

COMHAIRLE CHONTAE NA GAILLIMHE

MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD AT ÁRAS AN CHONTAE, PROSPECT HILL, GALWAY ON MONDAY 22ND JULY, 2013 @ 2.00 pm

CATHAOIRLEACH:

Cllr. L. Carroll, Mayor of the County of Galway

I LATHAIR FREISIN:

Baill:

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

Oifigigh:

Ms. M. Moloney, County Manager; Messrs. F. Gilmore, K. Kelly, J. Cullen, Directors of Service; M. Owens, County Secretary & Meetings Administrator, Ms. Rita Gately, County Veterinary Officer, J. Casey, Assistant Veterinary Officer, G. Kavanagh, Assistant Planner, A. Farrell, Senior Executive Officer, Marian Donoghue, Senior Staff Officer, R. O'Boyle, Staff Officer.

Mr. Alan O'Reilly, Chief Executive Officer, Food Safety Authority.

Thosnaigh an cruinniú leis an paidir.

The Mayor welcomed all to the Meeting.

RESOLUTIONS OF SYMPATHY

1499

The Mayor led the Members in paying tribute to the late Denis Hurney who passed away suddenly on the 16th July, 2013. They acknowledged that Denis had been an excellent and dedicated employee of Galway County Council for the past 38 years and would be sadly missed by his friends and colleagues. The Mayor along with the Members proposed that a vote of Sympathy be extended to Denis's wife Geraldine, his three sons Donnacha, Damien and Pat, his Mother Nonie, and his Aunt Julia who is a former employee of Galway County Council, and the extended Hurney and Forde Families.

The Manager, on behalf of Management and Staff, said she wished to extend sympathy to Geraldine, Donnacha, Damien and Pat and to the extended Hurney and Forde Families on

the sudden death of Denis. She said Denis had been a valued colleague who was highly regarded and would be greatly missed in County Hall.

A vote of Sympathy was also extended to Cllr. Canney on the death of his sister in law and to the O'Brien Family, Loughrea on the death of Agnes O'Brien.

The Mayor adjourned the Meeting for 10 Minutes as a Mark of Respect.

On the resumption of the Meeting, the Mayor took Item 1 on the clár.

CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS

1500

The Minutes of the Minutes of Monthly Meeting held 24th June, 2013 were approved by the Council and signed by the Mayor on the proposal of Cllr. Maher, seconded by Cllr. McDonagh.

Arising from the Minutes –

Referring to the query raised at the June Meeting relating to the Local Property Tax and the application of same to local authority housing, Mr. Farrell said that it had not yet been decided if the cost for the Local Property Tax on local authority housing would be added to the rent charged and that guidance on same was awaited from the Department.

An Comh O'Cuig requested an update regarding the provision of a footpath at Ros an Mhíl. He also enquired if an opportunity had been lost to include for the installation of ducting to facilitate the provision of high speed broadband in conjunction with the work on the Costello Scheme.

Cllr D. Connolly asked for an update on the Landfill at Killconnell.

With regard to the provision of ducting for broadband during the laying of the Costello Scheme, Mr. Cullen stated that this was not normally done, with Tuam being an exception. He confirmed that no funding was available for the provision of such ducting and that the inclusion of same would delay the scheme. In regard to the Kilconnell Landfill Site he said the situation is that the Operator had gone into receivership, the EPA issued the Licence, and that they have the role and responsibility for this site. He stated the EPA had contacted the Council requesting its assistance and in response services have been engaged by the Council, on behalf of and at the request of the EPA, and that the EPA are recouping the full cost of same to the Council.

Cllr. Cuddy enquired if there was any update on the Safety Audit that was to be carried out at Knockdoe. He also asked if there was any response in relation to the process for the review of speed limits.

Replying Mr. Gilmore said that he would arrange for Mr. Molloy to update Comh. O'Cuaig directly on the current position in relation to the provision of the footpath at Ros an Mhíl. He also confirmed that the Safety Audit at Knockdoe had been completed, and that a Schedule of Works was prepared which included lining etc., and that the works will be done as soon as possible. Replying to the query on Speed Limits, he said that no response had been received from the NRA.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – CONSTRUCTION UPGRADE OF EXISTING WATER TREATMENT FACILITY WITH WASH WATER HOLDING TANKS, SITE DEVELOPMENT WORKS AT GORT, CO. GALWAY

1501

Report dated the 12th July, 2013 was already circulated to each Member.

On the proposal of Cllr. Willers, seconded by Cllr. Maher, it was agreed to approve the construction upgrade of the existing water treatment facility with wash water holding tanks, site development works at Gort, Co. Galway in accordance with Part VIII of the Planning & Development Regulations 2002 and the report as circulated.

In reply to Cllr. G. Finnerty, Mr. Cullen undertook to consider the provision of some form of hedging to screen the development from adjoining residential properties.

TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS RECEIVED ON THE PROPOSED MATERIAL ALTERATIONS TO THE GORT LOCAL AREA PLAN 2013-2019 AS PER SECTION 20 (3) (C) AND (D) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)

1502

The Mayor invited the presentation of the Manager's Report on the submissions received on the Proposed Material Alterations to the Gort Draft Local Area Plan 2013-2019.

Ms. Kavanagh advised the Meeting that the Manager's Report was compiled in accordance with Section 20 of the Planning & Development Act 2000, as amended, and that the Proposed Material Alterations to the Gort Local Area Plan 2013-2019 was on public display from the 7th June to the 5th of July 2013 and a total of 9 Submissions were received: five from the Prescribed Authorities/Environmental Authorities/Statutory Bodies, one from a landowner and three of which were non applicable submissions whose comments do not apply to the published Material Alterations and therefore cannot be considered at this stage in the LAP process.

Ms Kavanagh said that it was taken that the proposed Material Alterations, and support documents and this Manager's Report have been read and considered by the Members and advised the Members of Section 20 of the Planning & Development Act 2000, the Members should in exercising their function consider 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.

