

**COMHAIRLE CHONTAE NA GAILLIMHE**  
**MINUTES OF ORDINARY MEETING OF GALWAY COUNTY COUNCIL HELD AT ÁRAS AN**  
**CHONTAE, PROSPECT HILL, GALWAY ON MONDAY, 28<sup>TH</sup> JANUARY, 2013 @ 2.00 PM**

**CATHAOIRLEACH:** Cllr. T. Welby, Mayor of the County of Galway.

**I LATHAIR FREISIN:**

**Baill:** Cllrs. T. Broderick, S. Canney, L. Carroll, D. Connolly, M. Connolly, Comh. S. Ó Cuaig, T. Ó Curraoin, Cllrs. J. Cuddy, S. Cunniffe, M. Fahy, P. Feeney, G. Finnerty, M. Finnerty, M. Hoade, P. Hynes, Comh. S. Ó Laoi, Cllrs. M. Maher, E. Mannion, T. Mannion, J. McDonagh, J. McClearn, T. McHugh, P. Roche, K. Ryan, Comh S. Ó Tuairisg, Cllrs. S. Walsh & B. Willers.

**Oifigigh:** Ms. M. Moloney, County Manager, Messrs. F. Gilmore K. Kelly, E. Cummins, J. Cullen, Directors of Service; G. Mullarkey, Head of Finance; M. Owens, County Secretary & Meetings Administrator, E. Molloy, L. Gavin, Senior Senior Engineers, G. Kavanagh, Planner, A. Martyns, P. O'Neachtain, Oifigeach Gaeilge; R. O'Boyle, Staff Officer.

**CAAS** Mr. Conor Skehan, Environmental Consultant  
Mr. David Le'Strange, Environmental Consultant

Thosnaigh and cruinniu leis an paidir.

**VOTES OF SYMPATHY**

**1327**

It was proposed by Cllr. McDonagh, seconded by Cllr. McHugh and agreed to extend a Vote of Sympathy to Cllr. T. Walsh, Mr. Shay Walsh and the Walsh family on the death Mr. Seamus Walsh, brother of Cllr. Walsh and father of Shay. The Members joined in the expression of sympathy, paying tribute to Mr. Seamus Walsh for his tremendous legacy and unique contribution to education in the Glenamaddy area.

It was proposed by Cllr. Cuddy, seconded by Comh O'Cuaig and agreed to extend a Vote of Sympathy to the wife and family of the late Detective Garda Adrian Donohoe, the Garda Commissioner, and An Garda Síochána Dundalk Garda Station on the tragic and untimely death of Detective Garda Donohoe who died in the course of undertaking his duty as a member of An Garda Síochána. The Members joined in the expression of sympathy.

The County Manager stated that on her own behalf and on behalf of the Staff she wished to be associated with the Votes of Sympathy to Cllr. T. Walsh, Shay Walsh and the Walsh family on the untimely death of Mr. Seamus Walsh, whom she noted was an active community participant and someone who had made a huge contribution to the development of his local community. She stated she also wished to be associated with the Vote of Sympathy to the Wife and family of Detective Garda Adrian Donohoe and to An Garda Síochána, noting that

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she was familiar with the area in which the tragic occurred through her previous role as Louth County Manager.

It was proposed by Cllr. Maher, seconded by Cllr. Willers and agreed to extend a Vote of Sympathy to the family of the late Mrs. Mary Cullinane, a former member of staff in the Loughrea Library.

### **Other Votes of Sympathy**

Mr. Joe Keehan, Ardamullivan, Gort, Co. Galway

Ms. Bernadette Coen, 17 Beechlawn Close, Loughrea, Co. Galway

Ms. Bernadette Hardiman, Killeen, Killimor, Ballinasloe, Co. Galway

Mrs. Marie Dolan, Poolboy, Ballinasloe, Co. Galway

Mr. Bertie Moran, Bohercoill, Belclare, Tuam, Co. Galway

Ms. Anne Browne, Ballydoolough, Corr na Móna, Co. Galway

Ms. Treasa Bn. Fhlathearta, An Cheathrú Rua, Co. na Gaillimhe

Ms. Bríd Uí Bheara, Oifig an Phoist, Carna, Co. na Gaillimhe

The Hession Family, Gortbeg, Ballyclunin, Co. Galway.

The Family of the late Shane McEntee TD

It was proposed by Cllr. McDonagh, seconded by Cllr. McHugh and agreed that the meeting be adjourned for 5 minutes as a mark of respect.

The Meeting then adjourned for 5 minutes.

On the resumption of the Meeting, The Mayor referred to the award and certificates on display in the Council Chamber from the LAMA Awards. He congratulated the Council on winning the Best Economic Partnership Award with the MeetWest initiative. The County Manager acknowledged the work undertaken by the Community, Enterprise & Economic Development Unit in delivering MeetWest and acknowledged the role of the partners in the initiative. She advised that the initiative originated from an idea from John Concannon, JFC Tuam and stated that the feedback from the initiative was very positive and it provided a valuable networking opportunity to grow and sustain business.

## **CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS**

**1328**

The Minutes of the Budget Meeting held on the 17<sup>th</sup> December, 2012 were approved by the Council and signed by the Mayor on the proposal of Cllr. McDonagh, seconded by Cllr. Cuddy.

The Minutes of the Ordinary Meeting held on the 20<sup>th</sup> December, 2012, were proposed by Cllr. Fahy and seconded by Cllr. Maher.

### ***Arising from the Minutes***

Cllr. McHugh advised the Meeting that in relation to an Item on the Minutes with respect to the Bearnna Plan, Submission 4 (Pages 7-9 of the Minutes), he explained that Cllr. T. Walsh was concerned that the Minutes did not reflect a Question he asked at that Meeting, in that Cllr. T. Walsh questioned if what he was proposing was agreed. Cllr. Mc Hugh said that had Cllr. T. Walsh known the implications of the Proposal, he may not have Seconded the Proposal and the Members may have voted differently and this had lead to some confusion. Cllr. McHugh said the Proposal related to levels pertaining to a site in Bearnna and Cllr. T. Walsh was of the opinion, whether correctly or incorrectly, that the level suggested was

4.5m when it was 4.75m and this has implications for the site which currently has live planning permission on it.

Comh. O'Curraoin advised that meeting that he too was of the opinion that he voted on a level of 4.5m as he had previously voted against the Amendments to the Bearna and Gaeltacht Plans with regard to flood risk and said there was no flood risk in Connemara and he maintained that floods are in areas because drains are not cleaned. He advised that he was very clear that it was actually 4.5m and he does not know if a mistake was made or not but he wanted a conclusion.

Comh. O'Tuairisg advised the meeting that while 4.5m was mentioned, the 4.75m was applied to allow for climate change and questioned whether it was necessary for the Council to provide for climate change as this was the basis for the additional 0.25m.

The Mayor advised the meeting that he read an extract into the Minutes which mentioned a level of 4.5m, but advised that, in error, he did not propose this extract as a Motion for it to be Seconded in order to allow Council consider same and he recognised that this may have given rise to some confusion.

Cllr. Cuddy said the Members were never advised that climate change had to be accounted for in Local Area Plans and indicated that 4.5m was outlined in the client's Hydrology Report.

Cllr. Feeney advised that the Members were aware of the zonings and the matrix within Local Area Plans but that flooding and climate change were a whole new layer of constraints on top of this and as 4.5m was read into the Minutes this caused confusion and a difficult situation.

In response to the above, Mr. Kelly advised the meeting that this site was a fairly unique site with flood risk from three flood sources, with pluvial, fluvial, and coastal flood risk associated with this site and the issues with this site will not arise with every site. He clarified that advice was given to the Members by way of a Manager's Report on the Submissions, the discussion on the day of the Council Meeting and a Map which was displayed to the Members on the day showing the site and the proposed zonings. He explained that when the Amended Plan was initially put on display, all the site was deemed to be flood risk and the landowners submitted a site specific flood risk assessment which was considered by the Planning Authority and used to amend the zoning of the site in question. He clarified that the landowner's Consultants did not take account of climate change but the Council, as a Planning Authority, is required by the *Flood Risk Guidelines* to adopt the precautionary approach to likely future flooding scenarios.

Mr. Kelly said that extensive discussion took place on the day with regard to levels. He confirmed that the Minutes reflected what happened on the day as advice was given as a Recommendation in the Manager's Report on the particular approach taken to the zoning and on the day he clarified any issues raised by the Members. He explained that he immediately followed the Mayor's reading into the Minutes of text by clarifying what was proposed in accordance with the Managers Report, as he was aware there may be confusion, and this recommended taking a level of 4.75m which did not even take full account of climate change and it amended the shape of the site to provide a regular shape for development.

Mr. Kelly confirmed to the Meeting that no matter what zoning was on the land, there was an underlying flood risk issue which would still remain even if the zoning was different. He clarified that the vast majority of the site had been zoned and a vast majority had been taken out of the flood risk area and in respect of the existing planning permission, part of

the house is within a flood risk area and part is outside the flood risk area and this does not preclude the landowners building on that site. He again confirmed that the zoning of the site in any way does not take away or amend the flood risk at that location at this point in time.

Mr. Kelly said that he was very clear the decision taken by the Members at the last Council Meeting in that they voted to accept the recommendation in the Manager's Report which was fully explained at the meeting and the Minutes reflect that position.

Cllr. McHugh said that there was no suggestion by anyone that the Minutes were incorrect but he wished to point out that a portion of the site was now within Environmental Management (EM) zoning and this would cause problems with regard to obtaining a mortgage and insurance excluding the live planning permission on the site.

In reply, Mr. Kelly said that he could not see a mechanism whereby the Members could revisit a decision made and even if there was a way, he wished to make it clear that this would not change the flood risk issue and that any rezoning of the land would not displace the flood risk area.

Cllr. McHugh said that he was not saying that he wished to rezone the land but if the line on the map could be moved more down towards the village core that would resolve the problem that has arisen and a method is needed so as this matter can be resolved amicably.

In reply, Mr. Kelly advised that there is planning permission on the site and there is no reason why a house cannot be built on the site and any future planning permission applications on the site can be considered by the Planning Authority as a portion of the site is zoned and outside the flood risk area.

Cllr. McHugh asked if a new planning application would be viewed in a different light than one viewed 6/7 years ago and Mr. Kelly replied that there was no reason a new application could not be considered.

Comh. Ó'Curraoin said that he concurred with Cllr. McHugh and Cllr. Cuddy in that flood risk is now an issue and there is nothing being said about the cause of flooding which are blocked drains.

It was proposed by Comh. O'Curraoin and seconded by Comh. Ó'Cuaig that as regards the Bearna Plan, that the contour of 4.5 apply as pertains to the zoning of D'Arcy site.

Comh. O'Tuairisg asked if the part of the site not in flood risk area could be swapped for the land within the flood risk area to as to change the boundary of the flood risk area.

Cllr. Cuddy said he was not in favour of the level of 4.75m including climate change and asked when and from where this level came.

Mr. Kelly introduced to the Meeting, Mr. Conor Skehan, CAAS, Environmental Consultant for Galway County Council, to speak on the overall issues with regard to flood risk and climate change and explained this will also be relevant to the Amendments of the Gaeltacht and Clifden Local Area Plans.

Mr. Skehan advised the Meeting that he recognised the unease with regard to flood risk, with new legislation and practice for all to consider leading to a great deal of uncertainty in relation to the issue. He advised that since 2009, flood risk had to be take account of in the planning process. He advised that in this context the best is being done with the information available to give the public the best warning possible with regard to land 'at risk' of flooding which goes outside the lifespan of a person. He said that the *Flood Risk Management Guidelines* are in place to help one imagine the worst happening and the best is being done with the imperfect information available.

Mr. Skehan said that where there is a rise in sea level in big storm surges, this is often at the same time as heavy rainfall and the calculations made are based on best estimates using the OPW's recommended 0.5 metre allowance for climate change in accordance with the *Guidelines* using the 'precautionary principle'. He said that the sea level and the climate have always been changing and it

is not just a future event and advised that since 1870 the sea level has risen by 8 inches. He advised that the Guidelines state that it would be prudent to make 'some allowance' for climate change and understands that the Members have done that and made an allowance of 0.25m in this case.

Cllr. O'Tuairisg expressed his view on the words used by Mr. Skehan with regard to 'uncertainty' and 'imperfect' information and that serious decisions are being made in relation to this which has huge implications for Connemara and said that straight lines instead of contour lines are being used. He said that flood risk along with Special Areas of Conservation (SAC) sites means that there is very little land left for development in Connemara.

