

CHOMHAIRLE CHONTAE NA GAILLIMHE

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL
HELD AT ÁRAS AN CHONTAE, PROSPECT HILL ON FRIDAY 17TH
DECEMBER, 2010.**

CATHAOIRLEACH:

Cllr. J. McClearn

Baill:

Cllrs. T. Broderick, S. Canney, L. Carroll, P. Connaughton, D. Connolly, M. Connolly, J. Cuddy, Comh S O’Cuaig, Comh T. Ó Curraoin, Cllrs. M. Fahy, P. Feeney, G. Finnerty, M. Hoade, P. Hynes, C. Keaveney, S. Kyne, M. Maher, E Mannion, T. Mannion, T. Mc Hugh, J McDonagh, M Mullins, M. Noone, P. Roche, Comh S. Ó Tuairisg, Cllrs. S. Walsh, T. Walsh, T. Welby, B. Willers.

Oifigigh:

Ms. M. Moloney, County Manager; Messrs. J. Cullen, K. Kelly, F. Gilmore, Directors of Service; M. Dolly, E. Molloy, Senior Engineers; B. McDermott, County Secretary; A. Comer, M. Owens, Senior Executive Officers; P. O Neachtain, Oifigeach Gaeilge; G. Healy, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

RESOLUTIONS OF SYMPATHY

553

A resolution of sympathy was extended to the following:-

Marita Daly, Bullaun, Loughrea, Co. Galway.

Ms. Catherine Quinn, Cloonkeen, Newbridge, Ballinasloe, Co. Galway.

Gerry Tierney & Family, Cloonlyon, Ballygar, Co. Galway.

Tom Roche & Family, Gurteen, Mountbellew, Ballinasloe, Co. Galway.

Tom Kelly & Eileen Kelly, The Grange, Newbridge, Ballinasloe, Co. Galway.

The Members extended their sympathy to Cllr. Roche, his wife Bridie and their three sons on the recent sad loss of their son Colin.

The Manager also extended her sympathy to the Roche family on her own behalf and also on behalf of the staff of Galway County Council.

The Mayor then proposed that the Meeting be adjourned for 10 minutes as a mark of respect.

CONFIRMATION OF MINUTES OF MEETINGS

554

The Minutes of the Special Meeting held on 5th November 2010 were approved by the Council and signed by the Mayor on the proposal of Cllr. Mullins, seconded by Cllr. S. Walsh.

Referring to the Minutes of the Monthly Meeting held on 22nd November 2010, Cllr Welby requested that the minutes be amended to reflect that he was absent for the vote on page 6 of the minutes and not that he had abstained as reflected in the minutes. The Minutes of the meeting of 22nd November 2010 with above amendment were approved by the Council and signed by the Mayor on the proposal of Cllr. Carroll, seconded by Cllr. Finnerty.

Referring to the Sludge Management Plan adopted at the November Meeting of the Council, Cllr. Cuddy said that no further action should be taken by the Council until the public had been consulted. Mr. Cullen stated that there were a number of statutory processes that needed to be undertaken and he confirmed that there would be opportunity for the public to engage in a proper and meaningful way. The Mayor said that the plan had been discussed at length at the previous meeting and adopted by the Council and that assurance had been given that public consultation would take place.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION

555

The Report of the Corporate Policy Group Meeting held on 27th September 2010 was considered. It was adopted by the Council on the proposal of Cllr. T. Walsh, seconded by Cllr. Cuddy.

The Report of the Corporate Policy Group Meeting held on 22nd November 2010 was considered. It was adopted by the Council on the proposal of Cllr. Fahy, seconded by Cllr. T. Walsh.

The Report of the Conamara Area Committee Meeting held on 6th September 2010 was considered. It was adopted by the Council on the proposal of Cllr. Kyne, seconded by Cllr. S. Walsh.

The Report of the Environment & Water Services SPC Meeting held on 8th September 2010 was considered. It was adopted by the Council on the proposal of Cllr. Mullins, seconded by Cllr. Maher.

The Report of the Roads & Transportation SPC Meeting held on 2nd February 2010

was considered. It was adopted by the Council on the proposal of Cllr. Connaughton, seconded by Cllr. McDonagh.

DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993 556

On the proposal of Cllr. E. Mannion and seconded by Comh. Ó Cuaig, the Council approved the declaration of the following road to be a public road, the statutory procedure having been complied with

Road commencing at the end of Local road L51271 in the townland of Tullyvoheen and extending east for a distance of 80 metres and westwards from the same point for a length of 52 metres all in the townland of Tullyvoheen.

Electoral Area: Conamara

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.012 HECTARES AT DERRYHERBERT, TULLY, CO. GALWAY 557

Report dated 6th December, 2010 was already circulated to each Member.

On the proposal of Cllr. S. Walsh, seconded by Comh. Ó Curraoin, the disposal of 0.012 hectares at Derryherbert, Tully, Co. Galway, was approved

EXTINGUISHMENT OF PUBLIC RIGHT OF WAY – SECTION 73 OF ROADS ACT 1993 558

Report dated 8th December, 2010 was circulated to each Member.

To consider a proposal under Section 73 of the Roads Act 1993 to Extinguish a Public Right of Way – A section of the L8402-0 in the Townland of Liscappul commencing eight hundred and sixty three metres from its junction with the L-8401 for a length of seventy seven metres –

On the proposal of Cllr. Mullins, seconded by Cllr. McHugh, 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 L8402-0 in the Townland of Liscappul commencing eight hundred and sixty three metres from its junction with the L-8401 for a length of seventy seven metres, be and is hereby extinguished.

In reply to a query from Cllr. D. Connolly, Mr. Gilmore confirmed that any outstanding issues of concern raised by the objector would be addressed.

OVERDRAFT ACCOMMODATION OF €25 MILLION FOR THE PERIOD 01/07/11 – 31/12/11 559

Report was already circulated to each Member.

Cllr. Broderick asked if any progress had been made in relation to a proposal he had made at a previous meeting that the Council ask the Minister for the Environment, Heritage & Local Government to pay the Council's overdraft interest. The Manager replied that the Council raised this issue on numerous occasions with the DOEHLG but the view of the DOEHLG is that they will not pay the Council's overdraft interest. However, she said that the Council has made good progress in tackling the outstanding capital balance in terms of recoupment from central Government.

On the proposal of Cllr. McDonagh, seconded by Cllr. Carroll it was agreed that the overdraft accommodation of €25m for the period 1/7/11 to 31/12/11 be approved.

HERITAGE PLAN

560

Draft Galway County Heritage Plan 2010 – 2016 was already circulated to each Member.

Cllr. Hynes, Chairperson of the Corporate & Cultural Affairs Strategic Policy Committee presented the Draft Heritage Plan to the Members on behalf of the SPC and he summarized the Draft Plan as follows:

- This is the second Heritage Plan for County Galway and echoes many of the policies and objectives of the National Heritage Plan such as placing heritage at the heart of public life, promoting awareness of our heritage, acquiring knowledge and protecting our heritage. She also said that this new Heritage Plan aims to build upon the accomplishments of the first Galway County Heritage Plan, while taking account of changes in the national and local environment since the publication of the first plan.
- The Plan has been developed by way of a partnership approach and will also be implemented through strategic partnerships. Consultation at all levels has been central in the development of the plan and this involved public consultation meetings in each of the Electoral Areas.
- Galway County Council in association with Galway County Heritage Forum undertook an intensive consultation programme between February and March 2008, the aim of which was to bring together a wide spectrum of interests and backgrounds to produce the Heritage Plan for the County. The Heritage Officer consulted with various agencies, organisations and individuals including the Local Area Heritage Networks. Advertisements were placed in the local press and on Galway County Council's Website regarding the development of the Plan. Notices regarding the formulation of the Plan and invitations to participate in its development were posted to over seven hundred individuals, agencies, and community and voluntary organisations and notices were also sent out to parish newsletters regarding the formulation of the Plan.
- The Heritage Officer was also interviewed on local radio stations regarding the development of the Plan. Throughout the consultation process members of the public were invited to make submissions or to attend public meetings.

