

COMHAIRLE CHONTAE NA GAILLIMHE

**MINUTES OF MONTHLY MEETING OF THE COUNCIL HELD AT ÁRAS AN CHONTAE,
PROSPECT HILL, GALWAY ON MONDAY 25th March, 2012 AT 11.00 a.m.**

CATHAOIRLEACH:

Cllr. T. Welby, Mayor of the County of Galway

I LÁTHAIR FRESIN:

Baill:

Cllrs. T. Broderick, S. Canney, L. Carroll, D. Connolly, M. Connolly, Comh. S. Ó Cuaig, T. Ó Curraoin, Cllrs. J. Cuddy, S. Cuniffe, 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, M. Noone, P. Roche, K. Ryan, Cllrs. S. Walsh, T. Walsh, & B. Willers.

Oifigigh:

Ms. M. Moloney, County Manager, Messrs E. Cummins, J. Cullen, K. Kelly, F. Gilmore, E. Cummins, Directors of Services, Mr. G. Mullarkey, Head of Finance, Mr. L. Gavin, Senior Engineer, Mr. M. Owens, County Secretary & Meetings Administrator, Ms. S. Kennedy, A/Senior Planner, Ms. E. O'Doherty, Executive Planner, Ms. G. Kavanagh, Assistant Planner, Ms. M. Donohue, Senior Staff Officer, Mr. P. O'Neachtain, Oifigeach Gaeilge, Ms. R. O'Boyle, Staff Officer.

**JBA Consulting & Office
Of Public Works**

Mr. Jonathon Cooper, JBA Project Director.
Ms. Maria O'Neill, JBA Project Manager.
Mr. Ger Cafferkey
Ms. Rosemarie Lawlor
Mr Richard Dooley

Ireland West Airport, Knock

Mr. Joe Gilmore
Mr. John Dillon,
Mr. Martin Gillen,
Mr. Brendan Flanagan

Thosnaigh an cruinniu leis an paidir.

RESOLUTIONS OF SYMPATHY

1387

The Mayor, Members and the County Manager expressed their deepest sympathy with An Comh. O'Tuairisg and his family on the death of his sister. It was proposed by Comh. O'Cuaig, seconded by Cllr. Hoade and agreed to adjourn the meeting as a mark of respect for 5 minutes.

It was agreed on the proposal of Cllr. Hoade, seconded by Cllr. Noone to extend a vote of sympathy to the family and relatives of Wiktorja Kubaczyk, Headford, Co. Galway.

It was agreed on the proposal of Cllr. Cuddy, seconded by Cllr. Hoade to extend a vote of sympathy to Cllr. Tomas Mannion and his extended family on the death of his Uncle.

A resolution of sympathy was also extended to the following:

- Joan Caine, Station Road, Oughterard, Co. Galway.
- Michael Riddell, Brackernagh, Ballinasloe, Co. Galway.
- John Mannion, Lydican, Carnmore, Oranmore, Co. Galway.
- Carmel & Noel Lane & Family, Caherwilder, Kilcolgan, Co. Galway.
- Tommy Campbell, late of Little Flower Nursing Home, Labane, Ardrahan, Co. Galway
- Martin Hoary, Shannon Park, Portumna, Co. Galway.
- Pat Flanagan, Dominick Street, Portumna, Co. Galway.

The Mayor, adjourned the Meeting for 5 Minutes, as a mark of respect.

On the resumption of the meeting, Cllr. Fahy said he wished to propose that an invitation be extended to Pope Frances to visit Galway in view of the strong connection formed by the people of Galway with the papacy arising from the historic visit of Pope John Paul II to Galway in 1979 and that the young people who attended Ballybrit on that occasion were now young adults who would welcome a visit from Pope Frances. It was proposed by Cllr. Fahy, seconded by Comh. O'Laoi and agreed that an invitation be issued to Pope Frances to visit Galway and that a DVD marking the visit of Pope John Paul II in 1979 accompany the invitation.

VOTE OF CONGRATULATIONS

1388

Cllr. Willers was joined by Cllr. G. Finnerty and the Members in congratulating St. Thomas Club on winning the All Ireland Hurling Club Championship. An Comh O'Curraoin conveyed best wishes to Tubber in the All-Ireland Final following their recent victory over Ardrahan.

An Comh O'Cuaig stated that he wish to acknowledged the efforts of the officials of the Council in advancing the Costello Regional Water Scheme.

The Mayor was joined by the Members in congratulating Ms. Claire Molloy, daughter of Mr. Evan Molloy, Senior Engineer, on her participation in the Rugby Team who won the Grand Slam 6 Nations Championship.

CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS

1389

Arising from the Minutes Cllr. T. Walsh referred to the reference to Glenamaddy on Page 3, 2nd Paragraph, 4th line and it was agreed to that the reference be changed to Williamstown. The Minutes of the Monthly Meeting held on 25th February 2013, as amended, were approved by the Council and signed by the Mayor on the proposal of Cllr. J. Cuddy, seconded by Cllr. Fahy.

Cllr. Cuddy referred to Page – Water Charges and asked for clarification on suggestion in the media that water pricing will be being based on the standard of the house rather than the

volume of water. Mr. Cullen replied stated that the basis for charging shall be determined by the Commission for Energy Regulation later in the year and anything in the interim was mere speculation.

Cllr Cuddy also referred to the Roads Programme and stated that the Council write to the NRA stating that there were serious problems with major roads and the Council had neither the manpower or resources to deal with this. He specifically referred to the traffic signals at Baile Chlair (Claregalway) and the surface of the road in the Village, and asked that the necessary funding be requested and made available to resurface this.

Replying Mr. Gilmore stated that problems with the traffic signals had been due to works being carried out on the Sewerage Scheme and that the traffic signal and loops would be rectified by the following day.

He stated that 100% funding is provided by the NRA for works on National Roads, but that the NRA Budget had been slashed by 50%, but he said the Council were proactive in seeking funds for National Roads throughout the County. He stated that the Council's allocation for 2013 is reduced by remained significant in the context of other local authorities receiving no funding for pavement and minor improvements. He said that discussions for additional funding for all routes was an ongoing element of all discussions with the NRA.

Cllr. Cuddy further referred to negative comment associated with the traffic calming scheme at Knockdoe and was joined in expressing concern by Cllr. Noone. Mr. Gilmore pointed out that as well as the traffic calming measures at Knockdoe a substantial amount of resurfacing works had also taken place. He said the works were designed and managed by the NRA and were being monitored by the Council on an ongoing basis, he confirmed that if problems arising from the current design that it would be subject to review and change as necessary. Cllr. Noone welcomed the commitment for ongoing review and requested that in the context of the works at the traffic lights in Baile Chlair (Claregalway) that consideration be given to the provision of a filter light for traffic approaching from Tuam and turning left for Oranmore.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION **1390**

The Report of the Corporate Policy Group Meeting held on 25th January 2013 was approved on the proposal of Cllr. J. McClearn, seconded by Cllr. Fahy.

The Report of the Connemara Area Committee Meeting held on 24th January 2013 was approved on the proposal of An Comh O'Cuaig, seconded by An Comh O'Curraoin.

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.0073 HECTARES AT BOOLEYBEG & KILLIMOR, CO. GALWAY **1391**

Statutory Notice dated 13th March 2013 and Report dated the 13th March 2013 were previously circulated in accordance with the relevant statutory timeframe.

On the proposal of Cllr. McClearn, seconded by Cllr. Maher, it was agreed that having complied with the relevant statutory requirements, to dispose of 0.0073 hectares of land at Booleybeg & Killimor Co. Galway in accordance with the terms of the Statutory Notice.

It was proposed by Cllr. E. Mannion, seconded by Cllr. Maher and agreed that the Standing Orders be suspended in order to allow Item No. I3 – Presentation on CFRAM by JBA Consulting to be taken.

TO RECEIVE A PRESENTATION ON CFRAM BY JBA CONSULTING

1392

Mr. Gilmore said that the presentation today would be given by JBA Consultants in conjunction with the OPW and Galway County Council. He gave a brief overview and presented Slides on the Background, Project Team, Steering Group and Legislation/EU Directives in connection with this project. He then introduced Mr. John Cooper who presented the CFRAM Briefing with the aid of Slides. Following the presentation, the Members thanked Mr. Cooper for his presentation and asked questions on the following issues with regard to flooding.

- What Plans has the OPW for cleaning and dredging major rivers.
- How are Flood Risk Maps drawn up? Has consultation taken place with locals? Has permission been requested when going onto peoples lands? People in Clifden know because of Area Plans but how do people outside the area know. Why is onus on Land Owners to engage Hydrologists to prove differently? Land devalued and hard to get insurance. With regard to further assessment when will this be carried out.
- Historical Bridges not collated which need to be evaluated and water courses choked up. Blockages on River Suck – trees across the River – common sense approach – walk river – take practical steps. There has been great neglect of water courses over a long period of time. Rivers need to be maintained in order to stop water courses being blocked. Eight point plan of Joint Oireachtas Committee brought out in July 2012 stated that a single Agency would be set up to deal with problems in River Shannon due to build up of silt. Requesting each to give their immediate attention and action. Enquiries also in relation to the Bridge at Banagher were raised.

Mr. Dooley said that the OPW are responsible for the maintenance and responsibility of Arterial Drainage on the Clare river. He stated if flooding occurs that is not the responsibility of the OPW, it can be taken forward under the minor works flooding relief scheme. Ms O'Neill stated that under CFRAM 5000 km of rivers had been surveyed, this included the whole length of the Shannon, Ballinasloe and upstream. In Clifden, the Bridges were evaluated, she stated that any new bridges had to meet the required standards under the 1945 Arterial Drainage Act. She pointed out that the current model in relation to Clifden and the mapping issues had been a very rough model which cost €1 per km to generate Maps which were used only to identify, but would not be used for planning guidance, whereas the maps for CFRAMS used for planning cost €1,000 per km. Mr. Cooper confirmed that in the case of flood risk to lands or properties the onus is on the Land Owner to prove lands are not a flood risk, and he should make his case through Flood Risk Assessment if he wants to develop lands.