Comh. O'Curraoin referred to his earlier Proposal which was Seconded and asked if the OPW and the Department have said that a level of 4.5m is not acceptable when a site specific flood risk assessment report was carried out on this site, and why was this report is not being accepted. In reply, Mr. Kelly said that the level of 4.5m refers to this site only having regard to all the information pertaining to this site. The 4.5m level is relevant to no other site. He said that the recommendation in the *Flood Risk Management Guidelines* is 0.5meters for coastal flood risk and 0.25m was the more conservative approach taken. He said that a number of Local Area Plans have been adopted but with regard to this site, he advised that there was more flood risk at this location than other areas. He said that no matter at what level flood risk pertains, it is all agreed that there is a flood risk on this site but the question is at what level should it be at. He clarified that even if climate change was not allowed for at Plan stage, it would have to be taken account at planning application stage and, therefore, the overall result would be the same.

Mr. Kelly clarified to the Meeting that a decision was made by the Members and whether this decision is agreed with or not, it is accepted that the Minutes are an accurate record of what took place at the previous Meeting and there is no method to go back and change the decision made by the Members.

Cllr. Connolly welcomed Mr. Skehan to the meeting and acknowledged his work in respect of the Habitats Directive and asked how enabling the Resolution made would be for the clients to obtain planning permission on this site.

Mr. Kelly said that he could see no method to change the decision made by the Members based on the acceptance of the Manager's Report and advised that the flood risk doesn't affect the existing planning permission and if the landowner doesn't build on this existing permission then the alternative would be to apply for another planning permission. He said he could not see how anyone could hold the view that this Plan was more stringent than others as part of the site is deemed outside the flood risk area already.

Cllr. McHugh made reference to Mr. Skehan's statistics in relation to the rise in sea level and said that in this situation, it would take a large number of years for the sea to catch up with this site taking a level of 4.5m above the sea and in view of the site specific report, he proposed to use a figure of 4.5m to include the 0.25m for climate change as the Members have expressed that had they known that the level being proposed was 4.75m, then they would have voted differently.

In reply to Cllrs. Connolly, McHugh and Broderick, Mr. Kelly clarified that the level of 4.5m is a reference to Malin Head and not the sea. He said that the level of 4.5m refers only to that site and it came from the site specific flood risk assessment on that site and not from the *Guidelines*. He explained that any level above 4.46m was at flood risk before climate change was considered and advised that each site would have to be determined for climate change on its own merits having regard to its detailed site flood risk assessment. He also advised that where flood risk is determined, it cannot be changed by changing the zoning and it would not impact positively on any planning application. In reply to Cllr. Broderick, Mr. Kelly said that the most cautious level would have been 4.96 but the Planning Authority took a less conservative approach for this site by taking 4.75m as the level.

Cllr. Cuddy asked how the flood risk maps are determined, as with respect to this site, it has been never known to flood and the client's hydrology report stated that a level of 4.5 m was acceptable.

Cllr. Willers commented to the Meeting that the Bearna Plan has already been approved and expressed concern with regard to development on a flood plain.

Cllr. S. Walsh advised that Mr. Kelly was very clear on the day of the Meeting and that Mr. Kelly made a point of clarifying what was being proposed and he accepted that it was a level of 4.75m that he had voted on. He said that some Members may have or may not have fully understood but in the context of live planning permissions, rather than tell the applicant to move his house, the applicant could raise the levels above 0.25m by filling. He also said that it was the OPW and not Galway County Council that produced the flood risk maps and the Council have to take cognisance of flood risk and the current situation should be accepted and in six months time it be reviewed on the submission of a planning permission or by an Amendment to the Plan.

Mr. Kelly advised the Meeting that there was a provision inserted in the Plan whereby it applies if there is live zoning on land, and it allows the movement of a flood risk line in the context of a planning application and a detailed flood risk assessment. This provision allows flexibility to allow development from one zone to extend into another and advised that effectively what the Members require is resolved already in the Plan.

The County Manager advised the meeting that the Bearna Plan was in place on the basis of the Minutes of Council Meeting of 20<sup>th</sup> December 2012. She advised that if the Minutes as presented were accepted as an accurate record of the decision of the December Meeting, then they should be approved. She noted that there was no indication from any of the Members that the Minutes as presented were in any way inaccurate and there was no amendment or counter proposal to the motion to approve the minutes as presented.

She acknowledged the one Motion proposed to amend the level to 4.5m with the map to follow the contours but indicated that she did not see any legal means to accept the motion before Council. She advised of the option of the matter being reconsidered through the process of an amendment of the Local Area Plan or for a planning application to be considered on an alternative location within the site.

In reply to Cllr. Fahy, the Mayor said that the Minutes can be corrected if the Members formed the view that they were inaccurate.

Cllr. McClearn advised the meeting that in his opinion the Minutes were accurate and that any proposed Amendment to the Plan would have no bearing on the site one way or another as it is in a flood risk area and he expressed concern with regard to the implications that any change would have on other Local Area Plans incorporating flood risk levels.

In reply to Cllr. Cuddy, Mr. Kelly said the only method to reconsider the zoning would be through an Amendment to the Plan.

In reply to Cllr. McHugh as to whether a paragraph could be added to the current Plan, the Mayor advised that this was not an option.

The Mayor advised the Meeting that the Minutes were a reflection of what happened on the day of the Meeting and not what may have been understood by some individual members on the day and asked if all were in agreement to approve the Minutes of the Meeting of 20<sup>th</sup> December 2012.

Comh. O'Curraoin said that people were confused and he understood that it was a level of 4.5m he voted on. In reply, the Mayor advised Comh. O'Curraoin that he voted against the Proposal on that day.



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Mr. Kelly clarified for the Meeting that a level of 4.75m reflects the recommendation in the Manager's Report and the Members made a decision on the day as stated on the Minutes of the Meeting and even if there was some confusion on the part of some Members, a decision was made based on the Manager's Report and an alternative decision cannot be made now. He said that the only way to modify the Plan was by an Amendment to the Plan.

Cllr. McHugh proposed that the Plan be amended within the legal timeframe permitted.

On the proposal of Cllr. T. Mannion, seconded by Cllr. Ryan it was agreed to adjourn the Meeting for for 5 minutes.

The meeting adjourned.

On the resumption of the meeting, The Mayor advised the meeting that there was no legal basis to allow for the implementation of the motion as proposed by Comh. Ó Curraoin, in the event that same was carried.

On the proposal of Comh. O'Curraoin, seconded by Comh. O'Cuaig it was agreed to withdraw the motion that as regards the Bearna Plan, that the contour of 4.5 apply as pertains to the zoning of D'Arcy site.

On the proposal of Cllr. McHugh and seconded by Cllr. Feeney, it was agreed that the Council vary the Bearna Development Plan within the legal timeframe that exists.

The Minutes of the Ordinary Meeting held on the 20<sup>th</sup> December, 2012, as proposed by Cllr. Fahy, seconded by Cllr. Maher were agreed and approved by the Council and signed by the Mayor.

Cllr. Canney referred to a motion he had submitted in relation to Ireland West Airport, Knock and the continued efforts of the airport to seek strategic engagement and appropriate financial support from the Government in its plans to expand its services, increase tourism and create jobs for the region and that the Council would support the airport in its requests to Government to create a level playing field for aviation in Ireland. It was proposed by Cllr. McDonagh, seconded by Cllr. McHugh and agreed that the Ireland West Airport, Knock be invited to make a presentation to Council.

## **REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION**      **1329**

The Report of the Roads & Transportation Strategic Policy Committee held on the 15th November was approved by the Council on the proposal of Cllr. J. McClearn, seconded by Cllr. Feeney

### ***Arising from the Minutes***

Cllr. M. Connolly in reference to the consideration of the Draft Walking & Cycling Strategy by the SPC stated that he wished to clarify that the only section of the proposed greenway for Tuam that was removed from the draft strategy with the agreement of the SPC was the section proposed for the route of the Western Rail Corridor from the town north west towards Kilconly. He advised that it was removed with the agreement of the SPC on the basis that it would be retained solely for future development of the Western Rail Corridor.

In reply to concerns expressed by Comh. Ó Curraoin in relation to the impact of the proposed Connemara Greenway on landowners, Mr. Gavin confirmed that no lands will lose access as a result of the proposal and that alterations in the route had been proposed to address the issue of houses built on the former rail line.

In reply to Cllr. D. Connolly, Mr. Gilmore confirmed that a draft signage policy was under consideration by the Roads & Transportation SPC but that pending finalisation of the policy

and the adoption of same by Council, the existing provisions governing the provision of signage would continue to be implemented. He confirmed that the local authority is compliant with the Irish language requirements for road signage but invited the Members to bring any specific issues relating to same to his attention. Cllr. D. Connolly requested that in advancing the Draft of the Walking & Cycling Strategy that consideration be given to recognizing the strong equine tradition in the County and in particular in the Ballinasloe and Clifden areas and that same be reflected in the consideration of riding ways.

In reply to Comh. O'Laoi and Cllr. S. Walsh, Mr. Gavin confirmed that the Connemara Greenway proposal was the subject of an Oral Hearing by An Bord Pleanála prior to Christmas and that the outcome of same was awaited. He confirmed that same would include consideration of the issues raised and proposals outlined in the course of the hearing relating to Glengowla Mines.

The County Manager advised that the local authority was very supportive of the project and that it offered significant benefits for Connemara. She confirmed that permissive access agreements were in place with a large number of landowners and that An Bord Pleanála will make a determination on the future planning for the greenway but that the local authority had endeavored to reach a suitable compromise where issues of concerns had been raised by landowners.

Cllr. E. Mannion outlined her support for the Connemara Greenway and the benefits that same would provide for the Connemara region, citing the example of the greenway in Mayo.

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993**    **1330**

On the proposal of Comh. O'Tuairisg, seconded by Cllr. S. Walsh the Council approved the declaration of the following road to be a public road, the statutory procedures having being complied with.

“Road commencing at junction with Local Road L52049 in the townland of Aille, Inverin and extending west for a distance of 180 metres in the townland of Aille, Inverin and finishing in the townland of Aille, Inverin”

**Electoral Area: Connemara**

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993**    **1331**

On the proposal of Cllr. Feeney, seconded by Cllr. Maher, the Council approved the declaration of the following road to be a public road, the statutory procedures having being complied with.

**Cluain Lara Housing Estate, Athenry**

**Houses No. 3 to 8 and 36 – 38 inclusive**

Road commencing at its junction with the L3105 in the townland of Cullairbaun and extending in a north westerly direction for a distance of 120 metres from House No. 3 in the townland of Cullairbaun and ending outside House No. 38 in the townland of Cullairbaun.

**Houses No. 9 to 35 inclusive**

Road commencing at its junction with the L3105 in the townland of Cullairbaun and extending in a north easterly direction for a distance of 203 meters in the townland of



Cullairbaun and ending outside House No. 30 in the townland of Cullairbaun. Road linking this road outside House No. 11 and running in a semi circular shape for a distance of 142 meters in the townland of Cullairbaun and ending outside House No. 29 in the townland of Cullairbaun. Road linking from the abovementioned 203 meter long road running in a north easterly direction for a distance of 150m in the townland of Cullairbaun and ending outside House No. 35 in the townland of Cullairbaun.

**Electoral Area: Loughrea**

Cllr. Feeney conveyed his appreciation to the staff of the Taking In Charge Section for advancing the proposal and for their ongoing efforts to have estates advanced for taking in charge by the Council.

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993 1332**

On the proposal of Cllr. Carroll, seconded by Cllr. McDonagh, the Council approved the declaration of the following road to be a public road, the statutory procedures having being complied with.

**Oakfield Housing Estate, Oranmore**

1. Road pavement and footpath, commencing at public road L41051 (access road to Ashbrook Estate) and extending north for a distance of 136m (ending at northern end of house No. 15).
2. Road pavement and footpath commencing at public road L41051 (access road to Ashbrook Estate) and extending north for a distance of 80m (ending at house No. 44)
3. Road pavement and footpath, commencing at public road L41051 (access road to Ashbrook Estate) and extending south for a distance of 90m (ending at house No. 62)

**Electoral Area: Oranmore**

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993 1333**

On the proposal of Comh Ó'Curraoin, seconded by Cllr. S. Walsh, the Council approved the declaration of the following road to be a public road, the statutory procedures having being complied with.

**Cregg na Coille Housing Estate, Oughterard**

1. Main link road pavement and footpath, commencing at public road LP1311-1 and extending east for approximately 365m and ending at house No. 78 Cregg Na Coille (all in the townland of Cregg).
2. Road pavement and footpath, commencing at junction with apartment No. 16 and extending northwards ending at apartment No. 24 a distance of approximately 62m.
3. Road pavement and footpath commencing at junction with apartment No. 4 and extending southwards ending at apartment No. 12 a distance of approximately 64m.