Ms. Kavanagh advised that under Section 177 of the Local Government Act 2001 which states that if a Member has a pecuniary or other beneficial interest in any aspect before the meeting, he or she shall take no part in the discussion or consideration of the matter and shall refrain from voting and it would be normal for them to leave the meeting for that item.

Ms. Kavanagh advised that a Strategic Environmental Assessment – Environmental Report (SEA-ER), Appropriate Assessment/Natura Impact Report (AA/NIR) and Strategic Flood Risk Assessment (SFRA) were undertaken on the submissions received on the proposed Material Alterations which have informed the responses and recommendations as set out in this Managers Report and are considered to be appropriate and acceptable in terms of these requirements and they also form part of the documentation of the ongoing SEA/AA/SFRA and Local Area Plan (LAP) making processes and supplement and should be read in conjunction with the Gort Draft LAP and associated documents.

Ms. Kavanagh said that Section 3.3 of the Report refers to Miscellaneous Issues and the Appendices of this Report contains a list of Persons/Bodies who made Submissions and including Maps showing the location and extent of Site Specific Material Alterations Submissions.

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. 8 is from the Dept of Environment, Community and Local Government (DECLG)(MA2):

Submission No 5 –Environmental Protection Agency

Submission No 6 – Gerry, Elisha, Gearóid and Fergal Lydon (MA2)

Ms. Kavanagh advised that the main issue in the Department of Environment, Community and Local Government's submission was the issue of Flood Risk and Material Alteration MA2. She said that this issue was also raised within Submission No 5 (EPA) under Specific Comments on the Proposed Material Alterations and also within Submission No 6 – Gerry, Elisha, Gearóid and Fergal Lydon (MA2). She advised the Meeting that she would outline the main issues within these three Submissions collectively including the Manager's Response and Recommendations.

Ms. Kavanagh said that the Department would be of the view based on the available evidence, that if Material Alteration No. 2 is retained without the preparation of a Stage 2 Flood Risk Assessment and a Justification Test, the Gort LAP could be in conflict with the policy on Flood Risk Management as set out in the *Flood Risk Management Guidelines 2009* and as a consequence would not represent a Plan for proper planning and sustainable development. She said that the Department is of the view that, pending the carrying out of this Flood Risk Assessment, the Proposed Amendment (Material Alteration No.2) to the Gort Local Area Plan is considered premature and it, therefore, requests the planning authority not to proceed with the Material Alteration MA2 and to revert to the provisions of the Draft Local Area Plan namely to retain the lands concerned for 'Recreation and Amenity' zoning. She advised that the Department have said that if the Planning Authority does not comply with this request and the adopted Plan retains development zoning in areas considered to be at risk of flooding without the benefit of further flood risk assessment, the Minister will have to consider what further actions are necessary and the Department will continue to monitor adherence by the Council to the requirements of the Planning and Development Act 2010 and National Guidelines in setting out a sustainable development strategy for Gort.

Ms. Kavanagh outlined that similarly under Submission No 5 from the EPA under Specific Comments on the Proposed Material Alterations, that the EPA in particular note the recommendations in subsection 2.7.3 of the SEA/ER in relation to the proposed rezoning of Open Space/Recreation and Amenity lands to Town Centre/Commercial lands (Material Alteration MA2) in an area identified as being at significant risk of flooding. She said that the EPA also noted that a Justification Test has failed for this proposed re-zoning of lands (MA2), and in light of this the continued use of these lands as Open Space/Recreation and Amenity would seem in keeping with the *Flood Risk Management Guidelines* (DEHLG 2009) and the associated SFRA conclusions. She advised that the EPA also note that in the SEA/ER Section 2.9 – Conclusions, that a Flood Impact Assessment is currently being prepared on behalf of the developers who hold an existing live permission at this location and that it should be ensured that this Flood Impact Assessment is carried out in accordance with the *Flood Risk Management Guidelines 2009* and the EPA also note the SEA recommendation that this Flood Impact Assessment be independently assessed to ensure that the development of the land is appropriate to the risk of flooding identified and that any proposed rezoning be subject to the findings/recommendations of the SFRA.

Ms. Kavanagh advised that Submission No 6 -Gerry, Elisha, Gearóid and Fergal Lydon (MA2) - requested that the Town Centre zoning on the subject lands in the Gort LAP 2006 be continued in the new Gort LAP 2013-2019. She said that this Submission includes a Report prepared by Hydro Environmental Ltd and titled '*Development of Lands at George's Street, Gort, Co. Galway* and this submission provided the following Maps:

1. Site Extent adjacent to Gort river, contour levels and location of OPW Flood Embankment; and
2. Lands benefiting from the OPW River Gort Flood Relief Scheme implemented in 1997.

She said also provided were:

1. Highest flood levels in Crows Street and Georges Street, based on anecdotal evidence; and
2. A description of a flood relief scheme implemented by the OPW in 1997.

Ms. Kavanagh outlined that the Submission identifies that the provision of an access road with a flood defence function and development of the higher ground towards the rear of the site would satisfy the Flood Risk Management Planning Guidelines through the Justification test applicable to inner town core sites.

In response to these three Submissions, Ms. Kavanagh said that the land rezoned under Material Alteration MA2 (1.414Ha) is located within Indicative Flood Zone A flooding area as identified in the Stage 2 Strategic Flood Risk Assessment (SFRA) which was carried out as part of the Plan making process and, accordingly, this portion of the submission land was zoned Open Space/Recreation and Amenity (OS) in the Draft Plan, which ensures that uses that are less vulnerable to flooding can be considered in this flood risk area. She said that the remaining portion (0.671Ha) which is located within Flood Zone C as identified in the Stage 2 SFRA remains zoned as Town Centre/Commercial (C1) as per the Draft Plan.