- 81 written submissions were received in all from the organisations, individuals and agencies.
- Galway County Heritage Forum, which comprises interests such as Local Government, the County Development Board, landowners and farmers, state agencies, local development agencies, the education and heritage sector and the community and voluntary sector, established three working groups to assist in the development of the plan and each working group considered the Heritage Plan 'Working Document' and all submissions that were received.
- The list of Actions included in the Draft Plan are generic with no specific locations mentioned but it is intended that each Electoral Area will receive its fair share of heritage projects.

The Members commended Ms. Mannion on the Draft Plan and thanked her for her outstanding work in relation to heritage.

The Manager stated that the value of the Heritage Programme for the county has been invaluable and she thanked Ms. Mannion and also the Heritage Forum for their work.

Cllr. D. Connolly requested that the Commemoration of the 100th Anniversary of the 1916 Rising be included in the plan.

On the proposal of Cllr. Hynes, seconded by Comh. Ó Tuairisg, it was agreed that the Draft Galway County Heritage Plan 2010 – 2016 be adopted, with the inclusion of the “Commemoration of the 100th Anniversary of the 1916 Rising” under SECTION 3, Action 3.34.

AGREEMENTS WITH CLARE COUNTY COUNCIL PURSUANT TO SECTION 85 OF THE LOCAL GOVERNMENT ACT 2001 – WINTER MAINTENANCE

561

On the proposal of Cllr. Mullins, seconded by Cllr. T. Mannion, it was agreed that Galway County Council, subject to the approval of the National Roads Authority, enter into an Agreement with Clare County Council under the provisions of Section 85 of the Local Government Act, 2001 to enable Clare County Council to carry out winter road gritting on the section of the Motorway M18 route between the Clare Galway County Boundary and the roundabout on the Gort end of the M18 linking to the National Primary Route the N18 at Gort.

On the proposal of Cllr. Mullins, seconded by Cllr. T. Mannion, it was agreed that Galway County Council, subject to the approval of the National Roads Authority, enter into an Agreement with Clare County Council under the provisions of Section 85 of the Local Government Act, 2001 to enable Galway County Council to carry out winter road gritting on the section of the National Secondary Route N67 between the Clare Galway County Boundary and Ballyvaughan Village.

AGREEMENTS WITH ROSCOMMON COUNTY COUNCIL PURSUANT TO SECTION 85 OF THE LOCAL GOVERNMENT ACT 2001 – WINTER MAINTENANCE

562

On the proposal of Cllr. Mullins, seconded by Cllr. T. Mannion, it was agreed that Galway County Council, subject to the approval of the National Roads Authority, enter into an Agreement with Roscommon County Council under the provisions of Section 85 of the Local Government Act, 2001 to enable Roscommon County Council to carry out winter road gritting on the section of the National Secondary Route N60 between the Roscommon Galway County Boundary east of Ballymoe Village through Ballymoe and onto the Roscommon Galway County Boundary north of Ballymoe.

On the proposal of Cllr. Mullins, seconded by Cllr. T. Mannion it was agreed that Galway County Council, subject to the approval of the National Roads Authority, enter into an Agreement with Roscommon County Council under the provisions of Section 85 of the Local Government Act, 2001 to enable Galway County Council to carry out winter road gritting on the section of the National Secondary Route N83 between the Roscommon Galway County Boundary through Cloonfad and onto the Roscommon Mayo County Boundary.

DRAFT WINTER SERVICE PLAN

563

Report dated 10th December, 2010 was circulated to each Member.

Mr. Gilmore presented the Winter Service Plan to the Members and he invited the Members to adopt the Plan.

Mr. Gilmore summarized the main points of the Winter Service Plan as follows:

- The aim of the Winter Service Plan is to set out how the winter service for ice and snow conditions will be provided for in County Galway.
- The Plan is primarily concerned with a typical winter with consideration given to how a harsher winter will be handled.
- The Council's policy is to provide an effective and efficient winter maintenance service within the resources available
- Winter maintenance on national roads is carried out by the Council for the National Roads Authority and is funded by the NRA. Winter maintenance on local and regional roads is funded directly from the discretionary maintenance grant
- It is the aim of the Council to treat the public road network at strategic locations including: hospital facilities, airport, bus depots, fire stations, train stations, major industries.
- He stated that the Winter Service Plan includes a winter treatment priority route table which details the routes which are ordinarily treated and receive precautionary treatment.