4. Road pavement and footpath commencing at junction with house No. 28 and extending southwards ending at house No. 33 a distance of approximately 71m.
5. Road pavement and footpath commencing at junction with house No. 27 and extending northwards ending at house No. 39 a distance of approximately 107m.
6. Road pavement and footpath commencing at junction with house No. 42 and extending northwards ending at house No. 49 a distance of approximately 72m.
7. Road pavement and footpath commencing at junction with house No. 50 and extending southwards ending at house No. 57 a distance of approximately 135m.
8. Road pavement and footpath commencing at junction with house No. 59 and extending northwards ending at house No. 82 a distance of approximately 173m.

**Electoral Area: Connemara**

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993 1334**

On the proposal of Cllr. McClearn, seconded by Cllr. Maher, the Council approved the declaration of the following road to be a public road, the statutory procedures having being complied with.

**The Spires Housing Estate, Portumna**

Road pavement and footpath commencing at its junction with the N65 in the townland of Portumna and extending in a westerly and southerly direction for distance of approximately 186.5 meters in the townland of Portumna and ending in the townland of Portumna.

**Electoral Area: Loughrea**

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993 1335**

On the proposal of Cllr. Feeney, seconded by Cllr. Maher the Council approved the declaration of the following road to be a public road, the statutory procedures having being complied with.

**Killora Court Housing Estate, Craughwell**

Road commencing at its junction with the R446 in the townland of Killora and extending for a distance of approximately 205 meters in the townland of Killora and ending outside house No. 5 in the townland of Killora.

**Electoral Area: Loughrea**

Cllr. McClearn said he wished to compliment the Taking in Charge Staff of Galway County Council for the number of proposals for taking in charge presented to the meeting and the huge amount of work that goes into a development to bring it to the standard for taking in charge.

**TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS RECEIVED ON THE PROPOSED AMENDMENT TO THE GAELTACHT LOCAL AREA PLAN 2007-2013 AS PER SECTION 20(3)(C) AND (D) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

**1336**

The Mayor invited the presentation of the Manager's Report, as previously circulated, on the submissions received on the Proposed Amendment to the Gaeltacht Draft Local Area Plan 2008-2014.

Mr. Martens advised that the Manager's Report has been prepared on the submissions received on the Proposed Amendment to the Gaeltacht Local Area Plan 2008-2014 during the public display period and advised the Members that when performing their functions, the Members shall be restricted to considering the proper planning and sustainable development of the area, the statutory obligations of any Local Authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government. He advised the Meeting that Strategic Environmental Assessment (SEA), Appropriate Assessment (AA) and Strategic Flood Risk Assessment (SFRA) reports were also prepared and said following the Members consideration of the Manager's Report, the Local Area Plan shall be amended in accordance with the recommendations of the Manager's Report or if the Members make alternative decisions, any Material Alterations made will be put on public display and submissions invited. He then proceeded to outline the Submissions received to the Meeting.

### **Submission No. 3 - Department of the Environment Community and Local Government**

Mr. Martens outlined the main issues of Submission No. 3 raised by the Department of the Environment Community and Local Government and the Manager's response and recommendation.

In response to the Departments issue re zoning and phasing, Mr. Martens advised that Galway County Council had reviewed the extent of developed residential land zoning and was satisfied that it was generally consistent with the area of permitted developed land, that the limited number of larger sites associated with existing houses are consistent with the existing site curtilage/planning permission, and that these existing sites are not likely to come forward for development within the lifetime of the LAP, and that there is not any excess land that exists that should be included as Phase 1 residential land and that it is accordingly not necessary to review the extent of Phase 1 land.

He further advised that Galway County Council has reviewed the deletion of the provision in the Zoning Matrix which prohibits exclusively residential proposals in the village centre and considers that it would be appropriate to reinstate this requirement to promote appropriate development in the village centre and to promote sustainable communities. He said that the rationale for the choice of Phase 1 lands is set out in Section 6.4 (An Cheathrú Rua) and Section 7.4 (An Spidéal) of the proposed Amendment to the LAP. He said that the sites have been phased in a sequential manner (i.e. from the centre outwards) and in suitable locations that are serviced and accessible, that avoid significant environmental, landscape and flood risk sensitivities and that have the potential to make a contribution to the achievement of key objectives in the LAP.

In reply to Cllr. D. Connolly's question could a landowner with a house in a poor state of repair in the An Spidéal area apply to demolish and rebuild the house, Mr. Kelly said that the planning application would be considered on its merits and, as with any planning decision, account would be taken of what was granted on the land previously.

Mr. Martens recommended no change to residential zoning and phasing in the Amended Plan, however, he recommended that the following provision be reinstated in the Zoning Matrix in Appendix 2: "Exclusively residential proposals in the village centre (Mixed. Dev) zone will not normally be permitted."

With regard to Water and Wastewater capacity, Mr. Martens advised that the waste water policies and objectives in the Local Area Plan (LAP) were not proposed to be amended as part of the proposed Amendments to the LAP. He said that it is not considered appropriate to make changes to these provisions at this stage in the process. He advised that the proposed Amendment to the LAP includes a number of objectives: OSD5 – Service Led Development, OSD6 – Residential Development Phasing, OHE6 –Water Resources and Policy PW4, to protect water resources and ensure adequate servicing of new development.

Mr. Martens recommended no change to the Amended Plan in respect of Water and Wastewater capacity.

With regard to the National Guidelines, Mr. Martens recommended the following minor alterations are proposed to ensure that all references are up to date:

Section 6.2 to read “Sustainable Residential Development in Urban Areas Guidelines 2009” and Section 7.2 to read “Sustainable Residential Development in Urban Areas Guidelines 2009”.

With regard to the Flood Risk Management, Mr. Martens advised that Galway County Council is undertaking a Strategic Flood Risk Assessment (SFRA) for the County and, as part of this SFRA, the flood risk issues relevant to the Gaeltacht LAP have been identified (as per Stage 1 of the Flood Risk Guidelines) and an initial flood risk assessment has been undertaken (as per Stage 2 of the Guidelines). This has included the consideration of available flood risk information, the confirmation of sources of flooding, appraising the adequacy of existing information and the preparation of indicative flood zone maps.

He said that as part of the SFRA, site walkovers, facilitating the identification of vegetation associated with frequent inundation and micro-topography, have been carried out and that the Stage 2 SFRA has generally confirmed the areas identified in the Preliminary Flood Risk Assessment (PFRA), with modifications at certain locations, and has facilitated the identification of indicative flood risk zones and new Plan provisions with regard to Flood Risk Management and Assessment, including those relating to site specific FRAs.

He advised that the flood risk and flood zone maps for the Gaeltacht LAP, produced as part of the SFRA, cover the entire plan area for An Cheathrú Rua and An Spidéal, including historically zoned areas and areas under consideration for future development. He advised that these maps are included in the Stage 2 SFRA for the Gaeltacht, which is a support document to the proposed amendment to the LAP and the content of which will also form part of the final adopted LAP.

He advised that the Stage 2 SFRA has been fully considered in the preparation of the proposed amendment to the Local Area Plan and furthermore, he said Objective OFMR1 includes the requirement that any development proposals in an area of identified or potential flood risk will be required to carry out Site Specific Flood Risk Assessment in accordance with the provisions of the *Flood Risk Management Guidelines 2009*. Development proposals will *inter alia* be considered in light of the findings of such site-specific assessments – noting, in particular, that any development that may be subject to inappropriate risk of flooding or that would exacerbate such a risk at other locations shall not normally be permitted.

He further advised that in relation to the *Catchment Flood Risk Assessment Management Plans* (CFRAMs), Policy PFRC1 and PFRS1 of the proposed amendment to the Gaeltacht LAP states that Galway County Council will also take account of the Catchment Flood Risk Management Plans (CFRAMs), Preliminary Flood Risk Assessment (PFRA) and County Galway

Strategic Flood Risk Assessment 2012 and any recommendations and outputs arising from same that relate to or impact on the An Cheathrú Rua and An Spidéal Plan Areas.

In relation to consultation with the OPW, a detailed submission has been received from the OPW on the proposed amendment to the LAP and this has been fully considered and addressed above and under the OPW submission below.

Mr. Martens recommended no change to the Amended Plan in respect of Flood Risk Management.

In reply to Comh. O'Tuairisg, Mr. Martens advised that the Stage 2 SFRA covers the entire Plan area, and said that CAAS, the Planning Authority's Consultants, carried out site walkovers in the flood risk locations and identified them as being in either Indicative Flood Zone A, B. or C, based on the *Flood Risk Management Guidelines*.

Mr. Conor Skehan, Environmental Consultant, CAAS, advised the Meeting that the information provided is based on detailed analysis carried out as the Stage 2 SFRA involves groundtruthing, identification of signs of vegetation, and micro-topography being carried out. In reply to Comh. O'Tuairisg, Mr. Skehan said that all the Settlements in the Plan were walked as close as possible whilst respecting the landowner's privacy.

The Members agreed to accept the recommendations in the Manager's Report.

#### **Submission No. 1 – National Roads Authority**

Mr. Martens outlined the main issues of Submission No. 1 raised by the National Roads Authority and the Manager's response and recommendation.

Mr. Martens advised that the comments from the NRA are noted and said that the issues and references raised in the submission are generally not the subject of the proposed amendment to the LAP and it is not considered appropriate to make changes to these provisions at this stage in the process. He said it should also be noted that the changes proposed and issues raised in the submission are generally covered by the objectives and policies contained within the Galway County Development Plan or by Section 28 Ministerial Guidelines and therefore are considered addressed satisfactorily and implementable under these documents and associated provisions.

Mr. Martens recommended no change to the Amended Plan in respect of this Submission.

The Members agreed to accept the recommendation in the Manager's Report.

#### **Submission No. 4 – Office of Public Works**

Mr. Martens outlined the main issues of Submission No. 4 raised by the Office of Public Works and the Manager's response and recommendation.

Mr. Martens advised that this Submission set out the requirements under the *Flood Risk Management Guidelines* including reference to statutory obligations for flood risk the justification text, hierarchical approach, flood zone system and the precautionary approach in known or suspected flood risk areas. He said the Submission refers to the four sources of flood risk and the Catchment Flood Risk Assessment and Management (CFRAM) studies and the Preliminary Flood Risk Assessment (PFRA) exercise. He said that the Submission explicitly states that the Proposed Amendments to the Gaeltacht LAP requires a Stage 2 SFRA.

Mr. Martens advised that his response is the same as to the Department's submission referred to earlier and he recommended no change to the Amended Plan in respect of this Submission. He further advised that a Stage 2 SFRA has been undertaken as per the *Flood Risk Management Guidelines* and the land use zoning is in accordance with the *Guidelines* taking account of the flood zones identified.

In reply to the Mayor with regard to landowners submitting detailed site specific flood risk reports as part of their Submissions on the Amended Plan, Mr. Martens said that CAAS have to balance the information on the site specific report and the OPW's maps and the *Guidelines* in making their decision with regard to flood risk.

Mr. Kelly said that the Planning Authority, takes consideration of site specific flood risk assessments attached to Submissions but advised that there are varying factors that impact on flood risk in an area and providing these site specific reports must have regard to these and use acceptable parameters.

The Members agreed to accept the recommendation in the Manager's Report.

#### **Submission No. 5 – Environmental Protection Agency**

Mr. Martens outlined the main issues of Submission No. 5 raised by the Environmental Protection Agency and the Manager's response and recommendation.

Mr. Martens advised that the Directives referred to in their Submission have been considered as part of the preparation of the Gaeltacht LAP 2008, the proposed amendments to the LAP and associated SEA Environmental Reports.

In relation to Service Infrastructure, Mr. Martens advised that the issues and requirements referred to in their Submission have been considered as part of the preparation of the Gaeltacht LAP 2008, the proposed amendments to the LAP and associated SEA Environmental Reports and he said that they will also be considered/incorporated as part of any specific plans/measures to improve any infrastructural deficiencies identified.

With regard to the Amendments to the Plan, Mr. Martens advised that this has been considered as part of the Plan Amendment process and it has been determined that a full SEA is required and this has been prepared, taking account of Schedule 2, and published with the amendments. Any future changes will also be subject to SEA screening and a determination made if full SEA is required at the appropriate stage in the process.

With regard to the SEA Statement, Mr. Martens said that the preparation of an SEA Statement will be addressed at the appropriate stage in the process.

Mr. Martens advised that with regard to the Appendix, the requirements and issues raised have been considered as part of the preparation of the Gaeltacht LAP 2008, the proposed amendments to the LAP and/or the associated SEA Environmental Reports and AA Reports and Galway County Council is satisfied that these have been considered, incorporated and/or addressed where appropriate in the LAP, the proposed amendment and/or the SEA and that all requirements and obligations will be complied with at the appropriate stage in the planning and Mr. Martens recommended no change to the Amended Plan in respect of this Submission.

The Members agreed to accept the recommendation in the Manager's Report.

Mr. Martens then dealt with the remaining submissions from the general public and other persons/bodies.