Ms. Kavanagh outlined that the land subject of proposed MA2 land which was rezoned from Open Space Recreation and Amenity (OS) to Town Centre/Commercial is contrary to the *Flood Risk Management Guidelines 2009*, contrary to the recommendation in the previous Manager's Report (on Draft Submissions), contrary to the recommendations in the ongoing Strategic Environmental Assessment Environmental Report (SEA/ER) Appropriate Assessment/Natura Impact Report (AA/NIR), Strategic Flood Risk Assessment (SFRA) and Local Area Plan (LAP) making process and said that the proposal is also contrary to Galway County Council's approach to generally zoning undeveloped lands within Indicative Flood Zone A and B as Open Space, Recreation and Amenity (OS).

Ms. Kavanagh said that a Justification Test has been prepared for Town Centre zoning located within Flood Zone A and B and this Justification Test passed all criteria and was used in conjunction with the Stage 2 SFRA to inform proposed land use zonings of the Gort Draft LAP. She also said that the lands subject to proposed MA2 was subject to a Site Specific Flood Risk Assessment by the Council's SEA Consultants, the conclusion of which states that the portion of the subject land that is located within Indicative Flood Risk Zone A does not pass this Site Justification Test as outlined in the *Flood Risk Management Guidelines for Planning Authorities 2009*.

Ms. Kavanagh advised that the SEA/ER assessment on the Submissions received on the proposed Material Alterations provided a response from an SEA perspective in order to inform this Managers Report and the SEA/ER noted that the location of the subject lands within Flood Zone A flood risk

area, with the proposed zoning under MA2, is contrary to the *'The Planning System and Flood Risk Management Guidelines for Planning Authorities'* which aims to restrict development within areas that have a high potential flooding, therefore the proposed Material Alteration has the potential to cause significant environmental effects.

Ms. Kavanagh advised that the SEA/ER recommends that the proposed Town Centre/Commercial zoning under MA2 is not adopted and that the area is rezoned to Open Space, Recreation and Amenity (OS) as was the case in the Draft Local Area Plan. She said that should any proposed development come forward for this site (including the current extension of duration), the application of the justification test and relevant guidelines and objectives in the draft Plan (including Objective UI 12 Flood Risk Management and Assessment will apply. She advised that rezoning is not recommended.

Ms. Kavanagh advised that the SEA/ER also states that the report by Consulting Hydrologist, Anthony Cawley of Hydro Environmental Ltd entitled *'Development of Lands at George's Street Gort Co. Galway'* (which was submitted as part of Submission No 6) does not appear to provide evidence and mapping of the flood zones that would allow either the a) the flood zones in the Stage 2 SFRA to be updated or b) Criteria No. 3 from the Justification Test set out in the *Flood Risk Management Guidelines 2009*, to be passed. The SEA/ER also states that here has been sufficient land proposed to be zoned as Town Centre/Commercial in the Plan area and there are also existing lands not within Flood Zone A which could be zoned as Town Centre/Commercial adjacent to existing Town Centre/Commercial lands. It is considered that in order to align with Galway Council's approach to generally zone undeveloped lands within Flood zone A and B as Open Space/Recreation and Amenity, this zoning should be retained.

Ms. Kavanagh advised that the AA/NIR assessment undertaken on the Submissions received provides a response from an AA perspective and in relation to proposed MA2, it is considered that that development at this location may have the potential to impact on flooding issues, water quality and water dependent species such as otter.

Ms. Kavanagh also outlined that the SFRA Consultants carried out an assessment on the Submissions received on the proposed Material Alterations including Submission No 6 and its accompanying Report titled *'Development of Lands at George's Street Gort Co. Galway'* and she said that this documentation submitted by the landowner of proposed MA2 to date does not appear to provide evidence and mapping of the Flood Zones as outlined in the Flood Risk Management Guidelines that would allow either:

1. The zones in the Stage 2 SFRA to be updated; or
2. Criteria No. 3 from the Justification Test set out in the Flood Risk Management Guidelines (DEHLG, 2009) to be passed.

She explained that the view expressed by the Department's submission is not to rezone the land subject to MA to Town Centre/Commercial zoning and to revert to the provisions of the Draft LAP namely to retain the lands concerned as Open Space, Recreation and Amenity, which is also consistent with the Recommendations of the SEA/ER and SFRA assessments.

Ms. Kavanagh outlined that the SFRA also recommends that should the lands be zoned for inappropriate uses, which would not be in compliance with the *Flood Risk Management Guidelines 2009*, then the Plan should provide for the notification (by way of a new Specific Objective) of any future owner or developer that:

'These lands have been zoned according to the information provided by the landowner and that there is still potential for some of the lands to flood. 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 applicant and the Council that the development itself will not be exposed to unacceptable levels of flood risk’.

She said that it is also recommended that any future planning application on these lands is required to be accompanied by a site-specific Flood Risk Assessment.

Ms. Kavanagh advised that the Planning Authority having considered all available data concludes that the portion of the Submission land the is subject to MA2 which remains in Flood Zone A should not be rezoned from Open Space Recreation and Amenity (OS) zoning to Town Centre/Commercial zoning. She said that it should be noted that to rezone as proposed by Material Alteration MA2 would not be in compliance with the provisions of *The Planning System and Flood Risk Management – Guidelines for Planning Authorities* (Department of the Environment, Heritage and Local Government and Office of Public Works, 2009) or the recommendations of the ongoing SFRA/SEA-ER/Stage 2 AA which have been undertaken alongside the preparation of the Gort LAP process. She said that it is considered that the report submitted by Submission No 6 was not a site specific flood risk assessment in accordance with the Guidelines 2009, is not complete and fails the Justification test for the portion of land which is subject to proposed MA2. She advised that the Planning Authority also acknowledged that the Department of the Environment has indicated clearly that they require Planning Authorities to adhere to *the Flood Risk Management Guidelines* and will monitor the decisions of Local Authorities in this regard.