A discussion followed and the Members made the following points:

- the Members commended the Council staff for their excellent work in salting and gritting roads where resources were made available
- some Members expressed the view that the decision by the Department of Transport to transfer responsibility for management of regional roads from local authorities to the NRA has not proven successful as the NRA has reduced the levels of salt available to local authorities for the gritting of regional roads
- some Members stated that more routes should be included in the winter treatment priority route table as many roads on school routes are not being salted and this is causing great concern to parents, teachers and school bus drivers.

Mr. Gilmore stated that local authorities would not have the resources that the NRA have in the area of procuring and importing of huge volumes of salt and also the NRA has funded the construction of a number of salt barns around the county and this is to be welcomed.

He also said that it is not possible to include more routes in the winter treatment priority list as resources are already stretched in salting the existing priority routes.

Comh. Ó Cuaig proposed that Galway County Council would recognize the strategic routes in Conamara in a similar manner as the strategic routes for the rest of the county and this proposal was seconded by Comh. Ó Tuairisg and agreed “.

On the proposal of Cllr. Mullins, seconded by Cllr. Feeney, it was agreed that the Winter Service Plan be adopted.

COMMUNITY INVOLVEMENT IN ROAD WORKS SCHEME – DRAFT REVISED POLICY

564

Report dated 10th December, 2010 was already circulated to each Member.

Mr. Gilmore presented the Draft Revised Policy for the Community Involvement in Roadworks Scheme to the Members and he stated that the revised policy will allow the Council to extend the remit of the Community Involvement in Road Works Scheme to include street sweeping, cleaning and trimming of verges whilst retaining the existing categories of work.

On the proposal of Cllr. S. Walsh, seconded by Comh. Ó Tuairisg, the Draft Revised Policy for the Community Involvement in Roadworks Scheme was agreed.

TRAFFIC MANAGEMENT POLICY – DRAFT PROCEDURE FOR THE INTRODUCTION OF TRAFFIC MANAGEMENT PLANS & MEASURES

565

Report dated 10th December, 2010 was already circulated to each Member

It was agreed that this item be deferred

FLOODING UPDATE

566

Report dated 17th December, 2010 was already circulated to each Member

It was agreed that this item be deferred

DRAFT DEVELOPMENT CONTRIBUTION SCHEME

567

Report dated 9th December, 2010 was already circulated to each Member.

Mr. Kelly pointed out that the Draft Scheme was the subject of quite an amount of discussion prior to the approval of the Draft for public display. The Scheme had been on public display from 8th October to 19th November and the submissions received were outlined in the Managers Report together with a response. He said that the overall thrust of the Scheme is to achieve a reduction of 10% on residential contribution rates and a reduction of 30% in commercial contribution rates. He said that the Draft Scheme included a charge of €10,000 for the first permission for a mast and an extra fee of €10,000 every five years, as each permission only lasts five years. However, it is now recommended that a charge should only be applied on the first grant of permission for a mast and that the charge should be increased to €20,000 per mast.

A discussion took place with the Members proposing a co-location charge. Mr. Kelly stated that he felt that the proposal to levy a charge of €10,000 for co-location on masts may result in companies opting not to co-locate. However, Cllr. D. Connolly proposed “that the development charge for masts should be set at €20,000 and that there should be a charge of €10,000 for each co-location”. This proposal was seconded by Cllrs. Broderick, Canney and M. Connolly and agreed.

Cllr. S. Walsh pointed out that he felt there was an anomaly in the Draft Scheme and he proposed “that the rate of development charges are not increased on those previously imposed for a particular development in the case of changes made within the life of that particular permission”. This proposal was seconded by Comh. O’Tuairisg and agreed.

Cllr. Kyne proposed in relation to the special contribution in Bearnna “that the requirement for a community facility and amenities contribution for a single replacement house not be applied where local housing need has been established”. This proposal was seconded by Cllr. S. Walsh, and agreed.

Comh. O’Tuairisg proposed “that the monetary development contribution for two or more houses in the Bearnna Plan area be €40 per square meter to reflect present site value”. This proposal was seconded by Cllr. S. Walsh and agreed.