Ms O'Neill pointed out that in identifying new risks this generated flood map areas. She stated that in relation to the Joint Committee Report of July, 2012 that this had been referred to the OPW, who have been appointed Land Flood Agency.

An Comh O'Laoi pointed out that in Conemara 80% of land is either NHA, SAC or SPA, and pointed out that between Barna and Rossaveal only 10% of land can be used, as development land and this has now been identified as flood risk.

Cllr. Finnerty pointed out that local knowledge should form part of the study. He referred to the continuing accessibility problems being experienced at Tarmon, Gort.

Cllr. Fahy referred to the flooding in 2009 and 2010 at Ardrahan. He said there needs to be a channel dug out to the sea. He referred to the small schemes that were done in Ardrahan, but he said this would resolve nothing until channel dug out to sea.

Ms. O'Neill pointed out that a Scientific Approach was being taken including local data gathering which resulted in the production of a document on Management Proposals based on Best Practice, which she stated would be revised after the 1st Cycle 2016. She stated that they wanted local people to give information, and stated that Emergency Planning is the Remit of Department. She said that flood maps along with flood forecast systems will be sent back to local authorities.

Mr. Dooley said that Tarmon, Gort was looked at in 1997 and a scheme was recommended for it. He stated that an Environmental Assessment for the area was being carried out for which funding has been allocated. In relation to the Dunkellin situation he stated that two major schemes have been progressed on which the OPW, Galway County Council and the Consultants are working together.

Replying to a query regarding the raising of roads, Mr. Gilmore stated that works were carried out at a number of locations in the aftermath of the 2009 event and said that others could be evaluated.

In reply to An Comh O'Laoi Mr. Kelly stated that there is a statutory obligation on the Council to review Area Plans based on information available at the time. He stated that information might change and will influence the Plan in due course, he stated if the area is found not to be a flood risk then there would be no reason to keep it zoned.

Cllr. Fahy asked on a point of information how it is proposed to take water out of the Ardrahan Area. Mr. Dooley stated that the Scheme for Dunkellin is being examined and this included the Aggard stream.

Cllr. McClearn asked if the Programme is on Schedule. He stated that no channel maintenance was done north of Banagher up to the Weir at Meelick. He said Callows cannot be used for last number of years, as they are flooded 365 days of the year. He pointed out that this situation is no good to farmers and this is as a result of negligence by State Agencies. He stated when CFRAMS was published he highlighted this issue. He asked when the report is done what impact it will have on other fish life etc. He stated this has been an issue for a very long time and stated that it will be an expensive report if no improvements emerge. He asked when the report is done will this be the end, or will there be a Cost Benefit Analysis or will money be available to carry out the recommendations in the report.

Cllr. Willers said she appreciated what had been done by the OPW and Galway County Council to date. She referred to the 2nd and last Page of the Overview given .i.e how flooding affects individuals and how locals can get involved. She referred to the flooding in 2009 and the Owenshee River. She stated that she never observed anyone working or looking at this river. She said she could arrange for locals to get involved, and had some photos available. She asked how it was proposed to encourage local participation four years on from the events in 2009.

Cllr. Noone said he appreciated the works done in the Claregalway catchment since 2009 but referred to works that need to be carried out on the River Clare. He asked how far they go back for local knowledge He pointed that flooding will happen again unless rivers are maintained and machines are in regularly. He referred to works done at Crusheen and Claregalway and asked what measures did the OPW take.

In Reply to the Shannon CFRAMS and AFA's Ms. O'Neill stated that they were looking at the Shannon Callows and the Environmental concerns. She stated that CFRAMS will produce maps, with co-operation from State Agencies, and then a plan will be prepared which will contain many options. She said it will be put through Environmental Assessment and strategic environmental assessment and at the end of 2014/2015 will be looked at in terms of environment and Cost Benefit Analysis.

She stated that photos can be submitted to the OPW and these will be put up on the Website along with Flood Maps.

Referring to Cllr. Willers enquiry on the Owenshee River Mr. Dooley stated that no minor works application was received. However, he stated that there were two options in this regard i.e. Minor Works and Groundwater Studies. He informed the Meeting that Groundwater Studies were being carried out by Trinity College.

Mr. Cooper referring to the 2009 event indicated they were trying to get Flood Maps bound with photos etc. He stated under the Flood Directive all alternatives will be examined to see which are sustainable e.g. can we continue with the role of dredging etc., and would ask how can we better manage these rivers going forward.

With regard to the Clare River, Claregalway it is hoped to have a scheme submitted to the Minister with a view to starting soon.

Cllr Cuddy thanked the OPW, but he said he had a few issues to raise. He said that from consulting with local people they advised that drains and rivers have not been maintained, and said he took issue with this. He referred to the Bridge in Claregalway causing problems down stream. He referred to the Hydrology that is being carried out at the moment and referred to the difficulty on the interpretation of what is going on. He referred to the Cost Benefit Analysis which he said is a very important issue. He referred to the construction of the M6 Motorway and the blocking of culverts going out to sea. He asked was there any provision made to deal with culverts when that road is built.

Cllr Hoade said she acknowledge the huge amount of work done and enquired if any new areas are at risk and agreed that local knowledge is very important.

Cllr. McHugh referred to the recent problems in Dublin and to the 2009 flooding here in Galway. He said that the basic problem in all of this was already referred to by Cllr. Noone and related to water not being able to get away when it reaches the sea. He asked if this was being assessed in this study, and also identifying AFA's as these would be a starting point. He referred to the cost of €1000 per km being spent on the study of watercourse and asked what benefits would accrue from it.

Ms. O'Neill stated that Flood Studies and Hydrology reports would be up to date by the end of this year. With regard to insurance she stated that negotiations are ongoing for people in flood zones. Referring to Mapping Risks she stated that 2009 was a 1 – 100 year event. She said that work will progress towards eliminating risk in future for people building in flood risk areas by having public consultation days with local organizations such as I.C.A., I.F.A. by visiting each town and obtaining local knowledge. In relation to the cost she said it was an expensive project as only 6" maps from the 1830's are available, and because of where we are it is a substantial investment.

Cllr. McHugh thanked Ms. O'Neill for explaining the content of the document, and said he now understood that when complete it will make quite a robust mapping document

Cllr. T. Walsh thanked the OPW for resolving problems in his area. He referred to the cleaning of water courses and asked if this would be addressed as flooding had occurred in Glinsk as a result of such problems. He asked what happens after the report is finished is there a serious intention to have the waterways maintained otherwise it will have been a waste of time and money.

The Mayor referred to the cost also and that the Report would be used for Planning and the fact that once it goes on paper – Insurance becomes an issue and he asked if the Clifden area would be mapped before the end of the Year. He was informed that it would be done before the end of the 2014.

In wrapping up the discussion Mr. Cooper referred to the benefits that will be gained from the study, in regard to social care, health services, and managing of flooding. He said that it will deal with a lot of urban myths. He stressed that scientific approach is best, and stated that climate change is here and there is an uncertainty which we need to plan for.

Cllr. Noone enquired as to the Art of Divining and asked if there was any kind of science in this method. He was referring to the Kiltullagh Turlough the levels of which went down any time digging is started. He asked if there was a study of where the underground water is going. Mr. Cooper referred to the relationship of rainfall and groundwater levels and said the work being done by Trinity College may help to understand this. He said he would ask the Hydrology Department in the College to study this for both Fluvial and Coastal.

The Manager thanked Mr. Dooley, Mr. Cooper and Ms. O'Neill for their ongoing support since 2009, and for the important work done on the CFRAMS and she stated that working with the OPW reflects information available to ensure that our communities are protected into the future.

The Mayor thanked the OPW for being a most proactive group over the past year.

TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS RECEIVED ON THE PROPOSED MATERIAL ALTERATIONS TO THE PROPOSED AMENDMENT TO THE CLIFDEN LOCAL AREA PLAN 2009-2015 AS PER SECTION 20 (3) (C) AND (D) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED) **1393**

The Mayor invited the presentation of the Manager's Report on the submissions received on the Proposed Material Alterations to the Proposed Amendment to the Clifden Draft Local Area Plan 2009-2015.

Mr. Kelly advised the meeting, with regard to the Gaeltacht, Clifden and the Maigh Cuilinn Local Area Plans, of 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.

Mr. Kelly advised that under 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.

Mr. Kelly advised the Meeting that the main issue before the Members in the three Local Area Plans are all related to flood risk and he said that following from the OPW's earlier presentation to the Members on the Catchment Flood Risk Assessment Management Report (CFRAM), shows that the flood risk assessment is not fully complete and that further information is awaited but the Planning Authority has to meet their statutory requirement to review the Plans using the best decisions are information available to it. He noted that the Members had all received a copy of the Managers Reports.

Mr. Kelly advised that the Department of the Environment have taken the issue of flood risk very seriously and have intervened in other local authorities where the Members went against their advice and zoned areas for development in flood risk areas. He said that Galway County Council has taken a reasonable approach and have considered and included individual site specific assessments where appropriate and he advised that the only basis that Members should make a change is where this additional individual information is provided. He further advised that there is an Objective within the Plan which allows the Planning Authority to consider the extension of uses allowed in an adjacent land use zone into the Indicative Flood Zone area, subject to the submission of a Site Specific Flood Risk Assessment and Justification Test as appropriate. He said that the landowners have been advised by their own Environmental Consultants that there might be little change between the current position and future OPW flood maps. He said that the Members should not zone land for development without clear information which shows that there is no risk of flooding.