#### **Submission No. 2 – Brendan O'Flaherty**

Mr. Martens outlined the main issues of Submission No. 2 raised by Brendan O'Flaherty and the Manager's response and recommendation and asked the Members to Refer to Map 1 and Map 2 of the site specific submissions in Appendix 2.

Mr. Martens advised that this Submission requests that existing Village Centre zoning on owner's lands be retained and that said lands be removed from the 'Indicative Flood Zone A' area and requests that existing residential zoning with a strip of recreation and amenity



zoning at the front of the lands be retained and that these lands be removed from the proposed indicative Flood Zone A. Submission also points out that the zoning on lands to the east, north and west of owner's lands remain zoned as they were in the current plan.

In response, Mr. Martens said that the Map 7.2 An Spidéal Land Use Areas has not been amended as part of the Proposed Amendment and the Village designation shown on this map remains on the landowner's lands and, therefore, no change has been made to that map.

He further advised that a significant portion of the owner's lands is located in Flood Zone A, which has been identified based on all available flood risk information, including the OPW PFRA flood maps, the OPW Irish Coastal Protection Study coastal flood maps, and the Stage 2 SFRA undertaken by consultants for Galway County Council, including site walkovers of the lands concerned which confirmed and extended the flood risk area in this location based on groundtruthing. The Stage 2 SFRA has identified and confirmed that these lands are at risk from coastal (through culvert), fluvial and pluvial flooding. The SFRA also states that the river that affects this location drains a steep, sizable catchment and there is a significant risk of flash flooding from the uplands. He said that the lands within Flood Zone A have accordingly been proposed to be zoned from Residential in the current LAP to Recreation and Amenity in the Proposed Amendment in accordance with the Flood Risk Management Guidelines.

Mr. Martens advised that the south-eastern portion of the owner's lands are not located within a flood risk area and these remain zoned as before, including residential zoning for an existing house, its site and adjoining undeveloped lands to the north and west. He said that the zoning of lands to the east of the owner's lands remain zoned as they were previously as these lands are not located within an identified flood risk area. He said that the adjacent lands to the north of the owner's lands and nearby lands to the west of the owner's lands have been zoned recreation and amenity as these lands are also included in Flood Zone A.

Mr. Martens recommended no change to the Amended Plan in respect of this Submission.

Mr. Skehan advised the meeting that CAAS walked over this site and confirmed that the PFRA map was very accurate as from examination of the site, the area of flood risk was very large and as the land is sloped and vegetation is evident on the land, this is an indication of poor drainage and a flood risk on the land. He said that the bottom right hand corner of the site only remains not affected by flood risk. He said that the landowner described in his Submission a storm that occurred in 1995.

Comh. Ó'Laoi said that if the sea water rose by 0.5m due to global warming then the road serving Connemara adjoining these lands would have to be risen and this would create a barrier for these lands. He proposed that the zoning remain as Village Centre in order that the landowner can undertake a Hydrology report on it so as to further examine the flood risk. Cllr. S. Walsh seconded this Proposal.

Comh. O'Tuairisg advised the meeting that this site varies considerably and that part of these lands are elevated. He said that there was flooding on this site years back but the landowner gave land to the Council to widen the road and 3ft pipes were put under the road to alleviate flooding. He said that the adjoining land is a lot lower and this land has never flooded. He said he would like the landowner to have the opportunity to undertake a hydrological report to identify if there are sections of the site that would be suitable for development. He said that Mr. O'Flaherty had given him a new map to include his site at the back which was omitted in error from his original Submission.

Mr. Skehan commented that throughout the Meeting the precise circumstances of different sites have been questioned and in some cases professional hydrological reports have been forwarded with the Submissions and he said that, in general, these reports have confirmed in 95% of cases the OPW's maps, that is the OPW maps have not changed very much based on the hydrological reports received for specific sites. He advised the Members that it would be a serious matter to set aside the advice given in relation to flood risk areas.

Comh. Ó'Curraoin said that he concurred with the previous Councillors comments and said that no-one wants to build on top of flood plains but local knowledge must be respected and locals should be asked for their input in identifying flood risk areas.

Cllr. S. Walsh said that a mature and fair approach has been taken by the Members in respect of this Submission as there is no flood risk on the elevated parts of this site and he too would like the landowner to be given an opportunity to undertake a hydrological report on the site and he said he would not accept the full site being zoned Recreation & Amenity and the worst case scenario would be to propose an Agricultural zoning for these lands.

Mr. Kelly said that in respect of the Draft Local Area Plan for Maigh Cuillin where the Members decided to remove lands within a flood risk area from Open Space, Recreation and Amenity to Agriculture zoning, he said this has now raised environmental issues and has required that a full SEA Report be undertaken. He said that the development type allowable within Agriculture zoning is not compatible with a flood risk area.

Cllrs. McClearn & Feeney expressed their concern that false hope was being given to the landowners by the Members in rezoning lands in flood risk areas to another non recommended zoning and that if this land was rezoned today, the land is still in a flood risk area, and this would still affect their success in obtaining planning permission in the future.

Cllr. E. Mannion said that the OPW should consult with the landowners in identifying flood risk areas.

Mr. Kelly advised that even if the Members rezone this land, it will make no difference to the fact that the underlying issue of flood risk on the land still remains, the zoning will not displace the flood risk, until and unless further information, such as the CFRAM study, becomes available or detailed site specific flood risk assessments are received. He said that the Planning Authority examined this site and while there is a small elevated section at the back of the site, he expressed doubt that the overall site even on analysis of a detailed site specific flood risk assessment, would be eliminated of flood risk.

In reply to Comh. O'Curraoin's query re Residential Phase 2 lands, Mr. Kelly said that theoretically Residential Phase 2 lands cannot be developed until either the next Plan or the Plan after that, however, if Phase 1 lands are not coming forward for development, then Phase 2 lands can be considered. He said that in relation to An Spidéal, the amount of Phase 1 Residential land is set at 1.2Ha for the life of the Plan.

On the proposal of Comh. Ó'Laoi and seconded by Comh. O'Tuairisg, it was agreed not to accept the recommendations in the Manager's Report and to zone the lands outlined in red on the revised map area submitted by the Members, the subject of MA2, as Residential Phase 2.

A vote was taken and the result was as follows;

**AR SON:**

*Cllrs. Broderick, Carroll, & D. Connolly, Comh. O' Cuaig, Cllrs. Cuddy & Cunniffe, Comh. Ó'Curraoin, Cllrs. G. Finnerty, M. Finnerty & Hoade, Comh. Ó'Laoi, Cllrs. Maher, E. Mannion, McClearn, McHugh, Roche & Ryan, Comh. O'Tuairisg, Cllrs. S. Walsh & Welby [20]*

**AGHAIDH:** Cllr. Feeney [1]

**GAN VOTÁIL:** [0]

**Submission No. 6 – James O'Donnell on behalf of Gerard Kilcoyne**

Mr. Martens outlined the main issues of Submission No. 6 raised by James O'Donnell on behalf of Gerard Kilcoyne and the Manager's response and recommendation.

Mr. Martens advised that this submission requests that the linguistic and occupancy requirements for proposed multiple residential developments within designated settlements located within the Cois Farraige: District D area are amended in Section 5.4.2 to be in line with the level of Irish spoken in the area in order to encourage residential development within designated settlements and to support sustainable residential development. The submission puts forward information in support of the proposed changes and argues that this would not be injurious to the linguistic integrity of the area.

In reply, Mr. Martens advised that the submission requests a relaxation of occupancy requirements for housing developments within the villages and settlements along Cois Farraige. He said that the provisions in relation to housing need and occupancy are not the subject of the proposed amendments and it is accordingly not considered appropriate to make alterations to these existing provisions as part of the amendment process.

He further advised that it should also be noted that these housing need and occupancy provisions apply across all districts within the Gaeltacht area, not only District D: Cois Fharraige, and any review of the housing need and occupancy provisions in the LAP would need to be considered in the context of all of the districts within the Gaeltacht area.

Mr. Martens recommended no change to the Amended Plan in respect of this Submission.

The Members agreed to accept the recommendation in the Manager's Report.

On the proposal of Comh. O'Tuairisg and seconded by Comh. O'Curraoin, it was agreed to accept the recommendations in the Manager's Report, as amended by the Members and it was agreed to put the Proposed Amendment to the Gaeltacht Local Area Plan 2008-2014, on display with the agreed amendments and Material Alterations.

Ar mholadh Comh. O'Tuairisg agus cuidithe ag Comh. Seamus Breathnach aontaíodh, go:

De réir Alt 19 den Acht um Pleanáil agus Forbairt 2000 (arna leasú), beartaíonn an Chomhairle seoladh fógra faoi Alt 20 (3)(a)(i) maidir le Plean Ceantar Áitiúil na Gaeltachta a chuir siar agus foilsíonn Fógra faoi Alt 20(3)(a)(ii) ar feadh tréimhse 5 bliana, ag tabhairt aird ar an aeráid eacnamaíoch reatha, cuspóirí an Phlean atá fós le baint amach agus an leasú beartaithe reatha ar Phlean na Gaeltachta, a chinnteoidh go bhfuil sé ag teacht leis an gCroí Straitéis agus cloí le riachtanais reatha agus go réiteodh an Bainisteoir tuairisc faoi Alt 19 (i) (e) agus go mbeadh an t-ábhar sin liostáilte lena mheas ag an gcomhairle iomlán ina dhiaidh sin.

*(On the proposal of Comh. O'Tuairisg and seconded by Cllr. S. Walsh, it was agreed that: Pursuant to Section 19 of the Planning and Development Act 2000 (as amended), the Council resolves to defer the sending of a notice under Section 20 (3) (a) (i) in respect of the Gaeltacht Local Area Plan and publishes a Notice under Section 20 (3) (a) (ii) for a period of 5 years having regard to the current economic climate, the objectives of the Plan that remain to be fulfilled and the current proposed amendment of the Gaeltacht Plan, which will ensure its compliance with the Core Strategy and adherence to current requirements and that the Manager prepare a report under Section 19 (i) (e) and that the item be listed for consideration by the full Council thereafter.)*

**TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS RECEIVED ON THE PROPOSED AMENDMENT TO THE CLIFDEN DRAFT LOCAL AREA PLAN 2009 – 2015 AS PER SECTION 20(3)(C) AND (D) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

1337

The Mayor invited the presentation of the Manager's Report on the submissions received on the Proposed Amendment to the Clifden Draft Local Area Plan 2008-2014.

Ms. Kavanagh advised that the issues raised by Statutory Bodies, Ministerial bodies and any other National Authority have been dealt with first in the Manager's Report and the remaining submissions are then dealt with in order in which they were received.

**Submission No. 18 – Department of Environment, Community and Local Government**

Ms. Kavanagh advised that in respect of the Department's submission, she advised that their issues were as follows:

1. The Department noted and welcomed the compliance with the Core Strategy with the reduction in Residential Land.
2. SEA/AA Screening should be in compliance with Directives/Legislation.
3. A Stage 2 Flood Risk Assessment should be undertaken as per the *Flood Risk Guidelines*.

Ms. Kavanagh advised that Galway County Council has taken all these into account and no change is recommended to the Amended Plan.

The Members agreed to accept the recommendation in the Manager's Report

**Submission No. 14 – Department of Arts, Heritage and the Gaeltacht**

Ms. Kavanagh advised that in respect of the Department's submission their issues were as follows:

1. Nature Conservation – Suggestions for inclusion into the Plan text of all references which refer to the Department and European Sites, the Environmental Directive and transport obligations under Habitats Directive, inclusion of a table listing Qualifying Interests (QI) of Special Areas of Conservation (SAC) and potential impact within the AA Screening Report.
2. AA Screening has failed to identify which of the QI of the 2 SAC's that may potentially be at risk.
3. Comments made with regard to wastewater infrastructure/water supply.

In respect of No. 1, Ms. Kavanagh advised that the following changes are recommended to the Amended Plan:

- a) Textual amendments for inclusion into the Plan text of all references which refer to the Department and European Sites.
- b) Include Table 1 titled '*Qualifying Interests, Potential Threats and Impacts*' into Section 2.4 of the AA Screening Statement.
- c) Delete the last sentence under S2 'Natural Heritage Areas and Associated legislation'.
- d) Amendment in text of Objective H2 Protected Habitats and Species.
- e) Amendment of Objectives - Objective D3 - Natura 2000 Network and Habitats Directive Assessment and Objective H1 – European Sites - to include (in the first part of these 2 objectives) reference to the 'Environmental Liability Directive'

- f) Amendment of text within Section 2.3 Transportation Infrastructure to include a fourth bullet point to read as follows: *“The Obligation, under Article 6(3) of the Habitats Directive, to ensure that no plans or projects, alone or in combination with other plans and projects, will have adverse effects on the integrity of a European Site.”*

Ms. Kavanagh advised that Galway County Council noted comments in respect of AA screening and said that the Annex I habitats, Annex II species and Special Conservation Interests for SPA's will differ from site to site and these would be set out in Table 2.4 of the AA Screening Statement as amended and said that the wording of all amended objectives and policies was reviewed as part of the screening process and the proposed Amendments to the wording of policies and objectives will not give rise to impacts additional to those already assessed in the Appropriate Assessment screening of the existing LAP and she recommended no change to the Amended Plan.