On the proposal of Cllr. Hoade, seconded by Cllr. M. Connolly, it was agreed that the Draft Development Contribution Scheme, with the amendments passed by Resolution of the Members, be approved.

MANAGERS BUSINESS

568

Mr. Cullen informed the Members that the boil water notice which had been in operation in Gort was lifted today and he expressed his appreciation to the people of the Gort area for their patience while the notice was in operation. However, he said that there has been an increase of 30% in demand for water throughout the county and he said that water consumption needs to be reduced to an absolute minimum in order that water shortages do not occur.

MAYORS BUSINESS

569

Cllr. T Mannion asked about the current status of the proposal for a sewerage scheme in Kiltormer which was to be funded from development levies. Mr. Cullen stated that Kiltormer was selected as the project for the Ballinasloe area at a time when there was a high level of income from development levies with an expectation that the income from that source would continue. However that did not turn out to be the case and there were no longer any levies available to enable the project to proceed because the demand on the levies to support the Water Services Investment Programme Capital Schemes and the Remedial Action Programme and other areas of legislative compliance were greater than the available levies. The members expressed their dissatisfaction at this position and requested that when the Water Services Programme is looked at again that some way be found to include Kiltormer in it.

In reply to a request from Cllr. Cuddy that the OPW be invited to attend a Meeting of the Council shortly in order to discuss progress regarding flood alleviation, the Manager stated that this would be arranged.

CONFERENCES

570

On the proposal of Cllr. McDonagh, and seconded by Cllr. T. Mannion attendance at conferences was agreed.

Agricultural Science Association Conference 2010 – Growing Agriculture – Growing the Economy – 10th September – Mount Wolseley Hotel, Tullow, Co. Carlow

Cllrs. S Kyne, Cllr. P Feeney

Irish Walled Towns Network Conference & AGM – 30th September – Heritage Council, Áras na hOidreachta, Church Lane, Kilkenny

Cllr. P Feeney

LAMA Autumn Seminar 2010 – Local Government Efficiency & Financing – 8th – 9th October – Listowel Arms Hotel, Listowel, Co. Kerry

Cllrs. M Hoade, M Mullins, J Mc Donagh, P Feeney, S Kyne, M Maher, P Roche, T Welby, T Ó Curráoin, J McClearn, T McHugh, T Walsh, T Mannion, M Connolly, S Canney

Fondúireacht Na Gaeilge Teo – Seimineár (2) Féiniúlacht, Cultúr agus Teanga i Ré an Domhandaithe – 15th – 16th October – Davenport Hotel, Merrion Sq., Dublin 2

Comh. S Ó Tuairisg

Roscommon County Council – Dr. Douglas Hyde Conference 2010 – Inside Creativity: Education, Innovation, Economy & Society – 15th – 16th October – Abbeyfield Hotel, Ballaghaderreen, Co. Roscommon

Cllr. M Hoade

Esperanza Enterprises – Planning & Development Amendment Act 2010 – 15th – 17th October – Hannon’s Hotel, Athlone Rd., Roscommon

Comh. T Ó Curráoin

Northern Ireland Policing Board / District Policing Partnerships Annual Conference – 26th October – Stormont Hotel, Belfast, Co. Antrim

Cllr. M Hoade

Smart Marketing – Mastering the Art of Secure Communication – 5th – 7th November – Silver Tassie Hotel, Letterkenny, Co. Donegal

Cllr. M Connolly

Superior Training – Bogs – Management & Development – For Whom the Bogs Toll – 5th – 7th November – Carlton Atlantic Hotel, Westport, Co. Mayo

Cllr. T Walsh, T McHugh, P Hynes, P Roche

The Equality Authority – Planning for Equality – 6th Annual Conference – 9th November – Dublin Castle, Dublin 2

Comh. S Ó Tuairisg

Esperanza Enterprises – Radon – A Hidden Killer – 12th – 14th November – Manor West Hotel Spa & Leisure Club, Killarney Rd., Tralee, Co. Kerry

Cllr. P Feeney, P Hynes, S Kyne,

Esperanza Enterprises – Exploring Options for the Unemployed, Indemnification against the Unforeseen – 19th – 21st November – Carlton Atlantic Hotel, Westport, Co. Mayo