In reply to Cllr. E. Mannion's query as to when the Plan could be reviewed if more detailed information becomes available, Mr. Kelly said that the Plan could be reviewed at any point in

time but it would be dependent on the Planning Authorities resources and workload. He said that nine Local Area Plans have been reviewed to date and the next Plan being revised is the Gort Local Area Plan and it is planned that no further Local Area Plans will be reviewed until a Draft of the Galway County Development Plan is put in place.

In reply to Cllr. Walsh, Mr. Kelly said that the 2010 planning legislation has included that a Material Contravention could be considered for planning permissions in Local Area Plan areas.

In reply to Cllr. Mannion, Mr. Kelly clarified that if there is a situation where part of a site is zoned and part is not zoned and on receipt of an individual site specific flood risk assessment, under the 'transected site' provision within the Plan, this would allow the line to move to a point 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, whichever is the lesser, but advised where the land is wholly zoned Open Space, Recreation & Amenity, it would require a Material Contravention or a Review of the Local Area Plan in due course.

Ms. Kavanagh stated that the Proposed Amendment to the Clifden Local Area Plan 2009-2015 was on public display from the 7th February to the 7th of March 2013 and a total of 8 Submissions were received, five from the Prescribed Authorities/Environmental Authorities/Statutory Bodies and three from landowners.

She said that a full Strategic Environmental Assessment (SEA) Environmental Report was required as the proposed Material Alterations would be likely to result in significant environmental effects and a Stage 2 Appropriate Assessment (AA) was required as the proposed Material Alterations would have adverse effects on European sites that form part of the Natura 2000 network.

Ms. Kavanagh said that the Council's Consultants advised that the proposed recommendations as contained within the Manager's Report on the Material Alterations would not potentially give rise to any significant EU effects on the environment or on a European Site and said that in the context of the EU Flood Directive, the Planning Authority received advice from our consultants who were appointed to undertake the Stage 2 SFRA for the proposed Amendment to the Clifden LAP area and the Consultant's addendum report forms part of the documentation of the ongoing SEA/AA/SFRA and proposed Amendment making process.

Ms. Kavanagh advised that all of the eight Submissions have been considered in the context of SEA and AA considerations and the recommended response as outlined in the Managers Report issued to the Members is considered appropriate to avoid adverse impacts on protected species and strategic environmental impacts and said that it was taken that the proposed Draft Amendment to the Clifden LAP and proposed Material Alterations, and support documents and this Manager's Report have been read and considered by the Members.

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):

Ms. Kavanagh said that the Department noted with concern material alterations (MA1A, MA1B, MA2, MA3, MA4 and MA5 and in particular the Department had significant concerns with Material Amendments 1, 2 and 3. She said that the Department noted that each of these alterations have proposed additional residential land to be included in Phase 2 but none of the three proposed amendments have been justified in the context of the core strategy of the town.

She said that regarding the SEA and Material Alterations MA1, MA2 and MA3, that the Department would like to draw the attention of the planning authority to the SEA prepared for the Material Amendments that indicated MA1, MA2 and MA3 are particularly problematic. She advised that the Department is concerned that, as set out in the SEA, this change in zoning would involve development which is vulnerable to flooding on lands at high risk of flooding which would not be consistent with the Departments Flood Risk Management Guidelines. She said that the the Department would be of the view that if these Material Alterations are retained, the Clifden Local Area Plan would be in conflict with the core strategy provisions of the Local Area Plan and with the Department's policy on flood risk management as set out in the *Planning System and Flood Risk Management Guidelines* and as a consequence would not represent a Plan for proper planning and sustainable development.

Ms. Kavanagh advised the Meeting that the Department therefore requested the planning authority not to proceed with the material alteration MA 1, 2 and 3 and to revert to the provisions of the amended Local Area Plan namely to retain the lands concerned for 'Open Space, Recreation and Amenity' zoning and they state that if the planning authority does not comply with this request in full, and the adopted Plan retains development zoning in areas considered to be at risk of flooding, the Minister will have to consider what further actions are necessary including the use of the powers of Ministerial Direction under the Planning and Development Acts 2000-2012.

Ms. Kavanagh outlined the Managers Response stating that the lands zoned by Material Alteration MA1A, MA2, MA3 from Open Space, Recreation and Amenity to Residential Phase 2 was contrary to the recommendation in the previous Manager's Report and also contrary to the recommendation in the SEA/ER undertaken for all of the proposed material alterations. She said that these lands were also surplus to the residential zoned land requirements for Clifden in the Core Strategy and there were suitable alternative residential zoned lands available in more suitable locations that are not within a flood risk area. She said that as part of the SEA/ER assessment, a Justification Test was undertaken and the test concluded that MA1, MA2 and MA3 are located within Indicative Flood Risk Zones A/B and do not pass the Justification Test outlined in the Guidelines.

She advised that Material alteration MA5 relates to lands identified within Indicative 'Flood Zone C' of the Stage 2 SFRA as amended, and was re-zoned (Residential Phase 2) in accordance with the recommendations in the previous Manager's Report (on Draft Submissions) and Figure 7 of the Flood Study appended to Draft Submission No 22.

Ms. Kavanagh advised that a Stage1 Screening and a Stage 2 Appropriate Assessment of the Material Alterations to the proposed Amendment to the Clifden LAP 2009-2015 has been carried out and the Appropriate Assessment notes that change in Land Use Zoning as proposed under MA1 and MA2 may give rise to impacts on designated sites which could potentially, lead to adverse impacts.

Ms. Kavanagh outlined the Managers Recommendation as follows:

1. The lands subject of MA1 as identified within Indicative Flood Zone A should revert back to Open Space, Recreation and Amenity zoning (OS).
2. The lands subject of MA2, MA3 should revert back to Open Space, Recreation and Amenity zoning (OS).

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

Submission No 1 – Is from the National Roads Authority

Ms. Kavanagh advised that the NRA raised concern in relation to Material Alterations MA1/MA2.

She advised that in respect of MA1, the NRA notes the proposed Material Alteration to alter the land use zoning objective from Open Space, Recreation and Amenity (OS) to Business and Enterprise (BE) adjoining the N59 at a location where, the Authority records indicate, a 100kph speed limit applies.

In reply, Ms. Kavanagh said that the NRA comments are noted and Galway County Council has reviewed the proposed Material Alteration MA1 as recommended by the NRA. She advised that the lands (to the south of the N59) zoned by material alteration MA1 from Open Space, Recreation and Amenity to Business and Enterprise was contrary to the recommendation in the previous Manager's Report and also contrary to the Recommendations in the SEA/ER and AA/NIR undertaken for the proposed Material Alterations. She said that the Council also acknowledged that potential access to MA1 land (land proposed as Business and Enterprise zoning) from the N59 is located within an area where the 100kph speed limit applies and would contravene the DoECLG '*Spatial Planning and National Roads Guidelines*', and is therefore considered not to be proper planning and sustainable development. She also referred the Members to the Response contained within the DECLG Submission No 8 in relation to MA1.

Ms. Kavanagh advised that the Managers Recommendation on Material Alteration 1(MA1) was contained in Submission No 8 (DECLG).

Ms. Kavanagh advised that the other issued raised by the NRA related to the N59 Clifden to Oughterard Scheme in that the Council are requested to have regard to the proposed N59 Clifden to Oughterard Scheme. She replied that the Council has acknowledged the N59 Oughterard to Maam Cross and N59 Maam Cross to Clifden Scheme (which extends into the

60kph speed limit) within S. 2.3 of the proposed Amendment to the Clifden Plan and no change is required.

With regard to Material Alteration (MA) 2, Ms. Kavanagh said that similar to MA1 and having regard to the foregoing provisions the NRA recommended that access to the lands identified by the proposed MA2 should be taken from the available local road network to accord with the provisions of official policy and that this provision be reflected in the Plan. In reply, Ms. Kavanagh said that these lands are also surplus to the residential zoned land requirements for Clifden in the Core Strategy and the lands are located immediately adjacent and west of the L 51283 and north of the N59 and concern about Local Road Access to the MA2 lands will be dealt with at Development Management Stage. Ms. Kavanagh recommended no change required.

Cllr. E. Mannion said that as the flood information available to the Members and the Planning Authority is at an early stage and as further detailed reports are not yet available, she proposed to accept the recommendation in the Manager's Report.

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

Submission No 2 – Is from the 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 proposed amendment and, therefore, no change is required.

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

Submission No 5 – Is from the Office of Public Works (OPW)

Ms. Kavanagh advised that the NRA raised two Issues regarding the Strategic Flood Risk Assessment and the Material Alterations.

In respect of the Strategic Flood Risk Assessment (SFRA), Ms. Kavanagh said that the submission sets out the requirements under the *Flood Risk Management Guidelines 2009* and this included the justification test and the need for the Local Authority to follow the hierarchical order of avoid, substitute, justify, mitigate and (where the justification test has been passed) manage flood risks and it details a flood zone system to allow planning decisions to be made with regard to flood risks. She said that the OPW welcomed Galway County Council's commitment to adhere to these *Guidelines* and the production of the Strategic Flood Risk Assessment for County Galway, with the SFRA conclusions for Clifden included.

In reply, Ms. Kavanagh said that the requirements in relation to the Flood Risk Management Guidelines that were identified in this submission are acknowledged and have been addressed in the preparation of the Stage 2 SFRA which established three flood zones in compliance with the Guidelines and is based on best available data at this particular point in time and also highlighted that Proposed Material Alterations 1, 2 and 3 are inconsistent with the Section 28 *Flood Risk Management Guidelines* and fail the justification test. She said

that future SFRAs and reviews of the Plan will take into account new information when available.

Ms. Kavanagh recommended no change required.

With regard to the second issue of Material Alterations, Ms. Kavanagh advised that the OPW also have concern for MA1, MA2 and MA3 as the changes proposed by these MA would be inconsistent with the Section 28 *Flood Risk Management Guidelines* and fail the justification test.