Ms. Kavanagh advised the Meeting that the Managers Recommendation (regarding Submissions 8, 5 and 6) is that the land subject of MA2 should revert to Open Space/Recreation & Amenity (OS) zoning, as per the Draft Local Area Plan.

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

Submission No 1 – National Roads Authority

Ms. Kavanagh advised that the NRA comments on the Material Amendments resulting from their initial Submission is noted and welcomed. The Planning Authority also notes that the Authority have no specific comment to make on the proposed Material Alterations.

Ms. Kavanagh advised that regarding the concerns expressed by the NRA with regard to the Residential and Residential (Phase 2) lands to the east of the town along the N66 at a location where a 100kph speed limit applies, that the Draft Local Area Plan provides for Objective TI 13 – National Road/Motorway Network which refers to protecting the national road network and safeguarding the efficiency, safety capacity and strategic investment in the M18 Gort to Crusheen Motorway, the proposed M18/17 Gort to Tuam PPP Motorway, N18 and the N66 national route and to have regard to the *‘Spatial Planning and National Roads Guidelines’*. She said that also under this Objective it is a requirement that proposals for large scale developments will be required, where appropriate, to submit Traffic and Transport Assessments to assess the impact of the proposed development and associated traffic movements on the efficiency, safety and capacity of the national road network.

Ms. Kavanagh said that the Managers Response on the Draft Submissions also stated that Objective TI 13 - National Road/Motorway Network applies to all zoned land and also deals with direct access and that the objective also states that future development should be avoided outside the speed limit zone for the town. She advised that this Manager’s response also stated that future development proposals will be dealt with at project stage and including any review of existing speed limits.

She referred to the Amended Objective TI 15 - Transport Network Improvements which now highlights specific reference to compliance with Section 2.7 of the DoECLG 'Spatial Planning and National Road Guidelines' in relation to development at national and road interchanges or junctions.

Ms. Kavanagh advised the Meeting that It is considered that the above mentioned Plan Objectives including assessment at individual project level caters adequately for the concerns expressed by the NRA within this Submission and further advised that the SEA/ER assessment on the submissions received on the proposed Material Alterations concurs with the above and there are no AA implications in relation to European Sites and there are no SFRA implications.

Ms. Kavanagh recommended no change to the Draft Plan.

The Members agreed to accept the recommendation in the Manager's Report on foot of the above Submission.

Submission No 5 –Environmental Protection Agency

Ms. Kavanagh advised that the EPA raised two additional issues in respect of the proposed Material Alterations.

Ms. Kavanagh said that the second issue was 'Assessment of Alternatives'. Ms. Kavanagh advised that the comments from the EPA in relation to the Assessment of Alternatives in the SEA/ER Section 2.8 are noted and recommended no change to the Draft Plan.

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

Ms. Kavanagh said that the EPA raised a third issue regarding the SEA Statement – "Information on the Decision". Ms. Kavanagh said that the EPA requested, following adoption of the Gort Local Area Plan, a copy of the SEA Statement with the required information to be sent to any environmental authority consulted during the SEA process. Ms. Kavanagh said this was noted and said that the SEA comments have been integrated into this Managers Report and monitoring measures will be included in the Final SEA Statement and will draw upon monitoring measures included in the relevant documents such as the SEA for the County Development Plan and Water Framework Directive (WFD) water quality monitoring. She recommended no change to the Draft Plan.

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

Submission No 3 –Department of Agriculture, Food and the Marine

Ms. Kavanagh said that this submission states that the Department has no submission or observations to make regarding the Material Alterations to the Draft Plan and, therefore, no change is required.

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

Submission No 2 –Roscommon County Council

Ms. Kavanagh said that this submission states that Roscommon County Council has no submission or observations to make regarding the Material Alterations to the Draft Plan and, therefore, no change is required.

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

In reply to Cllr. Willers query, Mr. Kelly said that Roscommon County Council is a Prescribed Body as they are an adjacent county and as such can make a submission/observation on the Galway County Council's Local Area Plans.

Miscellaneous

Ms. Kavanagh advised the Meeting that minor corrections and formatting issues that do not materially alter the content of the Draft Plan made be made to the Draft Plan following this Meeting. She said that the Plan, once adopted shall become the Gort Local Area Plan 2013-2019 to reflect the adopted year and the word Draft shall be removed, as appropriate and the Plan comes into effect one month after adoption of the Plan. She advised that Table 1: Capacity of Zoned Lands within the Gort LAP which highlights the Areas of Zoned Land in Section 3.1.1 of the Plan shall be updated once the final decisions are made in relation to the Material Alterations and the updated figures shall be included in the final Plan.

Non-Applicable Submissions

Ms. Kavanagh advised that three submissions were received but the comments contained within these Submissions do not apply to the published Material Alterations and cannot be considered at this stage in the Local Area Plan process.

She said that Submissions were received from Noreen Shields (Submission No. 4), Cyril Kelly & Associates on behalf of Sylvie and Margaret Linnane (Submission No. 7) and Noel Nestor (Submission No. 9).

In reply to Cllr. Fahy's query re Submission received from the Sylvie and Margaret Linnane, Mr. Kelly advised that Submissions/Observations with respect only to the proposed Material Alterations that go on public display can be considered and this is outlined on the Advert. He said that three submissions were received that referred to issues that were not on public display. He explained that there has been no change to the process and the same process was undertaken for the review of the Gort Local Area Plan as was taken with all the Local Area Plans.

On the proposal of Cllr. Willers and seconded by Cllr. Maher, it was agreed to accept the recommendations in the Manager's Report and it was agreed to adopt the Gort Local Area Plan 2013-2019, in accordance with the Manager's Report in accordance with Section 13 (b) (iv) of the Planning and Development (Amendment) Act 2010.

It was proposed by Cllr. Hynes, seconded by Cllr. Fahy and agreed 'that the town of Gort, Co. Galway be officially known as Gort Insé Guairé which is the historic name.'