Cllr. T Walsh

Kadenza Consultancies – Council Budgets 2011 – 21st – 23rd November – Silver Tassie Hotel, Letterkenny, Co. Donegal

Cllr. P Hynes

Mid West Branch Irish Planning Institute – Planning & Development (Amendment) Act 2010 – 25th November – Savoy Hotel, Henry St., Limerick

Cllr. E Mannion

Clare Tourist Council – Clare Tourism Conference 2010 – Achieving World Class Tourism – 26th – 27th November – Falls Hotel, Ennistymon, Co. Clare

Cllr. J McDonagh, D Connolly, P Roche, J Cuddy, T Welby, G Finnerty, M Hoade, E Mannion, T Walsh, J McClearn

Irish Human Rights Commission – Religion & Education: A Human Rights Perspective – 27th November – Trinity College, Dublin

Cllr. P Hynes

Esperanza Enterprises – Waste Management (Food Waste) Regulations 2009 – 3rd – 5th December – Silver Tassie Hotel, Letterkenny, Co. Donegal

Cllr. P Hynes, C Keaveney

Superior Training – The Local Government Budget 2011 – 10th – 12th December – Carlton Millrace Hotel, Bunclody, Co. Wexford

Cllr. S Walsh, T Walsh, P Hynes

The Law Reform Commission Annual Conference 2010 – Reforming the Law on Personal Debt – 16th December – Dublin Castle, Dublin 2

Comh. S Ó Tuairisg, P Hynes

Esperanza Enterprises – Building Regulations, Renewable Energy Requirement, Home Insurance – 17th – 19th December – Manor West Hotel, Killarney Rd., Tralee, Co. Kerry

Cllrs. P Hynes, C Keaveney, J McClearn, P Roche

NOTICE OF MOTIONS

The following reply was given:-

“It was necessary to reach agreement with the relevant landowners in order to facilitate the commencement of these works. In this regard, substantial agreement has now been reached with the various landowners and accordingly it is anticipated that work will commence shortly.”

NOTICE OF MOTION NO 18 – CLLR. M. FAHY 572

The following reply was given:-

“It is intended to complete a review of the condition of the pavement (both street and footpaths), drainage and parking layout in the coming weeks with a view to preparing an estimate for the works to be submitted to the National Roads Authority for appropriate consideration.”

NOTICE OF MOTION NO 19 – CLLR. M. FAHY 573

The following reply was given:-

“Please note that the above was passed by Resolution of the Council at the November Monthly Meeting.”

NOTICE OF MOTION NO 20– COMH. S. Ó TUAIRISG 574

The following reply was given:-

“Tá súil le cinneadh ar an bPáirt 8 ar an 3ú Eanáir 2011. Má cheadaítear an t-iarratas, cuirfear faoi bhráid na comhairle é san earrach agus táthar ag súil go gcuirfear amach do fhorthairiscint é in Aibreán 2011.”

NOTICE OF MOTION NO 21– COMH. S. Ó TUAIRISG 575

The following reply was given:-

“Níl aon airgeadú ar fáil faoi láthair chun “súile cait” a chur sa mbóthar seo.”

NOTICE OF MOTION NO 22– COMH. S. Ó TUAIRISG 576

The following reply was given:-

“Níl aon airgeadú ar fáil faoi láthair chun cosán coisithe agus oibreacha coimhdeach a dhéanamh. Bheadh go leor airgeadú ag teastáil ach níl aon airgeadú sainiúil ar fáil dó seo.”

NOTICE OF MOTION NO 43 – CLLR. T. WELBY

577

The following reply was given:-

“I can confirm that the level of enquiries in relation to taking in charge has increased during 2010 and 9 formal applications were received to have estates taken in charge. The current staff assigned to Building Control are 1 full time (technical) and 2 part-time (administrative).

The staffing levels assigned to each area within the planning department are continuously under review having regard to current workload in each area and the statutory requirements imposed under the planning legislation including the Planning and Development (Amendment Act) 2010 and this balancing of resources will continue in 2011. It is the Council’s policy to pursue the developer in respect of work’s outstanding and where necessary to call in any bond to facilitate the completion of works outstanding.”

Criochnaigh an Cruinniú Ansin.