In reply, Ms. Kavanagh said that the approach followed by the Stage 2 SFRA as amended, and the proposed amendment to the LAP in relation to flood risk assessment and management is consistent with the *Flood Risk Management Guidelines* and said that the specific alterations proposed by the elected members that are otherwise than that recommended in this Managers' Report should be reassessed with due consideration.

Ms. Kavanagh advised that the Managers Recommendation was contained in Submission No 8 (DECLG).

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

Submission No 7 – Cian O' Mahony for the Environmental Protection Agency

Ms. Kavanagh advised that the EPA raised six issues.

1. Specific Comments:

Ms. Kavanagh said that the EPA were unclear whether the SEA recommends the adoption of each of the Material Alterations, or whether specific Alterations are to be reconsidered and/or mitigation included prior to Plan adoption. In response, Ms. Kavanagh outlined that as required, the SEA details the likely significant environment effects of implementing the Proposed Material Alterations and the alternatives. She said that the SEA offered the following conclusion: *The changes proposed by Material Alterations MA1, MA2 and MA3 are not consistent with the Flood Risk Management Guidelines or the recommendations of the Stage 2 SFRA and would be likely to result in significant adverse effects upon flood risk to human health and future residential/business and enterprise/community developments.* She advised that as per the Planning and Development Acts 2000-2010, all of the Material Alterations would be considered by the Elected Members alongside the Manager's Report on Submissions received on the Material Alterations and accompanying SEA/ER, AA/NIR and Stage 2 SFRA as amended and she referred to Section 9 of Appendix I of the SEA/ER Report with regard to details on the effects of the different alternatives.

Ms. Kavanagh referred the Members to the recommendations contained in Submission No 8 (DECLG).

2. Mitigation:

Ms. Kavanagh said that the EPA stated that it was unclear the extent to which de-zoning/ re-zoning to appropriate land use has also considered as a potential mitigation measure and consideration should be given to clarifying this aspect and that the recommended mitigation measures from the Appropriate Assessment should also be reflected in the mitigation measures proposed. Ms. Kavanagh said that the EPA also advised that given the existing

bathing water failures since 2005, it should be ensured that the Proposed Amendments reflects a commitment to ensure the provision of adequate and appropriate wastewater treatment infrastructure within the lifetime of the LAP to mitigate the significant pressure of the Clifden Bay/Ardbear Bay designated shellfish waters and the susceptibility of the existing wastewater infrastructure to significant flooding should also be considered /assessed.

In response, Ms. Kavanagh said that as detailed in the previously circulated SEA Screening Report for the Proposed Amendments, the introduction of the Environmental Management (EM) zoning will further contribute towards environmental protection and management and this would be identified in the SEA Statement produced at the end of the process. She further advised that adequate and appropriate wastewater treatment infrastructure will be provided through Policies 3.7.1, 3.7.6 to 3.7.10, Objectives D14, W1-W2 while specific protection of shellfish waters is provided through Objective H5, Policy 3.3.32 Objective W14. She recommended no change required.

3. Assessment of Alternatives

Ms. Kavanagh said that with regard to the assessment of alternatives, the EPA required clarification on which, alternative is the preferred development scenario. In reply, Ms. Kavanagh referred to the previous response under Mitigation and recommended no change required.

4. Monitoring

Ms. Kavanagh said that the EPA requested consideration be given to identifying the responsible authorities for the monitoring of the strategic environmental objectives as described in the SEA and that the Monitoring Programme should be flexible to take account of specific environmental issues as they arise and the programme should also consider cumulative effects.

In reply, Ms. Kavanagh said that the response is included within S10.4 and S10.2 of Appendix 1 of the SEA document and the monitoring considers all effects, including cumulative effects and recommended no change required.

5. Future Amendments to the Draft Plan

Ms. Kavanagh said that the EPA requested where amendments to the Plan are proposed, these should be screened for likely significant effects in accordance with the criteria as set out in Schedule 2A of the SEA Regulations and should be subject to the same method of assessment applied in the “environmental assessment” of the Draft Material Alterations. In response, Ms. Kavanagh said that further modifications to the Material Alterations would be examined in compliance with Section 20 (q) of the Planning and Development Act 2000-2010 and recommended no change required.

6. SEA Statement – “Information on the Decision”

Ms. Kavanagh said that the EPA requested, following adoption of the Material Alterations, 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 recommended no change to the Amended Plan.

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

Submission No.3 – Ryan Kennihan Architects on behalf of Cyril Joyce (MA5)

Ms. Kavanagh advised that no site outline was included with this submission and advised that this Submission welcomed proposed MA5/MA6/MA7 which takes into account the submission's flood risk assessment reports and submission. She advised that the Submission proposed the following change to MA5/MA6, that their client's land located in Flood Zone C, be rezoned to Residential Phase 1 category rather than the proposed Residential Phase 2 category.

In response, Ms. Kavanagh advised that the amount of Residential Phase 1 lands cannot be increased as any increase would be inconsistent with the Core Strategy allocation for Clifden and recommended no change.

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

Submission No. 4 – John and Mary Joyce (MA2)

Ms. Kavanagh advised that no site outline was included with this submission. She advised that this submission wished to lodge a strong objection of the inclusion of their lands within a designated flood plain and request that their land be removed and returned to their original designation.

The submission included a Report prepared by Shane Joyce Engineering and titled 'Report regarding the designation of Lands at Tullyvoheen TD Clifden as being part of a flood plain' and said that this report consisted of a Location Map (1:50,000), Catchment Map, Recent Contour Survey, Contours from OSI 50K data, Isopach contours Recent Survey v OS 50K data, Stream Chainages and Sections along and through stream. She advised that the Report also stated that as part of the analysis of lands nationally under the CFRAM Studies, a large portion of the land of John Joyce (Submission No 4) and Ivor Duane (Submission No 6), at Tullyvoheen Townland, Clifden, had been provisionally identified as being a Flood Risk.

In response, Ms. Kavanagh said that the lands zoned by Material Alteration MA2 from Open Space, Recreation and Amenity to Residential Phase 2 (1.176Ha) was contrary to the recommendation in the previous Manager's Report (on Draft Submissions) and also contrary to the recommendation in the SEA/ER and AA/NIR undertaken of the Material Alteration. She said that the proposed MA2 has also failed the Plan Justification Test, where the planning need and the sustainable management of flood risk to an acceptable level must be demonstrated.

She advised that these proposed residential Phase 2 lands (1.176Ha) were also surplus to the residential zoned land requirements for Clifden in the Core Strategy and there were suitable alternative residential zoned lands available in more suitable locations that are not within a flood risk area.

She further advised that as part of the Stage 2 SFRA for the Clifden Plan area flood risk indicators were groundtruthed leading to the identification of the Flood Zones and the Annual Exceedance Probability (AEP) ranges for the Flood Zones, as per the Guidelines, meant that flooding on the lands may not have been witnessed by the current landowners

and she referred the Members to S. 2.5.1 part b of the Manager's Report - Response of the OPW's Submission which states that '*...the absence of flooding on site is not a sign that it is safe to develop these lands in the future*'.

Ms. Kavanagh said that the Engineer's Report appended to the submission concerned other lands which are the subject of Submission No. 6 (MA1) and is responded to under the Response under Section 3.4.2 of this Manager's Report.

She said that no evidence had been submitted to justify the alteration of the Flood Risk Zone and in the absence of information to the contrary, it would be imprudent at this stage to change the Flood Risk Zones contained in the Stage 2 SFRA.

Ms. Kavanagh advised that the Managers Recommendation was contained in Submission No 8 (DECLG).

In reply to Cllr. E. Mannion who asked if planning permission could be considered for a family member on this site on the production of an individual site specific flood risk report, Mr. Kelly said that it could be considered. However, he advised that the first aspect in relation to any future development of land in a flood risk area is for the landowner/applicant to demonstrate that the land is not located within a flood risk area and then depending on the zoning status, it could be considered.

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

Submission No. 6 – Ivor Duane (MA1)

Ms. Kavanagh advised that a new site outline was submitted with this submission and the submission includes a Report prepared by Shane Joyce Engineering, and titled '*Report regarding the designation of Lands at Tullyvoheen TD Clifden as being part of a flood plain*'.

Ms. Kavanagh said that this submission wishes to again make a strong objection to the proposed amendments and requests that the lands be removed from flood plains and returned to their original designation:

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

The submission also made reference to the fact that no groundtruthing was done on the land with his permission and that he has lived on the land for 35 years and the land has been farmed since 1956 during which time there has been no flooding. She said that the submission also noted that land to the west of his property part of which was residential is now enterprise and light industry, while the submission lands south of the N59 are removed from this zoning and that this land to the west is being proposed as a Distributor Road and that if this road went ahead it may potentially disperse water to his land. She said that the submission also noted that the Council land which is in the location of the recycling centre and which sits on the Owenglin river bank and which is lower than his house had not been included in the flood plain and that also not included in the flood plain is the waterworks and the ESB station.

She said that the submission stated that the landowner would be unable to farm or build a shed with these restrictions and noted on the Submission is that an area designated as a historical flood event in the town has been removed and the river that was part of this is no longer marked on the map. She said that with regard to lands zoned as Open Space, Recreation and Amenity and previously zoned as residential, the submission requested that this piece of land to the north of his property and coloured as 'Yellow' within the enclosed submission be rezoned as residential as this land is much higher than the lands proposed to be designated as a flood plain and that this is the only site the landowner could give his family to build a home in the future. She said that with regard to the Specific Groundtruthing Locations in the Stage 2 SFRA, the submission takes objection to Table 4 No 2 which states that reeds were observed on the land which according to this submission does not have reeds growing or never had and it also noted proposed new objective W20 – Boundaries of Flood Zones.

Ms. Kavanagh said that the submission concluded by requesting that the land be re-examined in consultation with him with a view of rezoning the land and the submission enclosed **the landowner's** Engineer Flood Report for re-evaluation purposes.

