter extending both north for a distance of 40m and south for a distance of 40m all in the townland of Blackacre.

Electoral Area: Tuam

**TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL
GOVERNMENT ACT 2001 AND SECTION 211 OF THE PLANNING AND**

**DEVELOPMENT ACT 2000 AND IN ACCORDANCE WITH ARTICLE 206
(1) OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 AND
SECTION 88 OF THE HOUSING ACT 1996 ON THE DISPOSAL OF 0.021
HECTARES AT PÁIRC NA HABHANN, ATHENRY, CO. GALWAY** 119

Report dated the 7th October already circulated to each member.

On the proposal of Cllr. Feeney, seconded by Cllr. Fahy, the disposal of 0.021 hectares at Páirc na hAbhann, Athenry, Co. Galway was approved.

NATIONAL COMPETITION FOR SMARTER TRAVEL AREAS 120

Report dated the 13th October was already circulated to each member and was presented to the members by Mr. Owens.

On the proposal of Cllr. Mullins, seconded by Cllr. Kyne, the report on the National Competition for Smarter Travel Areas was approved.

Cllr Mullins referred to his NOM no 24 for today's meeting and he proposed *that the Council calls on the Government to continue the Rural Transport Programme, as it provides a basic service to many elderly people who live in areas where there is no other Public Transport.* This was seconded by Cllr Canney and it was agreed that the resolution be forwarded to the Minister for Transport and the Minister for the Environment, Heritage and Local Government.

WATER SERVICES ASSESSMENT OF NEEDS 2009 121

Report dated the 19th October 2009 was circulated to each member.

Mr. Cullen stated that since the completion of the last assessment there have been significant changes in the economic climate, and the introduction of more stringent requirements to achieve greater environmental sustainability. The Department issued circular L6/09 dated the 17th July 09 requesting the preparation of a Needs Assessment for 2009, which will be used to facilitate the preparation of a Water Services Investment Programme (WSIP) for the period 2010 – 2012. The completed Needs Assessment must be submitted to the Department by the 23rd October, 2009.

He said that while there are a considerable number of schemes in County Galway that require advancement, it is a requirement of the current circular to delineate proposals into those that are a priority for construction over the coming years and those that would need to be advanced once the first group are completed. The circular emphasises that schemes on the current WSIP will not automatically be included in the new WSIP.

He stressed that the future implications of any capital programme for Galway County Council will have an impact on its progression. Typically the funding breakdown between the Department and Galway County Council varies from 55: 45 to 75: 25. The element to be funded by the Council must come from either accumulated development levies or be recouped through the non domestic water charge. For

example the Tuam Town WS & MD scheme which is due to commence construction shortly is expected to be funded 64.3% by the Dept and 35.7% by the Council. This will mean that the Council will have to fund approximately € 10m of this project alone.

He said that the current system of water services funding carries a burden that the Council will find difficult to sustain and may in fact render the Water Services Capital Investment Programme unaffordable.

He referred to the four categories into which all schemes had to be categorized. Under each category two lists of priorities schemes are provided. The first list of schemes contains those that should progress to construction within the next three years, i.e. 2010 to 2012. The second list provides those schemes that will progress through planning over the next three years. He drew the Members attention to the list of prioritized schemes on Pages 15,16 & 17 on his report.

While acknowledging that it was important to have an Assessment of Water Services Needs, members expressed frustration at how long it takes to get schemes through planning and on to construction. They raised queries in relation to the current status of various schemes and Mr. Cullen replied on the status of each. They also raised concern about the capacity of the council to fund the portion of cost not covered by the Department of the Environment.

Cllr D Connolly proposed: *that in the event that water would be extracted from the River Shannon that Galway County Council would pursue payment of a financial dividend which would be ring-fenced for water quality improvements in the Shannon River basin area of County Galway, such schemes would include Eyrecourt Sewerage Scheme, Mountbellew Sewerage Scheme, Ballygar and Ahascragh Sewerage Scheme, Caltra Sewerage Scheme, Ballinasloe Regional water Supply Scheme etc.* This was seconded by Cllr T. Mannion and agreed.