TO CONSIDER AND IF DEEMED APPROPRIATE TO AUTHORISE THE ATTENDANCE AT CONFERENCES IN ACCORDANCE WITH SECTION 142 OF THE LOCAL GOVERNMENT ACT, 2001 AND HE LOCAL GOVERNMENT ACT 2001 (SECTION 142 (REGULATIONS 2010))

1503

Cllr. S. Walsh was not present for the consideration of this item.

On the proposal of Cllr. McDonagh, seconded by Cllr. T. Walsh the attendance of members at the Conferences as circulated was authorized.

Galway County Council – Lough Derg on the Shannon – Realising our Potential – 28th May – Talbot Hotel, Wexford – Fee: Free

Cllr. Michael Connolly

Commission for the Economic Development of Rural Areas – The Future of Rural Society:

Opportunities for Rural Economic Development – 10th June – NUI Maynooth, Co. Kildare – Fee: Free

Cllr. Michael Connolly

Esperanza Enterprises – Mortgage Resolution Bill 2013 – 28th – 29th June – Manor West Hotel, Tralee, Co. Kerry – Fee: €150

Cllr. Peter Roche

Ace Training – Drug & Alcohol Abuse for Local Authorities – 12th – 14th July – Four Seasons Hotel, Carlingford, Co. Louth – Fee: €100

Cllr. Kevin Ryan

Solution Marketing – Aiding Local Communities in Job Creation – 19th – 20th July – Talbot Hotel, Wexford – Fee: €120

Cllr. Michael Connolly

Esperanza Enterprises – Taxing Goods & Services – 19th – 20th July – Manor West Hotel, Tralee, Co. Kerry – Fee: €0

Cllr. Peter Roche

BG Seminarz – Community Development – Arts & Sport – 26th – 28th July – Quality Hotel, Killarney, Co. Kerry – Fee: €150

Cllr. Seamus Walsh

MacGill Summer School 2013 – Looking to 2016 – How stands the Republic? – 28th July – 2nd August – Glenties, Co. Donegal – Fee: €150

Cllr. Michael Connolly

Merriman Summer School 2013 – Ireland North & South: two societies growing apart? – 14th – 18th August – Lisdoonvarna, Co. Clare – Fee: €35 (one day)

Comh. Seán Ó Tuairisg

Parnell Summer School 2013 – Parnell & Kennedy: Lost Leaders – 11th – 16th August – Avondale House, Rathdrum, Co. Wicklow – Fee: €60 (one day)

Cllr. Michael Connolly

Ace Training – Benefits of Jobs Creation & Tax Entitlements – 16th – 18th August – Four Seasons Hotel, Carlingford, Co. Louth – Fee: €100

Comh. Tomás Ó Curráoin, Cllr's. Tom McHugh, Jimmy McClearn

**Esperanza Enterprises – Changing Social Relations of Housing Tenure – 30th – 31st August –
Westport Plaza Hotel, Westport, Co. Mayo – Fee: €120**

Cllr. Jarlath McDonagh

**Ace Training – Dignity at Work – A guide to bullying and harassment in the workplace – 6th – 8th
September – Four Seasons Hotel, Carlingford, Co. Louth – Fee: €100**

Comh. Tomás Ó Curráoin, Cllr's. Tomás Mannion, Kevin Ryan

TO NOTE THE SUMMARY OF PROCEEDINGS OF CONFERENCES ATTENDED 1504

On the proposal of Cllr. McDonagh, seconded by Cllr. T. Walsh, the summary of proceedings at conferences as circulated was noted.

**Clare Tourist Council – Clare Tourism Conference 'Tourism in Recessionary Times' – 18th – 19th
January 2013 – Falls Hotel, Ennistymon, Co. Clare**

Cllr. Michael Maher

**Celtic Conferences – Public Health Seminar on HSE Tobacco Control Policy – 22nd – 24th February –
Celtic Ross Hotel, Rosscarbery, Co. Cork**

Cllr. Michael Maher

**Esperanza Enterprises – Local Government supporting Volunteerism – 8th – 9th March – Manor
West Hotel, Tralee, Co. Kerry**

Cllr. Peter Roche

**Celtic Conferences – Drug & Alcohol Abuse Seminar – 22nd – 24th March – Celtic Ross Hotel,
Rosscarbery, Co. Cork**

Comh. Tomás Ó Curráoin, Cllr. Michael Maher

**Ace Training – Tax Entitlements Seminar – 29th – 31st March – Four Seasons Hotel, Carlingford, Co.
Louth**

Cllr. Michael Maher

**Wexford County Council – LAMA Spring Seminar 2013 – 5th – 6th April – Ashdown Park Hotel,
Gorey, Co. Wexford**

Cllr.'s Michael Maher, Eileen Mannion, Peter Roche

**Ace Training – Starting & Growing a Chamber of Commerce in your Community – 12th – 14th April –
Four Seasons Hotel, Carlingford, Co. Louth**

Comh. Tomás Ó Curráoin

**Superior Training – Local Government & the Consumer – 19th – 20th April – Holyrood Hotel,
Bundoran, Co. Donegal**

Comh. Tomás Ó Curráoin

**TGR Seminars – Local Property Tax: Logistics, Implications & Consequences for Irish Consumers –
19th – 21st April – Mullingar Park Hotel, Mullingar, Co. Westmeath**

Cllr. Peter Roche

**Celtic Conferences – Meeting Management – Principles & Best Practice – 26th – 28th April – Celtic
Ross Hotel, Rosscarbery, Co. Cork**

Comh. Tomás Ó Curráoin, Cllr. Michael Maher

**Ace Training – HSE Tobacco Control Policy – 10th – 12th May – Four Seasons Hotel, Carlingford, Co.
Louth**

Cllr. Michael Maher

**Esperanza Enterprises – Dealing with Unfinished Housing Estates – 17th – 18th May – Manor West
Hotel, Tralee, Co. Kerry**