In response, Ms. Kavanagh said that these lands (MA1) are located within Flood Zone A as identified in the Stage 2 Strategic Flood Risk Assessment (SFRA) undertaken for the Proposed Amendments to the Clifden LAP and it is not considered appropriate to zone these lands for residential/business and enterprise uses as this would be contrary to the *Flood Risk Management Guidelines 2009*.

Ms. Kavanagh advised that the lands zoned by Material Alteration (MA1) from Open Space, Recreation and Amenity to Residential Phase 2 (1.046Ha) and to Business and Enterprise (1.051Ha) were contrary to the recommendation in the previous Manager's Report (on Draft Submissions) and also contrary to the recommendation in the SEA/ER and AA/NIR undertaken of the Material Alteration. She said that the proposed MA1 had also failed the Plan Justification Test, where the planning need and the sustainable management of flood risk to an acceptable level must be demonstrated.

She advised that the lands proposed to be re-zoned as Residential Phase 2 (1.046Ha) were also surplus to the residential zoned land requirements for Clifden in the Core Strategy and there were suitable alternative residential zoned lands available in more suitable locations that are not within a flood risk area.

Ms. Kavanagh advised that Groundtruthing was undertaken as part of the SFRA from the adjoining road where the topography and vegetation of the lands were visible and this was stated in the Stage 2 SFRA and she said that flood risk indicators were groundtruthed leading to the identification of the Flood Zones. She said that the Annual Exceedance Probability (AEP) ranges for the Flood Zones, as per the *Guidelines*, meant that flooding on the lands may not have been witnessed by the current landowners and she referred the Members to S. 2.5.1 part b of the Manager's Report - Response of the OPW's Submission which states that '*...the absence of flooding on site is not a sign that it is safe to develop these lands in the future*').

Ms. Kavanagh said that the lands to the east which were zoned as Business and Enterprise are located further away from the stream than the subject lands and the SFRA found that these lands were located within 'Flood Zone C' and development in this zone is generally appropriate from a flood risk perspective.

She further advised that new individual developments including the proposed Distributor Road are subject to their own consent procedures which allow for any perceived or potential effects to be addressed. She said that the Recycling Centre is located to the north of the Owenglin mainly in Flood Zone C, the southern corner of the site is located within Flood Zone B and there is no water body flowing through the Recycling Centre and also there is no water body flowing through the ESB station lands (Flood Zone C) - roads and other lands separate the ESB station from water bodies. She said that the water treatment plant is also located within Flood Zone C and there is no water body flowing through the water treatment plant and this site is located to the south east of Flood Zone A and is zoned as Public Utility (PU).

Ms. Kavanagh clarified that there has been no removal of recorded/historical flood events from the town or from the Flood Risk Management Maps 3A/3B and that these flood events were represented by yellow triangles within the Flood Risk Management Maps 3A/3B and remain unchanged at five in number.

With regard to the lands to the north and coloured as '**Yellow**' (0.33ha) within this submission, Ms. Kavanagh said that it was proposed that only those lands to the north of the lands outlined in green as submitted on the 19/12/2012 under Draft Submission No. 4 and which are now coloured as 'Yellow' within this Submission and are located outside the indicative Flood Zone A and zoned as Open Space Recreation and Amenity be re-zoned as 'Agriculture'. She clarified that the land immediately to the south and identified within Indicative Flood Zone A shall remain as Open Space, Recreation and Amenity.

With regard to the ability to farm the lands or build a shed, Ms. Kavanagh referred to the Land Use Zoning Matrix under Agricultural Use which allows for a number of uses subject to proper planning and sustainable development and each development proposal shall be examined at development management level.

With regard to Table 4 Specific Groundtruthing location No 2 which stated that reeds were observed on the land - as stated previously within the Manager's Report on Draft Submission No 4, Ms. Kavanagh said that the area covers a wider area than appears to be encompassed by the landowner's lands, so reeds would not necessarily occur on his lands.

She advised that the Open Space/Recreation/Amenities zoning provides for uses that are generally appropriate within 'Flood Zone A' and said that the submission provided an Engineer's Report that includes contours on the site as well as levels and a cross section of the main stream through the lands. She said that the report was limited in that no calculations of the Flood Risk [i.e. Zones A or B] were supplied for the risk of fluvial flooding from this stream during an extreme flood event.

However, she said that the material supplied confirms that the core of the area around the stream in the subject lands is at or below 20m OD which is the approximate level of the stream bed as it enters Mr Duane's land. She said that the contour information supplied suggested that a detailed flood risk assessment would be likely to marginally alter the

boundary of the area prone to flooding along northern, north-eastern and south western boundary of the subject lands.

Ms. Kavanagh said that no evidence had been submitted to justify the alteration of the Flood Risk Zone, subject to the implementation and interpretation of Objective W20 - Boundaries of Flood Zones.

Ms. Kavanagh recommended to rezone lands to the north, coloured in 'Yellow' within this submission which are outside of the Indicative Flood Zone A, from Open Space, Recreation and Amenity to Agricultural zoning (A).

In reply to Cllr. E. Mannion, Mr. Kelly said that that the Water Treatment Plant did not show up as a Flood Risk area on the OPW maps.

In reply to Cllr. E. Mannion, Mr. Kelly clarified that the Members cannot make amendments to flood risk areas, they can only make zoning changes but that is within the constriction of the Planning Act at this stage of the Local Area Plan process.

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

On the proposal of Cllr. E. Mannion and seconded by the Mayor, it was agreed to accept the recommendations in the Manager's Report and it was agreed to adopt the Amendment to Clifden Local Area Plan 2009-2015, in accordance with the Manager's Report in accordance with Section 13 (b) (iv) of the Planning and Development (Amendment) Act 2010.

A vote was taken and the result was as follows;

AR SON: Cllrs. Carroll, Connolly, Cuddy, Feeney, G. Finnerty, Hoade, Hynes, Maher, E. Mannion, McClearn, McDonagh, McHugh, Noone, T. Walsh, Welby. **[15]**

AGHAIDH: **[0]**

GAN VOTÁIL: Cllr. D. Connolly, Comh. O'Cuaig, Comh. Ó Curraoin **[3]**

The Mayor declared the proposal carried.

TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS RECEIVED ON THE PROPOSED MATERIAL ALTERATIONS TO THE PROPOSED AMENDMENT TO THE GAELTACHT LOCAL AREA PLAN 2008-2013 AS PER SECTION 20 (3) (C) AND (D) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED) **1394**

Ms. Kennedy presented the Manager's Report on the Submissions received on the Proposed Amendment to the Gaeltacht Local Area Plan 2008-2014. She advised that the Elected Members considered the adoption of the Proposed Amendments to the Gaeltacht LAP together with the Manager's Report on the submissions received at a Galway County Council meeting held on Monday 28th January 2013 and the Elected Members made a number of Alterations to the Proposed Amendments to the LAP. She said that the proposed

alterations were subject to further SEA and AA screening and the Planning Authority determined that a SEA was required to be carried out and that a Stage 2 AA was not required to be carried out in respect of one or more of the proposed material alterations of the Proposed Amendment to the LAP. She said that the Planning Authority published notice of the proposed Material Alterations and SEA/AA determinations on Thursday 31st January 2013 and the proposed alterations, together with the addendum SEA and AA screening reports, were put on public display for a period of 4 weeks from Friday 1st February 2013 to Friday 1st March 2013 and a total of 4 written submissions were received on the proposed Material Alterations.

Submission No. 2 - Department of the Environment Community and Local Government

Ms. Kennedy said that the Department noted that material alteration (MA2), in the village of An Spidéal which involved a change of zoning from Recreation & Amenity to Residential Phase 2, was passed by the elected members contrary to the recommendations in the Manager's Report. She advised that the Department were concerned that the change from 'Recreational and Amenity' zoning to 'Residential Phase 2' had not been justified on the basis of the Core Strategy requirements for the village and in addition to this the proposed Material Alteration would allow for vulnerable development on lands in 'Flood Zone A' which had not satisfied the Development Plan Justification Test and accordingly would not be consistent with "*The Planning System and Flood Risk Management Guidelines 2009*" and would be likely to result in flood risk to future residential developments.

Ms. Kennedy said that the Department advised that in this regard the Planning Authority should also examine any observations from the Office of Public Works and respond appropriately.

She said that the Department would like also like to draw the attention of the Planning Authority to the SEA prepared for the Material Amendments which concluded in the case of MA2 in An Spidéal as follows:

'The change proposed by the Material Alteration is not consistent with the Flood Risk Management Guidelines or the recommendations of the Stage 2 SFRA and would be likely to result in significant adverse effects upon flood risk to human health and future residential developments. In order to comply with the Guidelines and minimise effects upon flood risk it is recommended that the zoning for the subject lands contained in the Proposed Amendment ('Recreation and Amenity' is adopted and not that contained within the Material Alteration ('Residential (Phase 2)').'

She said that the planning authority were reminded of the need to ensure that when considering the future development of areas at risk of flooding as part of the preparation of a development plan, for uses or development that is vulnerable to flooding all of the criteria in the Development Plan Justification Test must be satisfied in order to allow the lands be zoned for development.

She said the Department advised that the Council should note that forward planning is one of the most significant powers exercised by the members of a Planning Authority and by virtue of the concerns outlined above, namely

- The zoning of additional land for Phase 2 residential development not justified on the basis of the core strategy requirements for the town, and
- The location of lands concerned in Flood Zone A with a high probability of flooding and which have failed the Justification Test under the provisions of the Planning System and Flood Risk Guidelines 2009

Ms. Kennedy advised that the Department would be of the view that if the Material Alteration is retained, the Gaeltacht Local Area Plan would be in conflict with the Core Strategy provisions of the Local Area Plan and with the Department's policy on flood risk management as set out in the *Planning System and Flood Risk Management Guidelines* and as a consequence would not represent a Plan for proper planning and sustainable development.