TO APPROVE OVERDRAFT ACCOMMODATION OF €35MILLION FOR THE PERIOD 01/01/2010 – 30/06/2010 **122**

Report dated the 9th October 2009 was circulated to each member

On the proposal of Cllr. Mullins, seconded by Cllr. M. Connolly, the overdraft accommodation of € 35 Million for the period 01/01/2010 to 30/6/2010 was approved.

FINANCIAL REPORT OF THE COUNCIL TO THE 30TH SEPTEMBER 2009 **123**

Report dated the 16th September 2009 was circulated to each member and presented by Mr. Mullarkey who indicated that the main points to note are:

- Revenue account at break even for the first 9 months
- Roads—Expenditure and income both behind budget
- Capital account- debit balance has increased by €16m but loan funding to be drawn down in the last quarter of the year.

REPRESENTATION OF ELECTED MEMBERS ON STRATEGIC POLICY COMMITTEES

124

Report dated the 15th October 2009 was circulated to each member. Following discussion it was agreed that the recommendation in the report was acceptable with one change i.e Cllr Canney will sit on the Planning , Economic Development & Community SPC and Comh O Curraoin will sit on the Roads & Transportation SPC. It was proposed by Cllr. Mullins, seconded by Cllr. Mannion, and agreed that the Members be appointed to Strategic Policy Committees as follows.

SPC's	Chair	Councillors
Housing, Fire & Emergency	Cllr. Tiarnan Walsh	Cllr. Thomas Welby Cllr. Bridie Willers Cllr. Tomás Mannion Cllr. Jarlath McDonagh Cllr. Seamus Walsh
Roads and Transportation	Cllr. Colm Keaveney	Cllr. Peter Roche Cllr. Paul Connaughton Cllr. Tomás O'Curraoin Cllr. Peter Feeney Cllr. Michael Connolly
Planning, Economic Development & Community	Cllr. Michael Fahy	Cllr. Jimmy McClearn Cllr. Dermot Connolly Cllr. Liam Carroll Comh. Seán O Tuairisg Comh. Sean Canney
Environment and Water Services	Cllr. JimCuddy	Cllr. Eileen Mannion Cllr. Michael Mullins Comh. Michael Maher Cllr. Tim Broderick Cll. Gerry Finnerty
Corporate and Culture	Cllr. Pat Hynes	Cllr. Tom McHugh Cllr. Malachy Noone Cllr. Seán Kyne Cllr. Mary Hoade Comh. Seosamh O Cuaig

MANAGERS BUSINESS

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The Manager said that the decision of An Bord Pleanala to grant planning permission for the Eastern part of the Galway City Outer By Pass was heard in the High Court recently and that both challenges were unsuccessful. She said the question of leave to appeal to the Supreme Court and the question of legal costs have been adjourned to 6th November, 2009.

She advised that, under the Incentivised Early Retirement Scheme, the Council will be losing members of staff over the next few months and there will be an element of redeployment. A number of staff has applied to avail of the scheme including Mr. John Morgan, Director of Services, Roads & Transportation Unit who will be retiring in November and therefore this will be his last Council meeting. She paid tribute to Mr Morgan and said that he had overseen many major infrastructural developments in the County and without his interest and diligence these projects would not be at such an advanced stage. She thanked him for his service to Galway County Council.

MAYORS BUSINESS

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The Mayor and Members also paid tribute to Mr Morgan and thanked him for his contribution to Galway County Council.

Cllr Roche requested a public light at the recycling facility in Monivea following its relocation from Athenry.

It was proposed by Cllr Kyne, seconded by Cllr Welby and agreed that “We the members of Galway County Council again give our full support to the Galway City Outer Bypass in light of the recent court decision to dismiss objections to the previous Bord Pleanála decision to grant approval for the planned road to Bushypark. Furthermore, we the Members recognize the importance of this project to Conamara, Galway City and as a vital link with the soon to be open M6 motorway.” It was agreed that a copy of the Resolution be forwarded to the Minister for the Environment, Heritage and Local Government and the Minister for Transport.