In respect of No. 3, wastewater infrastructure/water supply, Ms. Kavanagh said the comments were noted and recommended no change to the Amended Plan.

The Members agreed to accept the recommendation in the Manager's Report

#### **Submission No. 1 – NRA**

Ms. Kavanagh advised that the NRA had concern that there was no mention in the Amended Plan of the proposals to improve the N59 into Clifden and she recommended that new text be inserted in Section 2.3 of the Amended Plan.

The Members agreed to accept the recommendation in the Manager's Report

#### **Submission No. 2 – EPA**

Ms. Kavanagh advised that Galway County Council has complied with the EPA's need for a SEA and AA of the Amendment and all cited legislation in the Submission has been complied with as appropriate and she recommended no change to the Amended Plan.

The Members agreed to accept the recommendation in the Manager's Report

### **SUSPENSION OF STANDING ORDERS**

**1338**

It was proposed by Cllr. Cuddy, seconded by Cllr. D. Connolly and agreed to Suspend Standing Orders to allow the Meeting continue after 6.00 pm

#### **Submission No. 19 - OPW**

Ms. Kavanagh advised that this Submission sets out the requirements under the *Flood Risk Management Guidelines 2009* and refers to the precautionary approach, which suggests that planning decisions should be carried out with due care for all development in outlined, known, or suspected flood risk areas. She said it details the type of information that could be considered for a Stage 2 SFRA.

In reply, Ms. Kavanagh advised that Galway County Council is undertaking a Strategic Flood Risk Assessment (SFRA) for the County and, as part of this SFRA, the flood risk issues and indicative flood risk zones relevant to the Clifden Plan area were identified and informed *'The Strategic Flood Risk Assessment (SFRA) Conclusions for Clifden'*, a support document to the proposed amendment to the Local Area Plan and the Council's Consultants undertaking

the SFRA have prepared a Stage 2 Flood Risk Assessment (SFRA) for the Plan area in accordance with the Flood Risk Guidelines 2009.

She further advised that the OPW made a number of recommendations in respect of Policy and Objectives in the Amended Plan such as Objective W6 – Flood Risk Management and Assessment and Objective W10 - Specific Flood Risk Locations. Objective W10 requires that new development proposals in specific flood risk locations (as identified within the Specific Objectives (Maps 2A/2B) be accompanied by a Site Specific Flood Risk Assessment and Justification Test where appropriate, that corresponds with that outlined under Chapter 5 *‘Flooding and Development Management’ of the Flood Risk Management Guidelines 2009.*

She said that the Submission refers to the sources of flooding, to the Catchment Flood Risk Management Plans (CFRAM) studies and to the responsibility of Local Authorities to assign appropriate development in flood risk areas. She advised that the Plan has included Flood Zone B as a surrogate for climate change for Flood Zone A and has generally taken the approach of avoiding flood risk and zoning areas identified as within Indicative Flood Zones A and B as Open Space, Recreation and Amenity.

In reply to the OPW’s submission in relation to undeveloped lands at risk of coastal flooding (identified within indicative Flood Zone A and Indicative Flood Zone B) along Clifden Bay, Ardbear Bay and Salt Lake, Ms. Kavanagh advised that it is proposed to rezone these lands to Open Space Recreation and Amenity (OS).

Ms. Kavanagh further advised that the Stage 2 Flood Risk Assessment, as amended, recommends that a new provision is inserted into the proposed Amendment to the Clifden Plan in order to address situations where lands transected by the outer boundary of Indicative Flood Zone A or B do not reflect local topographical and/or flood path conditions. She explained that this new proposed objective allows the Planning Authority to consider the extension of an adjacent land use zone into the Indicative Flood Zone area, where the extended area inside the Indicative Flood Zone does not exceed 50% of the site outside of the indicative flood zone or 1acre/.404Ha, whichever is the lesser.

She said that this proposal will also be subject to the submission of a Site Specific Flood Risk Assessment and Justification Test as appropriate and the developer satisfying the Planning Authority and him/herself that the probability of flooding is appropriate to the development being proposed and will not increase flood risk elsewhere. She said that the Stage 2 SFRA recommended that it would be premature, based on available information, to allow for inappropriate land use zoning of undeveloped lands in Indicative Flood Risk Zones A and B as contained in the Stage 2 SFRA and it has been recommended that developed lands in such areas retain their proposed zoning – notwithstanding that they may be prone to flooding and where relevant, new information on flood risk - such as a site specific flood risk assessment, that is in compliance with the OPW Flood Risk Management Guidelines can be taken into account in future decision making where appropriate.

She said, however, that it should be noted that zoning arising from consideration of Flood Risk Assessment will not alter the ability to construct or use structures that are already permitted or built. She said it should be further noted that, in the core of established urban settlements, the Flood Risk Assessment and Justification Test make provision for consent to future development/alteration that would be otherwise be unacceptable due to flood risk – subject to satisfying all of the criteria set out in the Guidelines.

She said that the approach followed by the SFRA has been consistent with the Guidelines referred to and the recommendations contained within the SFRA also provide for the management of present and future flood risk.



In relation to consultation with the OPW, she advised that Galway County Council consulted with the OPW when the proposed amendments to the Clifden Plan were being prepared.

On foot of this submission, Ms. Kavanagh recommended the following:

- 1) Update text within the proposed Amendment to the Clifden LAP 2009-2015 to provide for the inclusion for the following new text 'including Stage 2 Strategic Flood Risk Assessment (SFRA)' where it is appropriate within the Plan including the same text within Policy 3.7.3 and to delete reference to SFRA Conclusion document.

- 2) Include a new Objective – Objective W20 – Boundaries of Flood Zones within the Amended Plan to read as follows:

Objective W20 – Boundaries of Flood Zones

*"In the case of lands transected by the outer boundary of Indicative Flood Zone A or B, where it can be demonstrated to the satisfaction of the PA [by more detailed local topographic survey information] that the outer boundary does not reflect local topographical and /or flood path conditions, the PA may consider the extension of uses allowed in an adjacent land use zone into the Indicative Flood Zone area, where the extended area inside the Indicative Flood Zone does not exceed 50% of the site area outside of the indicative flood zone or 1acre/.404ha, whichever is the lesser.*

*The proposal will also be subject to the submission of a Site Specific Flood Risk Assessment and Justification Test as appropriate and the developer satisfying the PA and him/herself that the probability of flooding is appropriate to the development being proposed and will not increase flood risk elsewhere"*

- 3) On the Flood Risk Management Maps 3A/3B include new text within the Map Legend - under Indicative Flood Zone A to include the wording: '(PFRA Fluvial 100..... Stage 2 SFRA Data as amended'. Insert new text within Important Note to User - to read as follows 'research carried out on behalf of Galway County Council (Strategic Flood Risk Assessment for County Galway and including the Stage 2 SFRA as amended for the proposed Amendment to the Clifden LAP 2009 - 2015).

Cllr. E. Mannion welcomed Mr. Skehan's presence at the meeting as she said that the OPW's flood risk maps was causing distress on the landowners and said that the OPW should have engaged in consultation with the landowners with regard to their lands. She expressed concern with regard to the effect that changes in land zoning from Agriculture to Open Space, Recreation & Amenity would have on REPS and AEOS Schemes as some reports state there are reeds on these lands. She also said that some lands in the Plan area who have already obtained planning permission are now surrounded by flood risk. She also commented that the Water Treatment Plant is not included in the flood risk land while adjacent lands were in the flood risk area. She also asked what action would need to be taken in the future on receipt of the detailed CFRAM study as the obtaining of Hydrology Reports by landowners is causing unnecessary expense. She commented that there was no road access to the proposed Business/Enterprise zoning being recommended in the Amended Plan.

The Mayor expressed his concern that there were a number of houses in the Plan area that are now identified as being in a flood risk area and asked if there was an update on the OPW's AFA study.

In reply, Mr. Kelly said that with regard to the presence of reeds on one of the landowners's lands, he said that the Manager's Report states that the groundtruthing covers a wider area than appears to be encompassed by the landowners lands so reeds would not necessarily

occur on their lands. He said that that Water Treatment Plant did not come within a Flood Risk area. He advised that with regard to road access to the proposed Business /Enterprise zoned site; he said that there was an area that could provide access to this site and on that basis this site was considered and this same site is also in the current Plan.

The Members agreed to accept the recommendation in the Manager's Report

Ms. Kavanagh then dealt with the remaining submissions from the general public and other persons/bodies.

**Submission No. 3 – James Sullivan**

Ms. Kavanagh advised that this submission requests the rezoning of Agricultural land to Industrial lands as identified in red outline and marked as 'X' on the map attached to the Submission and located in the Townlands of Ardbeer and Killymongaun to the south east of Clifden town centre.

She advised that the Stage 2 SFRA identifies part of the subject lands within Indicative Flood Zone B and are not considered suitable for Business and Enterprise or for industrial land due to their proximity and connectivity to a European Site, existing and proposed objectives to provide for amenity walkways/cycleway routes, a small portion of the lands have been identified within Indicative Flood Zone B, (the portion of land dissected by a tributary of the Owenglin River) and a lack of public sewerage/water network in this area. She also said that access from the submission lands leading onto the N59 is via a local tertiary road L51284 which serves an existing dwelling and would not be considered appropriate due to its elevated location, substandard width and alignment including sight distances for proposed industrial use and access to the site via Riverside Road is also not considered appropriate.

Ms. Kavanagh further advised that if a proposed amendment is made to the effect of the rezoning requested by this Submission then it would have to be screened for the need to undertake a full SEA and AA.

Ms. Kavanagh also advised that rezoning the lands to Industrial would have the potential to have adverse effects on the Owenglin River – which is part of the Twelve Bens/Gararun Complex SAC and it is considered that the proposed 6.15Ha of undeveloped Business and Enterprise lands is sufficient for future business/enterprise and light industry uses within the lifetime of this Plan.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of this Submission as it is not recommended, based on available information, to allow for inappropriate land use zoning of the Indicative Flood Risk Zones A and B as identified by the Stage 2 SFRA.

The Members agreed to accept the recommendation in the Manager's Report

**Submission No. 4 – Ivor Duane**

Ms. Kavanagh advised that this submission wishes to object to the proposed rezoning to Open Space/Recreation and Amenity (OS) lands indicated as 'Green' and 'Pink' on the map attached with the Submission map and makes a request that these lands be returned to their original zoning –

- Residential on the north side of the N59
- Enterprise and Light Industry on the south side of the N59.

Ms. Kavanagh advised that In relation to the lands (estimated area 1.51Ha) located to the north of the N59 (area outlined in green on the Submission map) are currently zoned as Residential in the Clifden Plan 2009 and under the proposed Amendment to the Plan, the

developed land will remain zoned as Existing Residential and that portion of undeveloped land north of the N59 that is identified by the Stage 2 SFRA as being located within Indicative Flood Zone A shall be rezoned as Open Space/ Recreation & Amenity (OS). The presence of drains and reeds were noted on this portion of land.

She advised that in relation to the undeveloped lands (estimated area 1.051Ha) located to the south of the N59 (area outlined in pink on the Submission Map) are currently zoned as Enterprise/Light Industry, and have been identified within a flood risk area including a Recorded/Historical flood event (OPW) which is also confirmed by the area engineer and are proposed to be zoned as Open Space, Recreation and Amenity (OS).

She said that the subject lands have been proposed to be zoned as OS due to their location within Flood Zone A. She referred to the OPW's Submission No. 19 and the response given previously in respect of flood risk.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of this Submission.

Cllr. E. Mannion proposed that the North of N59 be zoned Residential Phase 2 and the lands South of the N59 be zoned Business and Enterprise in order to give the landowner an opportunity to undertake a hydrology report on the land. Cllr. O'Laoi seconded this proposal.

In reply, Mr. Kelly referred to the advice given by Ms. Kavanagh with regard to zoning of lands in flood risk areas.

Mr. Skehan, CAAS, advised that meeting that in addition to consultation with the Area Engineer, groundtruthing took place on these lands and the result was unambiguous in that it confirmed that part of this area categorically and historically floods. He advised that the site more uphill was more complex and the reeds and topography were examined and this land had clearly more potential to flood and it identified that this area needed to be widened. He explained that following their groundtruthing, there is evidence that the lower site will flood and the higher site will flood in extreme conditions. He said that flooding is a serious matter, and he expressed concern with giving the landowner false hope and expense by asking them to undertake a Hydrological report, which, in his opinion, could be refused by An Bord Pleanála if the application was referred to them.