She said that the Department therefore requests the Planning Authority not to proceed with the Material Alteration (MA2) and to revert to the provisions of the amended Local Area Plan namely to retain the lands concerned for 'Recreation and Amenity' zoning and 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 the Minister will have to consider what further actions are necessary including the use of the powers of Ministerial Direction under the Planning and Development Acts 2000-2012.

In response, Ms. Kennedy said that these lands were zoned residential in the existing Gaeltacht LAP and were proposed as Recreation, Open Space and Amenity on the basis of the Stage 2 SFRA which found the land to be in a Flood Risk Zone A and B. She said that these lands were located within a flood risk area identified in the Stage 2 Strategic Flood Risk Assessment (SFRA) undertaken for the proposed amendments to the Gaeltacht LAP and it was not considered appropriate to zone these lands for residential uses as this would be contrary to the *Flood Risk Management Guidelines 2009*. She said that, however, the landowner had now provided a site specific Flood Risk Assessment (FRA) Report including revised Flood Risk Zone Mapping and had also provided clarifying additional information in relation to the site specific FRA. She said that, accordingly, the Flood Risk Zone Map for An Spidéal in the Council's SFRA would be updated in order to show Flood Risk Zones in accordance with the new information received and advised that a portion of the land is now within Flood Risk Zone C and, therefore, a Residential Phase2 zoning is appropriate on these lands with regard to flood risk.

Ms. Kennedy said that having regard to the Phase 2 residential zoning not being justified on the basis of the Core Strategy requirements of the village, she said that these lands are zoned Residential in the existing LAP and this zoning was only removed as the lands were considered to be a Flood Risk Zone as identified in the SFRA and as the SFRA has now been updated to take account of a site specific FRA and a significant portion of the lands are located in Flood Zone C, it is considered that an Residential Phase 2 zoning is appropriate for the lands with a Flood Risk Zone C.

Ms. Kennedy recommended that the lands within Flood Zone C (with the exception of the parcel of land in the centre of the site which is Flood Zone C surrounded by Flood Zones A

and B) are zoned Residential Phase 2 and that the Lands within Flood Zone A and B are zoned Recreation and Amenity. She said that it was also recommended that the lands in Flood Risk Zone C which are located in the centre of the site and surrounded by Flood Risk Zones A and B be zoned Recreation and Amenity.

She said that it is also recommended that the Plan should provide for the notification of any future owner or developer that; *“These lands have been zoned according to the information contained in a site-specific flood risk assessment provided by the landowner 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 applicant and the council that the development itself will not be exposed to unacceptable levels of flood risk”.*

Cllr. S. Walsh seconded Comh. O’Laoi’s proposal that all lands coloured green, shown on the map on Page 28 of the Hydrologists Report No HEL 097201 of 26th February 2013, be revised to Residential Phase 2 zoning. A Copy of this Map was circulated to the Meeting.

Mr. Kelly advised the Meeting that the Flood Risk Assessment concluded that the portion of lands suitable for development is in Flood Zone C. He said that part of the site, located within flood zone C, is an island surrounded by flood risk areas and the Manager’s Recommendation took the view that there was little likelihood of this ‘island’ being capable of development and from a Development Management context, it was recommended that this be zoned Open Space, Recreation & Amenity which is in accordance with the *Flood Risk Management Guidelines*.

It was agreed that this Submission would be considered and agreed as part of Submission No. 4 – Brendan O’Flaherty, the Submission from the landowner as this issue was raised in other Submissions also.

Submission No. 1 – National Roads Authority

Ms. Kennedy advised that the National Roads Authority had no specific comments in regard to the proposed Material Alterations on the Proposed Amendment to the Gaeltacht Local Area Plan 2008-2014 and she recommended no change to the Amended Plan.

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

Submission No. 3 – Office of Public Works

Ms. Kennedy outlined Submission No. 3 from the OPW and the Manager’s response and recommendation:

She said that the OPW referred to *“The Planning System and Flood Risk Management Guidelines for Planning Authorities (November 2009)”* and welcomes Galway County Councils commitment to adhere to these Guidelines and the production of the SFRA for County Galway. She said that they indicated that draft flood mapping will be available by the

end of 2013 through the OPW Catchment Flood Risk Assessment and Management Study (CFRAMS).

She advised that the OPW considered the flood risk assessment produced in the SFRA as being the best available data at this particular point in time and they expressed their concern that the proposed amendment is inconsistent with Section 28 of the Planning and Development Act 2000 (as amended) and the Flood Risk Management Guidelines and fails the justification test, considering the following:

- The Guidelines clearly state that it is no longer appropriate to plan for or permit development within an area at risk of flooding.
- The guidelines clearly require Planning Authorities to avoid development within areas at risk of flooding and to only consider development within areas at risk where it passes the justification test.
- The zoning of the site for Residential Phase 2 use cannot be justified as there are alternative lands available to accommodate such zoning within the plan area which are not at risk of flooding.

In response, Ms. Kennedy referred the Members to her response under the Department's submission. She advised that the recommendation was as per the recommendation to the Department of the Environment Submission, as per Section 2.2.3 of the Manager's Report.

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

Submission No. 4 – Brendan O'Flaherty

Ms. Kennedy outlined submission Number 4 from Brendan O'Flaherty and said that Mr. O'Flaherty has submitted a Flood Risk Assessment Strategic Report of his lands at An Spidéal West and she said that this Report was assessed by the Council's Environmental Consultants.

In response, Ms. Kennedy said it appeared from the documentation submitted that the site specific FRA is complete and takes into account combined tidal and fluvial factors as well as contributing towards the taking into account of climate change and, accordingly, the Flood Risk Zone map for An Spidéal in the Councils Stage 2 SFRA will be updated in order to show Flood Risk Zones in accordance with the site specific FRA.

She advised that the change proposed by Material Alteration No 2 is not consistent with the Flood Risk Management Guidelines or the recommendation of the Stage 2 SFRA and would be likely to result in significant adverse effects upon flood risk to human health and future residential developments and in order to comply with the Guidelines and minimise effects upon flood risk it is recommended that the Council takes account of the revised Stage 2 SFRA Flood Risk Map for An Spidéal. She said that from a flood risk perspective, Residential 2 zoning would be considered appropriate to the parts of the lands which are located within Flood Risk Zone C.

Ms. Kennedy advised that the recommendation was as per the recommendation to the Department of the Environment Submission, as per Section 2.2.3 of the Manager's Report.

Cllr. McClearn asked if the review of the Local Area Plans could be left until proper flood maps were available and said he felt that a serious attempt is being made to blame Local Authority Officials and Councillors in relation to overplanning and flooding and if these Plans have to be reviewed again on receipt of new flood information that this process is a waste of the Planning Officials time and resources.

Comh. O'Laoi concurred with Cllr. McClearn and said if a decision is made today regarding a particular area and if this decision is revisited again when new information becomes available, he is worried that it would be hard to undo the decision made today. He said that East Galway needs to take water away whereas Connemara has no flooding at all and Connemara is now being labelled a flood risk area. Cllr. Cuddy also expressed his dissatisfaction of having to agree these Plans now when they will have to be reviewed again in light of new information.

In reply, Mr. Kelly said that whether there is a flood risk to an area or not, the Planning Authority is statutorily obliged to go through the Local Area Plan process. He said, however, that in the future, it will be examined as to the number of Local Area Plans the Council will have in place and the necessity of a Local Area Plan for some areas. It is envisaged that the number of development the Planning Authority will receive for some areas could be dealt with under Development Management without recourse to Local Area Plan zoning.

In respect of the map circulated from the Hydrologists report, in respect of MA2, Mr. Kelly said that area coloured red and orange was a flood risk area and these areas were zoned Recreation & Amenity to take account of this flood risk. He said that 'island' area in the centre, coloured green, was also zoned Recreation & Amenity given the fact that it was difficult to foresee a positive planning permission outcome for this area. Mr. Kelly clarified that the Motion being proposed by the Members includes the 'island' coloured green on the map to be zoned as Residential Phase 2.

Cllr. S. Walsh said that the area coloured red on the map is in Flood Zone A and the area coloured orange is in Flood Zone B. He said that a road can be built on the orange area of land which could allow access to the 'island' area which is coloured green on the map and is in Flood Zone C.

Mr. Kelly advised the Meeting that the Department of the Environment had two issues with this Submission namely flood risk and zoning. He said that the Planning Authority took a reasonable approach with regard to zoning, as parts of these lands were previously zoned residential.

Cllr. Feeney expressed his concern that even if the 'island' coloured green was zoned Residential Phase 2, it may be refused at the Development Management stage.

Mr. Kelly said that following the decision of the Members at the January Council Meeting, the landowner submitted flood risk maps and the landowner's Consultants advised that the area coloured in red on the map is prone to flooding. He said that the large piece to the north of the site which is coloured green is proposed to be zoned Residential Phase 2. He said that the Manager's recommendation is that the 'island', also coloured green on the

map, would not be zoned Residential Phase 2 for practical reasons, as it is surrounded by a flood risk zoning, and it also may not be positively considered in a Development Management context. He clarified that what the Members were proposing is that this 'island' which is surrounded by the flood risk zoning is zoned Residential Phase 2 in addition to the lands at the north. He said while the *Flood Risk Management Guidelines* allow a road to be permitted on Flood Zone B, area coloured orange on the map, an account must be taken of the effect of flood risk, so it may not be permitted.

On the proposal of Comh. O'Laoi and seconded by Cllr. S. Walsh, it was proposed to not to accept the recommendations in the Manager's Report and that all land in Category C as coloured 'green' on map attached, be zoned Residential Phase 2.

A vote was taken on the proposal and the result was as follows;

AR SON: Cllr. Broderick, Comh. Ó'Cuaig, Cllr. Cunniffe, Comh. Ó'Curraoin, Cllrs. G. Finnerty, M. Finnerty, Hoade, Comh. O'Laoi, Cllrs. Maher, McDonagh, Noone, Roche, Cllrs. S. Walsh, Welby. **[14]**

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

GAN VOTÁIL: Cllr. D. Connolly, Comh. O'Cuaig, Cllrs. Feeney, McClearn, Ryan & T. Walsh. **[6]**

The Mayor declared the proposal carried.