It was proposed by Cllr T. Mannion, seconded by Cllr. T. Broderick and agreed that “we request Minister Dempsey to investigate the role of the NRA in relation to on-going problems with the local community and N6 Concessions as there appears to be a total lack of supervision and enforcement of the contract between N6 Concessions and the NRA leading to a serious lack of respect for the wider community.”

Cllr McClearn requested that the amount of literature being sent out to the members from the Council be examined by the CPG.

In relation to queries raised by the members Mr. Ridge said that he would check with the NPWS regarding their requirements for the assessing of new ESB poles.

Responding to issues again raised in relation to the alleged unauthorized development at Kilskeagh, the Manager said that it is the Councils intention to follow up this matter in an appropriate manner.

NOTICE OF MOTIONS

NOTICE OF MOTION NO 15 – CLLR. E. MANNION

127

The following reply was given:-

“There is merit in providing a bus shelter at this location however there is currently no funding available to the Council to facilitate the provision of same”.

NOTICE OF MOTION NO 16 – CLLR. E. MANNION 128

The following reply was given:-

“The provision of a disabled parking space at this location will be considered”.

NOTICE OF MOTION NO 17 – CLLR. E. MANNION 129

The following reply was given:-

“The vacant houses at Tullyvoheen Estate, Clifden, will be allowed to persons on the household waiting list once turnover works are completed at these locations. These works are being completed by a combination of direct labour and contract”.

NOTICE OF MOTION NO 18 – CLLR. J. MC DONAGH 130

The following reply was given:-

“ A grant in the amount of €30,000 is available under the Low Cost Safety Improvement Works Scheme for works at this location and it is anticipated that these works will be progressed in 2009”

NOTICE OF MOTION NO 19 – CLLR. J. MC DONAGH 131

The following reply was given:-

“Appropriate road lining will be reinstated at this location”

NOTICE OF MOTION NO 20 – CLLR J MC DONAGH 132

The following reply was given:-

“ Notice of Motion funding has been made available to facilitate work at this location. The work is currently scheduled to be undertaken in the current year”

NOTICE OF MOTION NO. 21 – CLLR. M FAHY 133

The following reply was given:-

“The N18 Oranmore to Gort Scheme has been combined with two other national road schemes, namely the M17 Galway – Tuam Scheme and the N17 Tuam Bypass. The combined scheme, known as the N17/N18 Gort to Tuam Scheme is being progressed as a non-tolled PPP scheme and is now at tender stage. This scheme is included in the National Roads Authority’s current PPP programme and it is anticipated that a tenderer will be appointed in 2010, with a view to commencing

construction in October 2010. Construction is expected to take approximately 3 years and accordingly based on this anticipated timeframe the road will open in 2013”

NOTICE OF MOTION NO 22 – CLLR.M FAHY 134

The following reply was given:-

The Kinvara Sewerage scheme is currently at design stage. The finalisation of the design will take a number of months and will then be sent to the Department of the Environment, Heritage & Local Government (DoEHLG) for approval. At this stage, Galway County Council has not acquired the site for the treatment plant as the design is not finalized. When the design is completed and Department approval to the design report is forthcoming, the Council will then proceed to enter into discussions with the relevant landowner”.

NOTICE OF MOTION NO 23 – CLLR. M FAHY 135

The following reply was given:-

There are no plans at present for the provision of safety measures such as a pedestrian crossing at this location. The proposed new M18 when opened will greatly reduce the volume of traffic at this location”

NOTICE OF MOTION NO 24 – CLLR. M. MULLINS 136

The following reply was given:-

“Noted”

NOTICE OF MOTION NO 25 – CLLR. S. CANNEY 137

The following reply was given:-

The proposal in relation to a right turning lane at Castletown on the N17 will be raised with the National Roads Authority again”

CRIOCHNAIGH AN CRUINIÚ ANSIN