Comh. Tomás Ó Curráoin, Cllr.'s Jarlath McDonagh, Tom McHugh, Peter Roche, Tiarnan Walsh

**Celtic Conferences – West Cork Tourism Seminar – 24th – 26th May – Celtic Ross Hotel, Rosscarbery,
Co. Cork**

Comh. Tomás Ó Curráoin

**Ace Training – European Legislation & Local Authorities – 7th – 9th June – Four Seasons Hotel,
Carlingford, Co. Louth**

Cllr. Michael Maher

Kadenza Consultancies – Preparing for new National & Regional Strategies –14th – 16th June – Silver Tassie Hotel, Letterkenny, Co. Donegal

Cllr. Pat Hynes

Border, Midland & Western and Southern & Eastern Regional Assemblies Joint Annual Conference – Contribution of Cohesion and Urban Policy to Economic Recovery – 19th June – Royal Hospital Kilmainham, Dublin

Comh. Seán Ó Tuairisg, Cllr.'s Mary Hoade, Tom McHugh, Tim Broderick

TO RECEIVE A PRESENTATION ON FOOD TRACEABILITY, QUALITY & LABELLING – GALWAY COUNTY COUNCIL & FOOD SAFETY AUTHORITY OF IRELAND **1505**

The Mayor introduced Ms. Rita Gately, who gave a brief outline of the work carried out locally by the Veterinary Services Unit

She then introduced Professor Alan Reilly, Chief Executive, Food Safety Authority of Ireland.

Mr. Reilly proceeded by means of a Power Point presentation to brief the Members on Food Safety – Challenges in the Global Market. He also covered the following issues:-

- Consumer Confidence – Communication is a challenge
- Protection of Irish Consumers – Consumer Protection Agency
- Supporting and controlling the Food Industry
- Regulatory Control – Monitoring
- Authenticity Survey – including that of Beef Burgers – and its findings
- Security
- Global Food Supply Chain – Food Safety Challenges
- Global Food Scare – Hepatitis A
- Consumer Foods – Protecting Brands
- Horsemeat Scandal 2013 – Media comments etc.
- EU Five Point Plan.

The Mayor thanked Ms. Rita Gately for her talk on what happens locally in the Veterinary Unit, and also thanked Professor Reilly for a most informative talk, and said that it had been very reassuring and invited queries/clarification from Members.

The members raised the following points:

- The level of inspections on the farming sector compared to the food sector.
- Unfair competition from the farming/food sector outside the EU operating in a less regulated environment and the threats posed by same for public health.
- The delay in identifying the issue and a request for assurances that the issue has been fully resolved and confidence restored in the meat/food industry.

- The price received by the farming sector for a high quality product and the relationship between low cost/below cost selling of meat products and the quality and origin of same.
- The need to prosecute those involved, irrespective of the cost or outcome, in order to deter future incidents and reassure the consumer.
- The labeling of food and the availability and labeling of genetically modified food.
- The increase in the number of horses being slaughtered and the link between same and the scandal.
- Recognition of the leadership role of the FSA in identifying the issue and on tackling same in an open and transparent manner.
- Request for reassurance that something of the same nature could not occur in the future.
- Whether the issue was identified through a tip off to the FSA.
- Need for a cull of horses to control numbers and address issue.

Mr. Reilly pointed out that the responsibility of the FSAI starts at the farm gate. He pointed out that Irish manufacturers were buying cheap beef and that that none of this meat was processed in Ireland, it came from the UK and Poland. He said if chicken is Irish it should be labeled and it should say where it came from. He said that the FSAI intended to do a very similar study on chicken, looking at the country of origin. He confirmed that anybody using genetically modified products have to be approved by the European Safety Authority.

He said that all the information held by the Food Safety Authority has been made available to the Gardai and Europol and other authorities but that a successful prosecution may be difficult and confirmed that the issue was not identified through a 'tip off'

He said that systems were now in place, penalties will be increased and would be introduced at European level on back of work that the Food Safety Authority had done. The Mayor thanked both Mr. Reilly and Ms. Gately for their presentations.

TO RECEIVE A PRESENTATION ON THE PAVEMENT SURFACE EVALUATION AND RATING OF LOCAL ROADS **1506**

It was proposed by Cllr. McHugh, seconded by Cllr. Maher and agreed to defer this item to the September Meeting of Council.

TO RECEIVE AN UPDATE ON THE PROGRAMME OF FLOOD MITIGATION WORKS AND SCHEMES **1507**

It was proposed by Cllr. McHugh, seconded by Cllr. Maher and agreed to defer this item to the September Meeting of Council.

SUSPENSION OF STANDING ORDERS **1508**

It was proposed by Cllr. Noone, seconded by Comh. O'Tuairisg and agreed to Suspend Standing Orders to allow the Meeting continue after 6.00 pm

TO RECEIVE A PRESENTATION ON THE PROPOSED SOCIO-ECONOMIC COMMITTEE (SEC)

1509

Report dated the 22nd July, 2013 was already circulated to each Member.

Mr. Cullen briefed the meeting on the establishment of Socio-Economic Committees (SECs) advising that it was a key element of the reform agenda for local government. He advised that the Socio-Economic Committee will be formed as partnerships of socio-economic interests and will comprise representatives of local authorities and other State agencies, local and community interest, civic society and economic and social partners. He advised that over time it was proposed that SECs will be vested with responsibility for the co-ordination, governance, planning and oversight of all publicly funded local and community development interventions at local level.

He outlined that the aim is to bring greater co-ordination on an area-basis to publicly-funded programmes and to oversee administration efficiencies across the local development landscape, while drawing on the capacity of local government and the experience, perspective and expertise of local and community actors in the relevant local authority area in programme delivery.