On the proposal of Cllr. Maher and seconded by Cllr. S. Walsh, it was agreed to accept the recommendations in the Manager's Report, as amended by the Members and it was agreed to adopt the Amendment to Gaeltacht Local Area Plan 2008-2014, in accordance with the Manager's Report, as amended by the Members, in accordance with Section 13 (b) (iv) of the Planning and Development (Amendment) Act 2010.

A vote was taken and the result was as follows;

AR SON: Cllrs. Broderick, Carroll, D. Connolly, Comh. Ó'Cuaig, Cllrs. Cuddy, Cunniffe, Comh. Ó'Curraoin, Cllrs. Feeney, G. Finnerty, M. Finnerty, Hoade, Comh. O'Laoi, Cllrs. Maher, McDonagh, Noone, Roche, Cllrs. S. Walsh, T. Walsh, Welby & Willers. **[20]**

AGHAIDH: **[0]**

GAN VOTÁIL: Cllrs. McClearn & Ryan **[2]**

The Mayor declared the proposal carried.

TO CONSIDER THE MANAGER'S REPORT UNDER SECTION 19 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) ON THE PROPOSED DEFERRAL OF NOTICES UNDER SECTION 20 (3) (A) (I) AND (II) OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) IN RESPECT OF THE GAELTACHT LOCAL AREA PLAN, FOR A PERIOD OF 5 YEARS

1395

Mr. Kelly said that the Members passed a Resolution at the January Council Meeting that the Manager provide a report, which was circulated to the Members today, in accordance with legislation (Section 12 of the Planning and Development (Amendment) Act 2010), outlining that the lifespan of the Gaeltacht Local Area Plan 2008 and the inclusion of the amendments adopted today could be extended by a further five years (i.e. up to and including 25th March 2018) as the Local Area Plan is consistent with the objectives and Core Strategy of the relevant Development Plan 2009-2015 (as varied in 2011), the objectives of the Local Area Plan have not been substantially secured, and the sending and publishing of the notices may be deferred and the period for which they may be deferred.

Mr. Kelly said that the Manager's Report advises that the Extension would not be in conflict with the County Development Plan and, therefore, it could not be issued to the Members until the Gaeltacht Plan was considered and agreed. He advised that the Extension of the Plan does not preclude the Planning Authority to go back to review the Plan at an earlier stage. He advised that if the Members do not extend the Plan, it means that the current proposed Amendment to the Gaeltacht Plan would expire next month. He said that by extending the Plan, it means that the Planning Authority, in consultation with the Members, could build on the work completed on the Plan and it would be reviewed at either the expiry date or at an earlier date as deemed necessary.

On the proposal of Cllr. S. Walsh and seconded by Comh. O'Laoi, and agreed that pursuant to Section 19 (1) (d) of the Planning and Development Act 2000 (as inserted by Section 12 (a) (iii) of the Planning & Development (Amendment) Act 2010), the Council resolves to defer the sending of a notice under Section 20 (3) (a) (i) of the Act of 2000 and publishing a notice under Section 20 (3) (a) (ii) for a period of 5 years, and hereby resolves to extend the lifespan, by a further five years (i.e. up to and including 25th March 2018), of the Gaeltacht Local Area Plan, 2008, in accordance with the provisions of Section 19 of the Planning and Development Act 2000 (as amended) which provides for the extension of the valid life of a Local Area Plan (LAP)".

TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS RECEIVED ON THE MATERIAL ALTERATIONS TO THE MAIGH CUILLIN DRAFT LOCAL AREA PLAN 2012-2018 AS PER SECTION 20 (3) (C) AND (D) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)

1396

The Mayor invited the presentation of the Manager's Report on the submissions received on the Maigh Cuilinn Draft Local Area Plan 2012-2018.

Ms. O'Doherty advised the meeting that the Elected Members considered the Manager's Report on the submissions received on the Draft Maigh Cuilinn Local Area Plan at a Galway County Council meeting held on 20th December 2012 and at this meeting a number of Material Alterations were proposed to the Draft Maigh Cuilinn Local Area Plan and these Material Alterations were screened for Appropriate Assessment (AA) and Strategic Environmental Assessment (SEA).

Ms. O'Doherty advised that AA and SEA Screening sufficed for all of the proposed Material Alterations except for MA 7 which proposed to rezone lands to Agriculture which were previously Open Space, Recreation & Amenity in the Draft Plan. She advised that the SEA Screening determined that the proposed rezoning to Agriculture had the potential for significant environmental effects and therefore a full SEA was required for this Material Alteration. She said that the full SEA concluded that pursuing Material Alteration No.7 would give rise to potential significant effects on the environment namely, local hydrology, hydrogeology, water quality, human health and biodiversity.

Ms. O'Doherty said that the proposed Material Alterations, the SFRA, the AA/SEA Screening and the full SEA on Material Alteration No.7 were placed on public display for 4 weeks, until the 1st March 2013 and four submissions were received – all from public bodies or prescribed/environmental authorities. She advised that a brief synopsis of the submission and the Manager's Recommendation would be provided.

Submission No.1 NRA

Ms. O'Doherty said that this Submission refers to MA4 and MA5, in that the boundaries of the submissions received overlapped with the route of the proposed bypass. She said that while this is the case, however, the zoning changes proposed under the Material Alterations regarding these lands do not impact on any area within the proposed ByPass and in this regard, the Manager's Recommendation is no change.

Ms. O'Doherty said that this Submission also refers to MA 6 which proposes the extension of the Business & Enterprise (B & E) zoned lands further south, which the NRA are not in favour of, as it is at a location where the maximum speed limit applies and is considered contrary to the *Spatial Planning and National Roads Guidelines*.

Ms. O'Doherty said that the Manager's Recommendation is in line with that of the NRA and recommends that the proposed zoning of B & E should revert back to Agriculture as per the Draft Local Area Plan, given it is the extension of new B & E lands further from the village centre, at a location in the 100kph zone and is contrary to the principles of the *Spatial Planning and National Roads Guidelines*.

Comh. O'Laoi said that in respect of MA 6, which is in respect of the entrance of the B&E zoned lands, he said that this entrance is current being used and was made wider so as to provide better vision for trucks entering and leaving the premises. He proposed that this extension of land be zoned B&E. Cllr. S. Walsh seconded this proposal.

In reply, Mr. Kelly said that an objection to this zoning has been received from the NRA as the entrance is in a 100kph location and the existing entrance does not have planning permission. He advised the Members that an application for permission to revise the entrance does not require a change in zoning and the agriculture zoning would allow for a planning application on a revised entrance, which also meets the NRA road standards, to be considered. He added that by changing the zoning, it was merely adding an additional factor, which is contrary to the NRA recommendation, and he would advise that this land remain zoned as Agriculture as an Agriculture zoning does not preclude an application for a revised entrance to be submitted.

Cllr. Walsh advised that this entrance is in place since the 1970's and may have been in place even before planning permission existed. He said that the business facilitated the NRA in allowing a footpath and kerbs to be installed. Cllr. O'Laoi concurred with this and said that there is dip in the kerb where the entrance is into the factory.

In reply, Mr. Kelly said that by adding in a B&E zoning, it is only adding a complicating factor to the entrance revision process, and that there is still the possibility to rectify this entrance and apply for permission for a revised entrance without re-zoning this land, as the agriculture zoning would allow for this if the objective is to allow for a safer and easy access entrance.

On the proposal of Comh. O'Laoi and seconded by Cllr. S. Walsh, it was proposed to not to accept the recommendations in the Manager's Report and that the land MA6 be zoned Business & Enterprise as on Submission.

A vote was taken on the proposal and the result was as follows;

AR SON: *Cllrs. Carroll, M. Connolly Cuddy, Comh. Ó'Curraoin, Cllrs. Fahy, Feeney, G.Finnerty, M. Finnerty, Hoade, Comh. O'Laoi, Cllrs. Maher, McClearn, McDonagh, McHugh, Ryan, Cllrs. S. Walsh, T. Walsh, Welby & Willers. [19]*

AGHAIDH: *[0]*

GAN VOTÁIL: *Cllr. E. Mannion [1]*

The Mayor declared the proposal carried.

Submission No.2 DOECLG

Ms. O'Doherty said that in summary, this Submission expressed concern regarding proposed Material Alteration No. 7 which is to rezone Open Space, Recreation and Amenity lands to Agricultural, which fall within Indicative Flood Zone A and subject to potential pluvial flooding and said that such a proposal is contrary to the *Planning System and Flood Risk Management Guidelines* and in particular fails the criteria for the Justification Test, which is applied at Plan stage. She advised that the submission notes that should the Agriculture zoning proceed, maps and text should clearly highlight that the subject lands are at risk of flooding and the lands must be subject to a site specific flood risk assessment prior to development. She further advised that the Submission states that failure to take account of these concerns would lead to a Plan that is not in accordance with proper planning of the area and the Department will monitor adherence by the Council to the 2010 Act and national guidelines.

Ms. O'Doherty advised that the Manager's recommendation in relation to the MA 7 lands is that they revert back to Open Space, Recreation & Amenity as per the Draft Local Area Plan and the reason is that the subject lands have been identified as at risk of pluvial flooding

and are located within Indicative Flood Zone A. She said that furthermore, the SEA carried out for this proposed Material Alteration included a Justification Test, which failed, and the conclusion of the SEA was that facilitating the proposed Material Alteration has the potential to have a significant adverse environmental effects (on local hydrology/hydrogeology, water quality, human health and biodiversity). She advised that the SEA also recommends that the proposed Agriculture zoning does not proceed and the zoning reverts back to the Open Space, Recreation & Amenity zoning as per the Draft Plan.