In reply to Cllr. E. Mannion's query as to the likelihood of flooding, Mr. Skehan said that a risk, 1 in 100 years, means that land that has not flooded in a hundred years could still be at risk of flooding.

Cllr. E. Mannion said the landowner wanted an opportunity to study the OPW's report and obtain his own hydrological report. Cllr. O'Laoi concurred with this. In reply, Mr. Skehan said that land was zoned flood risk based on the information available and admitted that this information is continuously evolving and it would be more detailed in the future which may result in smaller instances of flood risk areas and it was possible that some boundaries could change.

The Mayor said that it was extremely worrying for some householders who have house insurance issues. In reply, Mr. Skehan agreed that insurance was an issue and Insurance Companies are aware of the risk as these flood maps are publicly available. He said that nothing could be done in the Chamber today to amend these maps and in the future while perhaps the flood risk contours may change, land beside a river will not change.

Cllr. McClearn referred to the extent of the flooding experienced in 2009 and the extent of the devastation caused.

Cllr. Feeney advised that the Local Authority cannot grant planning permission on land that is identified as a flood risk, no matter what zoning is on the land. Cllr. Cuddy concurred with this statement and said that if the Members zone this land, the landowner still will not get planning permission.

On the proposal of Cllr. E. Mannion and seconded by Comh. O'Laoi, it was agreed not to accept the recommendations in the Manager's Report and to zone the lands, the subject of MA1, to the North of N59 Residential Phase 2 and the lands South of the N59 be zoned Business and Enterprise.

A vote was taken and the result was as follows;

**AR SON:** *Comh. O'Cuaig, Comh. O'Curraoin, Comh. O'Laoi, Cllrs. Maher, E. Mannion, McClearn, McHugh, Roche & Ryan, Comh. O'Tuairisg, Cllrs. S. Walsh & Welby [12]*

**AGHAIDH:** *Cllrs. Broderick, Carroll, Connolly, Cuddy, & Feeney [5]*

**GAN VOTÁIL:** *[0]*

The Mayor declared the motion carried.

**Submission No. 5 – Joe and Imelda Glynn**

Ms. Kavanagh advised that this Submission's land (estimated area 0.16Ha) is located in the Townland of Ardhear to the south west of the town centre in a serviced area and within the 50km/hr speed limit. The Twelve Bens/Garraun Complex cSAC is also located within the Submission land which is part of the Owenglin River. She said that the Stage 2 SFRA identifies the land within Indicative Flood Zone A. A derelict low lying building fronts onto the L51251 - Dooneen Road and site contours descend from this roadway to the river where it ponds and the contours ascend again towards the Ballyconneely road at Mill Bridge.

She advised that the land, as outlined in red on the Submission map is currently zoned as Town Centre, Agriculture (western portion of submission land) and as Recreation and Amenity (northwest portion of submission land) and under the proposed Amendment to the Clifden LAP, the developed portion of the land is proposed to be re-zoned as Town Centre/Commercial (C1) and the remainder as Open Space Recreation and Amenity (which replaces undeveloped Recreation and Amenity under the 2009 LAP) and which relates to that portion of undeveloped land identified within a flood risk area. In addition a portion of land located within the Twelve Bens/Garraun Complex cSAC to the west and northeast (and which was partly zoned as Agriculture under the 2009 Plan) is proposed to be zoned as Environmental Management (EM) under the proposed Amendment to the Plan. She referred to the OPW's Submission No. 19 and the response given previously in respect of flood risk.

Ms. Kavanagh said that it is not recommended, based on available information, to allow for inappropriate land use zoning of the Indicative Flood Risk Zones A and B as identified by the Stage 2 SFRA and, therefore, no change is recommended to the Amended Plan.

The Members agreed to accept the recommendation in the Manager's Report.

**Submission No. 6 – John and Mary Joyce**

Ms. Kavanagh advised that this Submission wishes to lodge an objection to the proposed changes that incorporates their land as a flood plain at Tullyvoheen, Clifden and also wishes

to lodge an objection to the rezoning of the land from residential to the proposed changes, and they request that the land be left as residential.

Ms. Kavanagh advised that the Submission lands (estimated area 1.39Ha) are located in the Townland of Tullyvoheen to the northeast of the town centre and west of the L51283 in an un-serviced area. The contours of the site fall from the roadway and the site is mainly low lying and a stream flows in a north westerly direction. The Stage 2 SFRA identifies the land within Indicative Flood Zone A. She referred to the OPW's Submission No. 19 and the response given previously in respect of flood risk.

She advised that it would be inadvisable based on the information available to allow for inappropriate land use zoning of the Indicative Flood Zones A and B and with regard to the presence of reeds on the land, the groundtruthing covered a wider areas than appeared to be encompassed by the landowner's lands so reeds would not necessarily occur on his lands.

Ms. Kavanagh advised that the approach to the flood risk designations is based on the information available and cannot be changed without further information being available to support such change and recommended no change to the Amended Plan on foot of this Submission.

Mr. Kelly clarified that the recommendation is the same as regards flood risk and that the land remains identified as a flood risk, no matter what zoning is on the land and it is not recommended that the lands be zoned.

On the proposal of Cllr. E. Mannion and seconded by Cllr. Maher, it was agreed not to accept the recommendations in the Manager's Report and to zone the lands, the subject of MA2, as Residential Phase 2, area coloured green outlined in black as shown on the map attached to the Proposal.

A vote was taken and the result was as follows;

**AR SON:** *Cllr. Broderick, Comh. O'Cuaig, Comh. O'Curraoin, Comh. O'Laoi, Cllrs. Maher, E. Mannion, McClearn, McHugh, Ryan, Comh. O'Tuairisg, Cllrs. S. Walsh & Welby. [12]*

**AGHAIDH:** *Cllrs. Carroll, Connolly & Feeney [3]*

**GAN VOTÁIL:** *[0]*

Submission No. 7 – Olive Carty in respect of House No. 3 Owenglin Estate.

Submission No. 10 – Brendan Madden in respect of House No. 8 Owenglin Estate.

Submission No. 11 – Brendan Madden on behalf of the Owenglin Management Company, in respect of House No.s 1,2,3 & 4 Owenglin Estate.

Submission No. 12 – Ann King in respect of House No. 2 Owenglin Estate.

Submission No. 13 – Sean Burke in respect of House No. 2 Owenglin Estate.

Submission No. 21 – Fran Kelly in respect of House No. 1 Owenglin Estate.

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Ms. Kavanagh advised that these Submissions were received from the Residents of the Owenglin Housing Estate and they have all requested that the decision to designate the above listed properties within flood plains should be reviewed as there is no history of flooding in the Owenglin estate and it will undermine the value of the houses in the estate.

Ms. Kavanagh advised that these Submissions are part of the Owenglin Housing Estate which is located in the Townland of Killymongaun to the east of the town centre and located immediately south of the Owenglin River which forms part of the Twelve Bens/Garraun Complex cSAC and north of the N59. This estate is located to the south east of the Baragwanath Bridge, an estate bridge which separates the Clifden Glen estate from the Owenglin estate.

She advised that;

- Houses Numbers 1-4 front elevation or southern aspects of the houses are identified in the Stage 2 SFRA as Indicative Flood Zone C. The rear elevation or northern aspect of these houses slope to the river and are identified in Flood Zone A. The front elevations or southern aspect of houses 1-4 are more elevated and are identified as Flood Zone C.
- House Numbers 5-8 have been identified within Indicative Flood Zone C.

She said that under the proposed Amendment to the LAP the lands have been proposed to be zoned as Environmental Management (EM) due to their location within the Twelve Bens/Garraun Complex cSAC and its designation status as a European Site.

She further advised that the approach to the flood risk designations is based on the information available and cannot be changed without further information being available to support such change.

She advised that in relation to houses (House Numbers 5-8) identified within Indicative Flood Zone C: Indicative Flood Zone C is defined by the *Flood Risk Management Guidelines 2009* as follows:

*"Flood Zone C – where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 for both river and coastal flooding). Flood Zone C covers all areas of the Plan which are not in zones A or B."*

and, therefore, by virtue of not being included in Zones A or B, the remaining lands in the LAP area must be part of C.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of these Submissions.

Mr. Kelly advised that meeting that while the Owenglin & Clifden Glen estates are zoned Environmental Management and Residential respectively, they are in a flood risk area and the Members can make no further change. In reply to the Mayor, he clarified that in the future, on receipt of more detailed information, it may be possible to change the zoning on the undeveloped lands.

The Members agreed to accept the recommendation in the Manager's Report.

#### **Submission No. 8 – Padric Duane**

Ms. Kavanagh advised that this Submission wishes to make an objection to proposed Clifden LAP Amendment 2012 to designate their lands as outlined in 'pink' on the map enclosed with their Submission to flood plains and requests that these lands be removed and returned to their original designation.

Ms. Kavanagh advised that the Submission lands (estimated area 0.37Ha) are located in the Townland of Tullyvoheen to the northeast of the town centre on the northern aspect of the N59 in an area where the 100kph applies. The Stage 2 SFRA has identified the lands within Indicative Flood Zone A. The land as shaded in pink on the Submission map is currently zoned as Residential. Under the proposed amendment to the Clifden LAP the submission land shall remain zoned as Existing Residential (developed land). She further advised that



the approach to the flood risk designations is based on the information available and cannot be changed without further information being available to support such change.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of this Submission.

The Members agreed to accept the recommendation in the Manager's Report.

**Submission No. 9 – Shane Delaney on behalf of Josie Conneely**

Ms. Kavanagh advised that this Submission states that the lands outlined in 'Blue' on the enclosed submission map and located within an Indicative Flood Zone C as illustrated on Map 3A of the proposed Amendment 2012 is not representative of past flood events and incorporates areas of land that has never previously flooded and the inclusion of all lands within the LAP boundary in the Indicative Flood Zone C should be considered again.

Ms. Kavanagh advised that the Submission land (estimated area of 4.27Ha) as shaded in blue on the enclosed Submission map is located in Townland of Killymongaun to the southeast of the town centre. The land as outlined overlaps partly with Submission No 3 (that portion of land around L51284 and adjoining the N59) and two portions of the Submission land to the south and south east extend outside the LAP boundary. The Stage 2 SFRA identifies the land within Indicative Flood Zone C.

She also said that under the 2009 LAP, the Submission lands are zoned as Agriculture and Recreation and Amenity. Under the proposed Amendment to the Clifden LAP, it is proposed to retain the Agricultural (A) zoning on most of the land, to re-zone that portion of the Submission land within Recreation and Amenity to Open Space, Recreation and Amenity (OS).

Ms. Kavanagh referred to the OPW's Submission No. 19 and the response given previously in respect of flood risk and said that with regard to the request that the lands within Indicative Flood Risk Zone C cannot be changed, as by virtue of not being included in Zones A or B, the remaining lands in the LAP area must be part of C.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of this Submission.

The Members agreed to accept the recommendation in the Manager's Report.

**Submission No. 15 – PK Joyce**

Ms. Kavanagh advised that this Submission requests that their lands at Ardber, Clifden be rezoned from the present zoning of 'Agriculture' to 'Residential'. She said that the submission land (estimated area 3.022Ha) is located in the townland of Ardber to the south west of Clifden town centre.

Ms. Kavanagh explained to the Meeting that the Stage 2 SFRA identifies the land within Indicative Flood C with some Pluvial flooding within that portion of the land which fronts onto the R341. She said that the lands are currently zoned as Agriculture and no change to this zoning status is proposed under the Clifden LAP Amendment.

She explained that the proposed Amendment has provided the maximum quantum of Residential land as per the Core Strategy which also provides for a 50% overhead in terms of required hectares. This equates to 12.02Ha under Residential Phase 1. These lands will be prioritised for development within the short to medium term of the plan period. In this regard, the Planning Authority does not have a requirement for additional lands at present.

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In addition to this under the proposed Amendment to the LAP there is an additional 37Ha of undeveloped Phase 2 lands which are generally not developable during this plan period.

Ms. Kavanagh advised that this submission requests the rezoning of agricultural land to residential. She said that if a proposed amendment is made to the effect of the rezoning requested by the submission then it would have to be screened for the need to undertake a full SEA, and in addition a similar amount of residential zoning would have to be removed from elsewhere in the Plan, which would not be recommended as the zoned areas are all more appropriate for development having regard to their location.

Ms. Kavanagh recommended no change to the Amended Plan on foot of this Submission. The Members agreed to accept the recommendation in the Manager's Report.

### **Submission No. 16 – Richard Bartley**

Ms. Kavanagh advised that this Submission requests that no change is made to the property as shown 'arrowed' on the map enclosed with their Submission.

Ms. Kavanagh advised that the lands are zoned as Town Centre under the existing LAP and are zoned as developed Town Centre/Commercial (C1) under the proposed Amendment to the Clifden LAP. The site has been developed as a hostel. The Stage 2 SFRA has identified the submission land within Indicative Flood Zone A.