He confirmed that as a first step towards the introduction of SEC's, front runner SEC's will be established in 10 local authority areas, of which Galway County Council is one. The purpose of the front runner is to explore and trial approaches to SEC operation and capture learning over a six month period to inform the roll out of the SEC across all local authorities in 2014. He advised that the programme related activities will be limited during the front-runner phase. He further advised that a 5 year City/County Local and Community Plan encompassing all State funded local and community development interventions, will be developed for each city/county area by the Socio-Economic Committees.

Mr. Cullen concluded by advising that over the next 8 weeks the Council will liaise with the sectors and partners to be represented on the SEC with a view to determining the composition and membership and that it was hoped to have the membership finalised before the end of September with a view to having the first meeting of the SEC in October 2013. Mr. Cullen also noted that in due course the SEC will replace the County Development Board and arrangements for this transition have to be finalised.

The following comments were articulated by the Members:

- The absence of resources available directly to the SEC for allocation by the SEC to support the achievement of its objectives.
- The transition from the CDB to the SEC not representing real and meaningful reform thereby representing a further lost opportunity for real reform.
- The impact of the additional work associated with the SEC on existing core services in the absence of additional staff resources and the lifting/relaxation of the embargo on recruitment.
- The unique position of the Islands and the need to allow for same and recognise the role and value of a coordinated approach achieved through the work of Comhar na nOileann.

- Impact on current staff of local development companies and a questioning of the need to change a system that is well run and delivering.
- The need for the Members to have the confidence to take ownership of the process and to recognise the opportunities presented for local authorities to actively engage and make a greater contribution in the area of socio economic development as the outcome of the process may determine the future role and direction of local government.
- Welcome for the enhanced role for local authorities and the opportunity for engagement in the decision making process at a strategic level in relation to investment under the various projects managed and delivered through the local development companies.

In reply, Mr. Cullen advised that he was not aware of any proposal for the dissolution of Local Development Companies and that the purpose of the Socio-Economic Committee was to facilitate closer alignment and oversight of public funding. He stated that the development of a Local Community Plan and Economic Development Plan would ensure greater coordination and accountability, avoid duplication of services and deliver greater efficiencies while allowing for an integrated and targetted approach.

The County Manager in reply to comments on the absence of a reference to the Socio Economic Committee in Putting People First stated that it formed a substantial element of Putting People First and was clearly flagged in the reform proposals. She advised that the input of the SEC in the revised operational and governance arrangements for the Rural Transport Programme was a clear indication that the SEC was being recognised by other Government Departments in terms of playing a critical and important role in planning and coordination at a local level.

TO CONSIDER AND APPROVE THE DRAFT ESTATE MANAGEMENT STRATEGY FOR GALWAY COUNTY COUNCIL LOCAL AUTHORITY ESTATES – PRESENTATION BY ALAN FARRELL, ACTING DIRECTOR OF HOUSING SERVICES **1510**

Report dated the 18th July 2013 by Cllr. T. Walsh, Chairperson Housing & Emergency Services SPC and the Galway County Council Draft Estate Management Strategy 2013 were already circulated.

Cllr. T. Walsh presented the report and concluded the presentation of same by acknowledging the input of the staff of the Housing Unit and the members of the Strategy Policy Committee in developing the draft strategy as presented to Council.

The Members welcomed the draft strategy as presented recognizing that anti social behaviour was an issue in estates due to the actions of a small minority of tenants that impacts negatively on other residents and their quality of life. They recognised the responsibility placed on the local authority to adequately and appropriately address instances of anti social behavior in a timely and proportionate manner.

The Members highlighted the need to address vacant houses and to ensure the timely reallocation of housing units as they become vacant to ensure they are not subject to

vandalism and the focus for anti social behavior resulting in further difficulties in the allocation of the vacant dwellings. They requested the inclusion of targets for the reallocation of vacant housing units to address same.

The challenge presented by the responsibility placed on the local authority to meet the housing needs of the homeless while also needing to avail of the option to evict tenants as a last resort to address anti-social behaviour, thereby making them homeless was recognized. The adequacy of staff resources dedicated to estate management and tenancy support was questioned given the size of the county and level of housing stock, with comparisons made to other local authorities.

The Members also requested that a copy of the tenancy agreement and tenancy pack be circulated to them in order that they were better informed of the tenant's obligations. Mr. Farrell in reply detailed the distinction between the Estate Management Strategy and the Anti-Social Behaviour Strategy, as previously adopted by Council in 2012. He confirmed that measures were being introduced to allow for the turnaround of vacant housing units in a more timely manner and confirmed that funding was in place to allow for the roll out of CCTV in a number of estates in 2013.

It was proposed by Cllr. T. Walsh, seconded by Cllr. McHugh to approve the Draft Estate Management Strategy 2013 as circulated.

It was further proposed by Cllr. Feeney, seconded by Cllr. Canney and agreed that the Housing & Emergency Services SPC consider putting in place a specific timeframe for the reallocation of local authority houses, in the absence of very major remedial works being required on the property, with a suggested period of 2 weeks from the surrender date of the house and a further 2 weeks be allowed for acceptance by the new tenant.

MANAGER'S BUSINESS & CORRESPONDENCE

1511

The County Manager advised that the official opening of the Oranmore Station would take place on Monday, 29th July 2013 by the Minister for Transport, Tourism and Sport, noting that the project was facilitated by the Council through the purchase of lands and the development of the access road and parking facilities.

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

- Motion Adopted by Dundalk Town Council dated the 18th June, 2013 calling on the Government to implement the National Epilepsy Care Programme in full.
- Motion Adopted by Dundalk Town Council, dated the 20th June, 2013 calling for the expedition of the passage through Dáil Éireann of the Poor Relief Ireland (Amendment) Bill 2013 in an effort to boost commerce and regeneration. That this call is made upon the Ministers for Finance: for Public Expenditure and Reform, for Jobs Enterprise and Innovation: and for Environment, Community & Local Government.
- Correspondence from Kerry County Council dated the 8th July, 2013 regarding a resolution passed that the Minister for Education and Skills be requested to consider

the abolition of SUSI and the return of the administration of the Higher Education Grant Scheme to Education and Training Boards and Local Authorities.