She advised that in a situation where lands are at risk of flooding are zoned, the extent of flood risk will have to be taken into account in any subsequent planning decisions.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of this Submission.

The Members agreed to accept the recommendation in the Manager's Report.

### **Submission No. 17 – Francis Joyce**

Ms. Kavanagh advised that this Submission requests that the subject lands remain as Residential and be zoned as Amenity.

Ms. Kavanagh advised that the Submission land (estimated are 0.33Ha) is located in the townland of Tullyvoheen to the south east of Clifden town centre, south of L5128-0 (known locally as the Trunk Road) in an area within the 50-60kph. She said that the site is situated to the north of the Owenglin River which forms part of the Twelve Bens/Garraun Complex cSAC.

The Stage 2 SFRA has identified the land within Indicative Flood Zone A and under the existing LAP the land is zoned as Residential and Agriculture and under the proposed Clifden Amendment the portion of the land which is developed remains zoned as Existing Residential and the portion of the undeveloped land identified within Flood Zone A has been re-zoned from Agriculture to Open Space, Recreation and Amenity (OS).

She said the approach to the flood risk designations is based on the information available and cannot be changed without further information being available to support such change.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of this Submission.

In reply to Cllr. E. Mannion, Mr. Kelly clarified that this land is in a flood risk area and if an alternative zoning is proposed, it would have environmental implications.

On the proposal of Cllr. E. Mannion and seconded by Cllr. Maher, it was agreed not to accept the recommendations in the Manager's Report and to zone the undeveloped portion of the lands, the subject of MA3, from Open Space to Residential Phase 2, area coloured green outlined in black as shown on the map attached to the Proposal.

A vote was taken and the result was as follows;

**AR SON:** *Cllrs. Carroll, D. Connolly, Comh. O’Cuaig, Cllr. Feeney, Comh. O’Laoi, Cllrs. Maher, E. Mannion, McClearn, McHugh, Ryan, Comh. O’Tuairisg, Cllrs. S. Walsh & Welby [13]*

**AGHAIDH:** *Cllrs Broderick & Cuddy [2]*

**GAN VOTÁIL:** *[0]*

The Mayor declared the Motion carried.

**Submission No. 20– Martin & Rita Acton**

Ms. Kavanagh advised that the Submission requests that

- The land outlined in red and hatched as ‘yellow’ on their Submission Map which was zoned as low density residential in the Clifden LAP 2009 remain so zoned under the Amendment 2012.
- The land outlined in red and coloured in ‘cyan’ be zoned from the present zoning of Agriculture to Residential.

Ms. Kavanagh advised that the Submission site (estimated area 4.25Ha) is located in the Townland of Ardbear to the southwest of Clifden town centre and the Stage 2 SFRA has identified a portion of the northern aspect of the site as within Indicative Flood Zone A (coastal).

She further advised that;

- The land outlined in red and hatched as yellow (estimated area 0.66Ha), on the map displayed to the meeting, is currently zoned as Residential – Low Density and under the proposed Amendment to the Clifden LAP this area is proposed to be re-zoned as Residential (Phase 2).

The proposed Amendment has provided the maximum quantum of Residential land as per the Core Strategy and there is an additional 37Ha of undeveloped Phase 2 lands which are generally not developable during this Plan.

- The land outlined in red and coloured cyan (estimated area 2.86Ha), on the map displayed to the Meeting, is currently zoned as Agriculture.

Ms. Kavanagh explained that under the proposed Amendment to the Clifden LAP this portion of the Submission land is zoned as follows the northern aspect of these lands as Open Space, Recreation and Amenity (due to being identified within Indicative Flood Zone A (coastal), Agriculture (A) and Public Utilities (PU) including a specific Objective (Objective W5) which shall protect a 50m buffer zone around the perimeter of the Municipal Wastewater Treatment Works boundary from inappropriate development in the interest of public health.

Ms. Kavanagh confirmed that if a proposed amendment is made to the effect of the rezoning requested by the submission then it would have to be screened for the need to undertake a full SEA.

She also said that under the Clifden LAP Amendment, the Land Use Matrix under Agriculture for a retirement/nursing home use has been changed from ‘Not Permitted’ to ‘Open for Consideration’ and therefore no zoning change is required to allow the consideration of such a development.

Ms. Kavanagh recommended no change to the Amended Plan on foot of this Submission.

Cllr. Mannion advised that this site has access and public lighting and is near the Water Treatment Plant and proposed that these lands be zoned Community Facilities. In reply to Cllr. Mannion, Mr. Kelly advised that the Matrix was changed and the modified Matrix would allow a Nursing Home to be considered under Agriculture zoning and on its existing planning permission so the Amended Plan, therefore, would not require a specific zoning change.

On the proposal of Cllr. E. Mannion and seconded by Cllr. Maher, it was agreed not to accept the recommendations in the Manager's Report and to zone the lands, the subject of MA4, Community Facilities, area coloured green as shown on the map attached to the Proposal.

A vote was taken and the result was as follows;

**AR SON:** *Cllrs. Broderick, Carroll, Comh. O'Cuaig, Clls. Cuddy & Feeney, Comh. O'Laoi, Cllrs. Maher, E. Mannion, McClearn, McHugh, Ryan, Comh. O'Tuairisg, Cllrs. S. Walsh & Welby. [14]*

**AGHAIDH:** *Cllr. D. Connolly [1]*

**GAN VOTÁIL:** *[0]*

The Mayor declared the Motion carried.

**Submission No. 22 - Cyril Joyce**

Ms. Kavanagh advised that the Submission requests that the site where a recently permitted dwelling (12/572) is to be built should not be rezoned to OS or at the very least the northern area of the site where the house is to be built should continue to be zoned as Residential. The submission also includes a site specific flood risk assessment in support of their request. In response to the Submission, Ms. Kavanagh advised that this serviced site (estimated area 0.74Ha) is located to the south east of Clifden town centre and is situated between the junction of L5127 (Low Road) and L5128 (Tank Road) in an area where the 50kph applies and is immediately north of the Owenglin River. She said that the Stage 2 SFRA has identified the lands within Indicative Flood Zone A. She said that the submission land is currently zoned as 'Residential' and under the proposed Amendment to the Clifden LAP the lands are proposed to be rezoned **part as** Open Space Recreation and Amenity (OS) due to being undeveloped lands within Indicative Flood Zone A.

She explained that the submission was accompanied by a detailed Flood Risk Assessment of the site which illustrates that the majority of the site floods and is classifiable as Zones A and B and taking into account the Site Specific Flood Risk Assessment study provided by the landowner which identifies Flood Zones A, B and C, she said that it was proposed to align the Flood Zones included in the SFRA as amended to match those in the Submission. She advised, however, that in the matter of the zoning of the aligned Indicative Flood Zones A and B, regard must be had to the Stage 2 SFRA, the criteria set out by the *Flood Risk Management Guidelines* and the land use zoning as provided by the Proposed Amendment should remain unchanged within Indicative Flood Zones A and B.

Ms. Kavanagh advised that the following changes are recommended to the Amended Plan:

1. Align the Flood Zones included in the Stage 2 SFRA as amended to match Figure 7 of the Flood Study appended to the Submission and Amend the Flood Risk Management Maps 3A/3B accordingly.

2. Land identified within Indicative Flood Zone C of the Stage 2 SFRA as amended shall be re-zoned as R - Residential (Phase 2).
3. Include a new Specific Objective in the Plan as amended to read as follows:

**Objective W21 - Lands Adjacent to and South of the L5127 (Low Road) and the L5128 (Trunk Road) Road Junction**

*"These lands have been zoned according to the information contained in a site specific flood risk assessment provided by the land owner and that there is still potential for some of the lands to flood. Available data currently is imperfect and does not allow for the definitive quantification of this potential. This does not preclude development once the proposed site design for any proposed development shows that it does not displace flood water thereby exposing lands elsewhere to unacceptable levels of flood risk and satisfies the developer that the development itself will not be exposed to unacceptable levels of flood risk. Refer to Maps 2A/2B – Specific Objectives".*

The Members agreed to accept the recommendation in the Manager's Report.

Submission No. 23 – On behalf of the Clifden Glen Management Limited

23A - Annette Lindsay, General Manager

23B – Gleeson, McGrath, Baldwin Solicitors

23C – Shane Joyce Civil Engineering/Surveying

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Ms. Kavanagh advised that the owners of dwellings Numbered 84-93, 74-59, 58-57 wish to object to the SFRA and the flood risk designations particularly the dwellings within the Indicative Flood Zone A. She said that they state that such flood designations will have an adverse affect both to property values and ability to obtain insurance and will have a negative impact on the Clifden Glen in general. The submission states that the site has never flooded since 1993 when flood works were carried out on the river at that time. Survey work was also undertaken from 2006 to recent times in support of this.

Ms. Kavanagh advised that the Submission land which is part of the Clifden Glen Housing Estate is located in the Townland of Couravaughil to the east of the town centre and located immediately north of the Owenglin River which forms part of the Twelve Bens/Garraun Complex cSAC and north of the N59. She said that the flood risk designation is based on the information available and cannot be changed without further information being available to support such change.

She clarified to the meeting that:

- Dwellings 84-93 of this estate are well elevated above the level of the river and according to the Stage 2 SFRA are primarily located in Flood Zone A and also partly in Flood Zone C.
- The managed recreational/open area to the east of the bridge is low lying to the river level and has been identified by the Stage 2 SFRA as Indicative Flood Zone A/B.
- Dwellings 74-59 are also low lying and have been identified within Flood Zone A.
- Dwellings 57-58 are slightly more elevated than others and have been identified within Flood Zones B

Ms. Kavanagh referred to the OPW's Submission No. 19 and the response given previously in respect of flood risk and said that the approach to the flood risk designations is as set out and is based on the information available and cannot be changed without further information being available to support such change.

In reply to Cllr. E. Mannion, Mr. Kelly said that the issue is the flood risk zoning which cannot be changed without further information being available to support such change.

Ms. Kavanagh recommended no change to the Amended Plan on foot of this Submission.

The Members agreed to accept the recommendation in the Manager's Report.

On the proposal of Cllr. E. Mannion and seconded by Comh. O'Laoi, it was agreed to accept the recommendations in the Manager's Report, as amended by the Members and it was agreed to put the Proposed Amendment to the Clifden Local Area Plan 2009-2015, on display with the agreed amendments and Material Alterations.

**TO CONSIDER AND IF DEEMED APPROPRIATE TO AUTHORISE THE ATTENDANCE AT CONFERENCES**

**1339**

On the proposal of Cllr. Carroll, seconded by Cllr. Ryan the Members agreed to authorize the attendance at the following Conferences, details of which were circulated at the meeting:

**IPRT (Irish Penal Reform Trust) & the Community Platform: Social Exclusion & Crime – 2<sup>nd</sup> February 2012 – The Carmelite Centre, Augnier St., Dublin 2 – Fee: €0**

1. Seamus Walsh

**Radiological Protection Institute of Ireland – 10<sup>th</sup> Irish National Radon Forum – 17<sup>th</sup> January 2013 – Chartered Accountants House, Pearse St., Dublin 2 – Fee: €0**

1. Seán Ó Tuairisg

**Clare Tourist Council – Clare Tourism Conference 'Tourism in Recessionary Times' – 18<sup>th</sup> – 19<sup>th</sup> January 2013 – Falls Hotel, Ennistymon, Co. Clare – Fee: €229**

1. Mary Hoade
2. Jim Cuddy
3. Michael Maher

**Kadenza Consultancies – Local Electoral Area Boundaries – 18<sup>th</sup> – 20<sup>th</sup> January 2013 – Silver Tassie Hotel, Letterkenny, Co. Donegal – Fee: €145**

1. Pat Hynes
2. Michael Fahy
3. Kevin Ryan

**Celtic Conferences – Debt Solutions – The new Personal Insolvency Legislation – 25<sup>th</sup> – 27<sup>th</sup> January – Celtic Ross Hotel, Rosscarbery, Co. Cork – Fee: €100**

1. Shaun Cunniffe
2. Michael Fahy



3. Pat Hynes

**Cumann Merriman – Winter School 2013 ‘Traditional Culture – from Firesides to Multimedia’ – 1<sup>st</sup> – 3<sup>rd</sup> February – Hotel Westport, Westport, Co. Mayo – Fee: €60**

1. Seán Ó Tuairisg
2. Michael Fahy
3. Pat Hynes

**Ace Training – Tourism Seminar – Making the Difference – 8<sup>th</sup> – 10<sup>th</sup> February – Four Seasons Hotel, Carlingford, Co. Louth – Fee: €100**

1. Shaun Cunniffe
2. Tiarnan Walsh
3. Tom McHugh
4. Jimmy McClearn

**TO NOTE THE SUMMARY OF PROCEEDINGS OF CONFERENCES ATTENDED 1340**

On the proposal of Cllr. Carroll, seconded by Cllr. Maher, the summary of proceedings of Conferences attended, as circulated at the meeting was noted and agreed:

**Superior Training – Water Services (Amendment) Act 2012 – 23<sup>rd</sup> – 25<sup>th</sup> March 2012 – Carlton Atlantic Coast Hotel, Westport, Co. Mayo**

1. Seamus Walsh

**BMW Regional Assembly Annual Conference 2012 – Renewable Energy – Revitalising Ireland’s Regions – 30<sup>th</sup> April – TF Royal Hotel, Castlebar, Co. Mayo**

1. Seamus Walsh

**Kadenza Consultancies – National Housing Crisis – Policy Statement 2011 – 1<sup>st</sup> – 3<sup>rd</sup> June – Silver Tassie Hotel, Letterkenny, Co. Donegal**

1. Shaun Cunniffe

**Celtic Conferences – Utilising your Tax Entitlements & Reliefs – 24<sup>th</sup> – 26<sup>th</sup> August – Celtic Ross Hotel, Rosscarbery, Co. Cork**

1. Kevin Ryan

**AMAI – Centenary Annual Conference – Local Government Reform – 13<sup>th</sup> – 15<sup>th</sup> September – Shearwater Hotel, Ballinasloe, Co. Galway**

1. Seamus Walsh

**Donegal Co. Council – LAMA Autumn Seminar 2012 – The Challenge for Local Authorities – Can we do more with less? – 28<sup>th</sup> – 29<sup>th</sup> September – Mount Errigal Hotel, Letterkenny, Co. Donegal**

1. Eileen Mannion

**Greystones Town Council – La Touche Legacy Seminar 2012 – Local Democracy – Myth or Reality – 28<sup>th</sup> – 30<sup>th</sup> Sept – Charlesland Golf & Country Club, Greystones, Co. Wicklow**

1. Seamus Walsh

**Ace Training – Michael Collins & the creation of Irish Democracy – 12<sup>th</sup> – 14<sup>th</sup> October – Celtic Ross Hotel, Rosscarbery, Co. Cork**

1. Kevin Ryan

**Association of Irish Regions Annual Conference 2012 – Ireland's Regions for Business – 2020 – 16<sup>th</sup> November – Newpark Hotel, Kilkenny**

1. Tomás Mannion
2. Eileen Mannion
3. Tom McHugh

**Kadenza Consultancies – Local Authority Budgets 2013 – 16<sup>th</sup> – 18<sup>th</sup> November – Silver Tassie Hotel, Letterkenny, Co. Donegal**

1. Seamus Walsh
2. Kevin Ryan
3. Shaun Cunniffe

**Esperanza Enterprises – Environmental Implications of harvesting Wind Energy – 23<sup>rd</sup> – 24<sup>th</sup> November 2012 – Westport Plaza Hotel, Westport, Co. Mayo**

2. Tom McHugh

**Superior Training – Information & Communications Technology for Councillors – 23<sup>rd</sup> – 24<sup>th</sup> November – Great Northern Hotel, Bundoran, Co. Donegal**

1. Seamus Walsh
2. Shaun Cunniffe

**Teagasc – Will we run out of natural resources needed for Food Production? – 27<sup>th</sup> Nov – RDS, Dublin**

1. Seamus Walsh

**Minutes of Monthly Meeting held on 28<sup>th</sup> January 2013**

**Esperanza Enterprises – Promoting Justice through better Consultation & Cooperation in Local Government – 30<sup>th</sup> November – 1<sup>st</sup> December 2012 – Carlton Hotel Tralee, Co. Kerry  
– Fee: €150**

1. Jarlath McDonagh
2. Mary Hoade
3. Michael Connolly
4. Tiarnan Walsh
5. Seán Ó Tuairisg
6. Tomás Ó Curráoin
7. Michael Maher
8. Kevin Ryan
9. Michael Fahy

**Superior Training – The Local Govt. Budget 2013 – 30<sup>th</sup> November – 1<sup>st</sup> December 2012 – Carlton Millrace Hotel, Bunclody, Co. Wexford**

1. Shaun Cunniffe

**TGR Seminars – ‘Putting People First’ Reform & Strategic Planning for 2013 – 7<sup>th</sup> – 9<sup>th</sup> December 2012 – Bunratty Castle Hotel, Bunratty, Co. Clare**

1. Seamus Walsh

**Celtic Conferences – Budget 2013 Seminar – 14<sup>th</sup> – 16<sup>th</sup> December 2012 – Celtic Ross Hotel, Rosscarbery, Co. Cork – Fee: €100**

1. Tom McHugh
2. Jimmy McClearn
3. Kevin Ryan
4. Shaun Cunniffe
5. Tomás Ó Curráoin
6. Seamus Walsh

**TO RECEIVE A PRESENTATION ON THE APPROACH TO THE IMPLEMENTATION OF WATER SECTOR REFORMS.** **1341**

It was proposed by Cllr. McHugh, seconded by Cllr. Cuddy and agreed to defer Item No. 12 to the next meeting.

**TO RECEIVE AN UPDATE ON THE PROGRAMME OF FLOOD MITIGATION WORKS AND SCHEMES** **1342**

It was proposed by Cllr. McHugh, seconded by Cllr. Maher and agreed to defer Item No. 13 to the next meeting.

**TO NOTE INDICATIVE PROGRAMME OF WORKS FOR STRATEGIC POLICY COMMITTEES FOR 2013** **1343**

Report dated the 22<sup>nd</sup> January, 2013 as circulated to each Member was considered and noted on the proposal of Cllr. McHugh, seconded by Cllr. Cuddy.

**TO RECEIVE AN UPDATE ON CRASH BARRIERS ON THE GALWAY /LIMERICK ROADS** **1344**

It was proposed by Cllr Maher, seconded by Cllr. D. Connolly and agreed to defer item No. 15 to the next meeting.

**MANAGER'S BUSINESS & CORRESPONDENCE** **1345**

The County Manager informed the Members that details of the Road Grants for the County had been received for 2013 and that same would facilitate the drafting of the 2013 Roads Programme for consideration by the Members.

She reminded the Members of the timeframe for the completion and return of their Annual Declarations under the Ethics Framework in Local Government and their Declarations of Donations for Political Purposes and requested their cooperation in meeting the necessary timelines.

The County Manager advised the Members that the Office of the Director of Corporate Enforcement was scheduled to provide a briefing for the Members on company law and the duties and responsibilities of persons acting as directors of companies on Thursday, 24<sup>th</sup> February 2013 in County Hall.

Mr. Owens referred to correspondence received from the Irish Wind Energy Association asking for an opportunity to make a presentation to the Council in advance of the revision of the County Development Plan. The Mayor suggested that it would be more appropriate to refer this to the Planning SPC and on the proposal of Cllr. Cuddy, seconded by Cllr. Carroll it was agreed to refer the matter to the Planning SPC.

The following items of correspondence which were circulated at the meeting were noted:

- Correspondence dated 25<sup>th</sup> January 2013 from Ennis Town Council regarding Notice of Motion relating to the payment of an Annual Financial Contribution by TD's and Senators to their Local Authority towards the costs of the services provided to their constituency offices.

- Correspondence dated 23<sup>rd</sup> January 2013 from Limerick County Council regarding the governance arrangements of banks in which the State holds a majority shareholding.
- Correspondence dated 7<sup>th</sup> January 2013 from Donegal County Council in relation to the Value for Money aspect of registering on the evening of the 17<sup>th</sup> January 2013 for the “Tourism in Recessionary Times” Conference.
- Correspondence dated 31<sup>st</sup> December 2012 from Laois County Council regarding the Members seeking a meeting with the Galway Oireachtas members to discuss the proposed Local Government Arrangements in the context of correspondence from the Local Electoral Boundary Committee dated 6<sup>th</sup> December 2012.
- Correspondence dated 17<sup>th</sup> December 2012 from Waterford City Council regarding a motion rejecting the proposed amalgamation of Waterford City and County Councils as proposed in “Putting People First” by the Minister for Environment.
- Correspondence dated 18<sup>th</sup> December 2012 from Bundoran Town Council requesting an urgent meeting with the Taoiseach and the Minister for Transport, Tourism and Sport in relation to the future of Knock Airport and the negative effect any proposed downgrading will have on the entire region.
- Correspondence dated 17<sup>th</sup> December 2012 from Clones Town Council regarding a motion calling on the Minister for the Environment, Community and Local Government to instruct all County Registrars, in future elections to take unemployed people off the dole on the Election Day to carry out the duties required in polling stations.

**MAYOR’S BUSINESS**

**1346**

It was proposed by Cllr. Broderick, seconded by Cllr. Cuddy and agreed that Galway County Council disassociate itself completely from a motion that was passed by Kerry County Council, asking for drink driving permits to be introduced.

In reply to concerns expressed by Comh. O’Cuaig in relation to the design speed for the upgrade of the N59, Mr. Gilmore stated that the N.59 is being designed to 85km but that this would only apply to certain sections of the road, in particular those adjacent to the lakes which presented difficulties to design for 100 km/hr. He confirmed that any section of the road with the necessary sight distance to support 100km would have a 100 km/hr applied. He further advised that no decision was taken on the speed limit and that any proposals relating to the speed limit would be brought before Council for consideration.

In reply to Cllr. E. Mannion, Mr. Gilmore confirmed that the section of the N59 from Maam Cross to Oughterard had already been submitted to An Bord Pleanala and that he would revert in relation to the timeline for the section from Maam Cross to Clifden.

In reply to Cllr. Cuddy, the County Manager confirmed that the transfer of the driving licence function from the local authority to the Road Safety Authority was being undertaken on a phased basis and that the revised requirements for photographs was scheduled for introduction in September 2013.

Mr. Gilmore in reply to Cllr. Roche confirmed that the allocation of Notice of Motion funding was restricted to roads projects, as per the adopted budget.

It was proposed by Cllr. Ryan, seconded by Cllr. Roche and agreed that Galway County Council get a Department of Agriculture Official to give a presentation or briefing on food labeling and quality and traceability of Irish products.

In reply to Comh. O'Cuaig, Mr. Gilmore confirmed that the Senior Engineer would review the junction of the N59/R340 with a view to possible improvement.

**NOTICE OF MOTIONS**

**NOTICE OF MOTION NO 18 – CLLR. J. CUDDY**

**1347**

*The following reply was given:-*

“A Brief was prepared for the appointment of consultants to prepare a Preliminary Report for the Clarenbridge Sewerage Scheme and was submitted to the Department for approval in early 2009. The scheme was subsequently removed from the Water Services Investment Programme, (W.S.I.P.), for 2010 to 2012, prior to approval being given to proceed to appointment of consultants.

The proposed Galway City Eastern Environs Waste Water Treatment Works does include for treatment of waste water from Clarenbridge, as well as the neighbouring agglomerations of Oranmore and Athenry. This scheme is on the current W.S.I.P. under Planning.”

**NOTICE OF MOTION NO 19 – CLLR. J. CUDDY**

**1348**

*The following reply was given:-*

“The last speed limit review was undertaken during 2009 and completed in early 2010. The current speed limit review commenced during 2012 and will be completed by the end of quarter 2, 2013. The difficulty in giving a definite date is that there is no time limit on the requirement from some of the external bodies we must consult. However, we are now at the final stages of consultation with the external bodies and it is expected the speed limit review will be complete by quarter 2 of 2013.”

**NOTICE OF MOTION NO 20 – CLLR. J. CUDDY**

**1349**

*The following reply was given:-*

“Noted.”

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

**1350**

*The following reply was given:-*

“Galway County Council have sought funding from the NRA over the last number of years to improve the surface and safety along the N18. We will continue to seek funding for this work and funding is being requested for works at the junction at Labane adjacent to the cemetery. However, to date no funding has been made available for any further work along the N18 but we will continue to seek funding.”

**NOTICE OF MOTION NO 22 – CLLR. M. FAHY**

**1351**

*The following reply was given:-*

“Galway County Council sought funding from the Department of Transport during 2012 for the provision of bus facilities at various locations throughout County Galway. However, no



funding was made available. We will continue to seek funding as we are conscious of the need to provide a proper bus shelter facility at Ardrahan”.

**NOTICE OF MOTION NO 23 – CLLR. M. FAHY**

**1352**

*The following reply was given:-*

“The provision of signs at and along National Roads must be agreed with the National Roads Authority. Galway County Council will discuss the provision of this sign for Ballinderreen at Kilcolgan Junction with the National Roads Authority and will liaise with Cllr. Fahy on their response and requirements.”

**NOTICE OF MOTION NO 24 – CLLR. T. WALSH**

**1353**

*The following reply was given:-*

“Galway County Council Road Design Section will examine this location to determine what road safety improvements should be carried out at this location.”

**Criochnaigh na Crinniú Ansin.**