- Correspondence from Monaghan Town Council dated the 10th July, 2013 regarding motions adopted (a) that Monaghan Town Council call on the Minister for Education and Skills, Ruairi Quinn, T.D. to reverse his decision relation to the reduction in support hours to children with special educational needs (b) that the Minister would look at EU Directive Regulation 56, Sub-Section 7 of the European Communities Regulations 2007 to insert a clause that any company that has gone into receivership or liquidation cannot tender for public contracts for a period of 5 years under a new company name when that new company is relying on technical or professional abilities of the old company.
- Correspondence from Limerick City & County Council dated the 12th July, 2013 regarding a resolution adopted calling on the Minister for Education & Skills, Ruairi Quinn, TD, and the Department of Education to allow some choice based on the old second level school catchment areas and tradition in assessing school transport eligibility.
- Correspondence from Monaghan County Council dated the 16th July, 2013 regarding a resolution adopted calling on the Minister for Social Protection to increase all Old Age Pensions to match the inflation rate over the last three years.
- Correspondence from Carrickmacross Town Council dated the 16th July, 2013 regarding a resolution adopted agreeing to write to Congressman John Boehner, Speaker in the US House of Representatives commending legislation due to come before the US House of Representatives which has the potential to transform the situation for the estimated 50,000 – 70,000 undocumented Irish people in the United States.
- Correspondence from Waterford City Council dated the 18th July, 2013 regarding a motion adopted commending the 10 former workers from Waterford Crystal in respect of their pensions, welcomes the decision of the European Court of Justice and calling on the Government to compensate all former workers of Waterford Crystal and to transpose into Irish law the 2008 EU Directive and ensure it gives protection to all Irish workers and their pensions in the future. That Waterford City Council recognizes that the trafficking, exploitation and abuse of women and girls is taking place in Waterford and throughout the country as a direct result of prostitution, that the Council believes human rights abuses can be ended by targeting the demand for prostitution by introducing laws which make it an offence to pay for sex and is seeking such laws, and the council convey its views to the Minister for Justice.
- Correspondence from The Department of Justice dated the 12th July, 2013 in reply to the Council's letter regarding the Local Property Tax.
- Correspondence from the Vatican dated the 5th July, 2013 thanking Galway County Council for the DVD and messages of good wishes sent to Pope Frances.
- Correspondence dated the 2nd July, 2013 from the Department of Health thanking the members for their letter concerning water fluoridation.

MAYOR'S BUSINESS

1512

Following discussion on the restrictions imposed on turf cutting on certain bogs the following resolutions were unanimously adopted:

It was proposed by Cllr. D. Connolly, seconded by Comh. O'Cuaig and agreed 'that Galway County Council recognize the right of domestic turf cutters to cut turf for their families on Galway bogs and call on the Government to immediately bring forward measures to end the conflict where domestic turf cutters are being hampered from harvesting their winter fuel and in light of recent developments in the courts end the criminalisation of turf cutters.'

It was proposed by Cllr. Feeney, seconded by Cllr. McClearn and agreed that 'this Council calls on Mr. Jimmy Deenihan, Minister for Arts, Heritage and the Gaeltacht to

- (a) fast-track the solution to the present turf-cutting issue by providing resources to compensate bog owners, to re-locate turf cutters to bogs which urgently need to be purchased and
- (b) to address the designation of NHA bogs to allow flexibility for relocation and
- (c) to de-designate bogs in those areas where there are no alternative bogs available for cutting and
- (d) to fast track the national study on SAC bogs which may allow flexibility on the issue.'

The County Manager in reply to comments from Comh. O'Cuaig confirmed that the Council were continuing to work with both the Department of Environment, Community & Local Government and the Department of Arts, Heritage & the Gaeltacht with a view to identifying an outcome to address the outstanding balance of €8.5 due to the Council from the development of piers on the Aran Islands on behalf of the Department of Arts, Heritage & the Gaeltacht.

NOTICES OF MOTION

NOTICE OF MOTION NO. 12 – CLLR. M. FAHY

1513

The following reply was given:-

"A proposal for funding to carry out the required safety measures under the Low Cost Remedial Measures Programme for 2014 will be prepared and submitted to the Department of Transport, Tourism & Sport."

NOTICE OF MOTION NO. 13 – CLLR. M. FAHY

1514

The following reply was given:-

"Galway County Council have no plans in place for funding at its disposal to install digital warning signage on the N66 approaches to the Seven Eye Bridge at Kilchreest. The site will be considered for possible National Road Safety Improvements Measures in consultation with the NRA Road Safety Engineer should funding for such measures become available in the future."

NOTICE OF MOTION NO. 14 – CLLR. M. FAHY

1515

The following reply was given:-

“The Council is currently in the process of taking in charge the Gortanumera Scheme and will complete the process as quickly as possible once the necessary surveys and water audits are completed.”

NOTICE OF MOTION NO. 15 – CLLR. J. CUDDY

1516

The following reply was given:-

“No specific funding has been allocated for the provision of new footpaths in the Oranmore Area in 2013. There is no firm indication that such funding will be forthcoming in the near future. The 535m of footpath required from the village of Clarinbridge to Parklands Estate will be considered in the context of footpath requirements for the Oranmore Electoral Area if funding becomes available.”

NOTICE OF MOTION NO. 16 – CLLR. J. CUDDY

1517

The following reply was given:-

“Sight distances at junctions and entrances are provided in accordance with appropriate design standards. They are generally designed to be site specific. If there are individual locations of concern they should be notified to the Council and we will deal with those appropriately.”

NOTICE OF MOTION NO. 17 – CLLR. J. CUDDY

1518

The following reply was given:-

“Noted.”