Submission No.3 EPA

Ms. O'Doherty said that this Submission is mainly concerned with Material Alteration No. 7 and the proposed rezoning of lands from Open, Space Recreation to Agriculture, which are identified as having potential flood risk. She said it referred to the conclusion of the SEA Environmental Report which stated that the proposed alteration has the potential for significant environmental effects, is not in accordance with the *Planning System and Flood Risk Management Guidelines*, fails the Justification Test as set out the guidelines and is not considered in accordance with the approach taken by Galway County Council in relation to undeveloped lands that are located within indicative flood risk areas.

Ms. O'Doherty said that the Manager's recommendation is as per submission No.2 above, that the lands subject of MA 7 revert back to Open Space, Recreation & Amenity as per the Draft Local Area Plan, (in line with the SEA recommendation).

Submission No.4 OPW

Ms. O'Doherty said that this Submission referred to a number of general issues such as the different types of flooding, the CFRAMS, the PFRA mapping and the requirements for a Stage 2 Flood Risk Assessment. She advised that more specifically the submission referred to specific alterations proposed by the Elected Members which are otherwise as recommended in the Manager's Report and stated that where a Planning Authority is considering development of an area at risk of flooding for uses deemed vulnerable to flooding, then all of the criteria in the Justification Test must be satisfied to allow the zoning to proceed. She said that any zoning on lands that do not pass the Justification Test should clearly indicate on the map that the lands are at flood risk and flood risk assessment is required.

Ms. O'Doherty advised that the Manager's Recommendation is that the lands should revert back to Open Space, Recreation & Amenity as per the Draft Plan as the Justification Test has failed, the proposal is not in accordance with the Flood Risk Guidelines and the SEA concludes that this is the most environmentally sustainable option.

The Mayor advised the Meeting that the Submissions from the DOE, EPA and the OPW all relate to MA7 and that the Members should consider all three together and make an informed decision.

Comh. O'Laioi proposed that the lands the subject of MA 7 be zoned Agricultural. He said that the landowner had a permit to deposit landfill there and this is ongoing and he reckons that this site will be used as a landfill for the considerable future.

Mr. Kelly advised the Meeting that these lands are deemed to be in flood risk area and it is set out in the response from the OPW, EPA, and the Department of Environment and they all feel that these lands should revert to Open Space, Recreation & Amenity. The SEA concluded that there would be many environmental impacts if these lands were zoned as Agriculture. He said this arises from the types of development allowable in an Agriculture zoning, but because of the large amount of Agriculture zoning within the Maigh Cuilinn Plan, it would not be practicable to amend the Matrix and the Members are advised that the appropriate zoning for this land would be Recreation, Open Space & Amenity.

Cllr. McClearn said that whether the Members zone the land or not, for all intense purposes it will be Agricultural land and queries why the land cannot be zoned Agriculture.

Cllr. Feeney said there was no logic in this as an Open Space, Recreation & Amenity zoning could allowed for the development of a park, or walkways or a playground and this also would have a more severe impact if the land was to flood than an Agriculture zoning.

In reply, Mr. Kelly said that that the issue was the land is subject to flood risk and Agriculture is an inappropriate zoning in flood risk areas as the development type allowable within Agriclutlure zoning is not compatible, for example a slatted unit, with a flood risk zoning. He said that the implications of a slatted unit in a flood risk zone is an obvious issue from an environmental perspective. He said that the type of development the Plan allows in an Agriculture zoning has a knock on effect on the environment. He further advised that there is a lot of land zoned as Agriculture in the Maigh Cuilinn Plan and said that if the Land Zoning Matrix for Agriculture was changed, it would affect all the other Agriculatural lands in this Local Area Plan. He clarified that it was not Agriculture that was the issue but the type of development that is allowed under an Agriculture zoning.

In reply to Cllr. S. Walsh, the Mayor confirmed that planning permission would have to be applied for any development regardless of the zoning.

On the proposal of Comh. O'Laoi and seconded by Cllr. S. Walsh, it was proposed not to accept the recommendations in the Manager's Report and to zone the lands, the subject of MA7 as Agriculture.

A vote was taken on the proposal and the result was as follows;

AR SON: *Cllrs. M. Connolly Cuddy, Comh. Ó'Curraoin, Cllrs. Fahy, Feeney, G.Finnerty, M. Finnerty, Hoade, Comh. O'Laoi, Cllrs. Maher, McClearn, McDonagh, McHugh, Roche, Ryan, Cllrs. S. Walsh, T. Walsh, Welby & Willers. [19]*

AGHAIDH: *[0]*

GAN VOTÁIL: *Cllr. Carroll, D. Connolly & E. Mannion [3]*

The Mayor declared the proposal carried.

Mr. Kelly advised the Meeting that the OPW and the DOE have stated in their Submissions that if the lands were zoned Agriculture, the maps and text should clearly highlight that the subject lands have been shown to flood and the lands must be subject to a site specific flood risk assessment prior to development.

The Members agreed to accept this request.

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 adopt the Maigh Cuilinn Local Area Plan, in accordance with the Manager's Report, as amended by the Members, in accordance with Section 13 (b) (iv) of the Planning and Development (Amendment) Act 2010.

A vote was taken and the result was as follows;

AR SON: Cllrs. Canney, Carroll, D. Connolly, M. Connolly, Cuddy, Comh Ó'Curraoin, Cllrs. Fahy, Feeney, M. Finnerty, Hoade, Comh. O'Laoi, Cllrs. Maher, E. Mannion, McClearn, McDonagh, McHugh, Roche, Ryan, S. Walsh, T. Walsh, Welby & Willers. **[22]**

AGHAIDH: **[0]**

GAN VOTÁIL: **[0]**

The Mayor declared the proposal carried.

TO CONSIDER AND IF DEEMED APPROPRIATE TO AUTHORISE THE ATTENDANCE AT CONFERENCES IN ACCORDANCE WITH SECTION 142 OF THE LOCAL GOVERNMENT ACT 2001 AND THE LOCAL GOVERNMENT ACT 2001 (SECTION 142) REGULATIONS 2010 1397

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

Esperanza Enterprises – The Criminal Consequences of breaching Local Authority Regulations –

18th – 19th January – Manor West Hotel, Tralee, Co. Kerry – Fee: €150

Cllr. Jarlath McDonagh

Esperanza Enterprises – Policy & Legal issues relating to Developing Wind Energy – 25th – 26th

January – Westport Plaza Hotel, Westport, Co. Mayo – Fee: €150

Cllr. Mary Hoade

Esperanza Enterprises – Equal Status (Amendment) Bill 2012 – Manor West Hotel, Tralee, Co. Kerry

– Fee: €150

Cllr. Michael Fahy

Association of County & City Councils – Annual Conference 2013 – 7th – 8th March – Tower Hotel, Waterford – Fee: €130

Comh. Seosamh Ó Laoi, Cllr.'s Peter Feeney, Mary Hoade, Jimmy McClearn, Tom McHugh

Celtic Conferences – Drug & Alcohol Abuse Seminar – 22nd – 24th March – Celtic Ross Hotel, Rosscarbery, Co. Cork – Fee: €100

Cllr.'s Michael Fahy, Pat Hynes, Michael Maher, Comh. Tomás Ó Curráoin

Ace Training – Tax Entitlements Seminar – 29th – 31st March – Four Seasons Hotel, Carlingford, Co. Louth – Fee: €100

Cllrs Michael Fahy, Pat Hynes, Michael Maher, Kevin Ryan

TO NOTE THE SUMMARY OF PROCEEDINGS OF CONFERENCES ATTENDED IN ACCORDANCE WITH SECTION 142(5)(F) OF THE LOCAL GOVERNMENT ACT 2001 **1398**

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

Ace Training – Budget Seminar 2013 – 11th – 13th January – Four Seasons Hotel, Carlingford, Co. Louth

Cllr. Tomás Mannion

Ace Training – Tourism Seminar – Making the Difference – 8th – 10th February – Four Seasons Hotel, Carlingford, Co. Louth

Cllr. Jimmy McClearn

ACCEPT Pluralism / UCD Institute for British-Irish Studies: Tolerance & Diversity in Ireland – North & South – 14th February – University College Dublin

Comh. Seán Ó Tuairisg

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

Cllrs Jimmy McClearn, Pat Hynes, Tomás Mannion

Mid-West Regional Authority 18th Annual Conference – ‘Economic Recovery – Progress in the Regions’ – 28th February – 1st March – Horse & Jockey Hotel, Horse & Jockey, Thurles, Co. Tipperary

Cllrs Mary Hoade, Jarlath McDonagh

**Midlands Wind – Creating the New Midlands Economy – 8th March – Tullamore Court Hotel,
Tullamore, Co. Offaly**

Comh. Seán Ó Tuairisg

APPROVAL OF COMMUNITY GRANTS SCHEMES 2013

1399

Report dated the 25th March, 2013 was already circulated to each Member.

On the proposal of Cllr Maher, seconded by Cllr. Hoade, the Community Grants 2013 as detailed in report dated the 25th March 2013 were approved.

The Mayor & Members expressed their appreciation to the staff involved in the administration of the scheme and welcomed the provision of funding to support communities across the County.

Cllr. McClearn stated that the funding was being provided directly from the Council's own resources and was providing in the context of a difficult budgetary position for the Council.

JOINT POLICING COMMITTEE REPORT YEAR ENDING 31ST DECEMBER 2012.
RURAL CRIME & RURAL POLICING

1400

On the proposal of the Mayor it was agreed to consider Items 10 & 11 in a single discussion. The Joint Policing Committee Report for the Year ending 31st December, 2012 was already circulated to each Member.

Mr. Cummins advised that the Report of the Joint Policing Committee for the year ending 31st December 2012 was being presented in accordance with Section 36(5) of the Garda Síochána Act 2005 and invited the Chair of the Joint Policing Committee, Cllr. P. Roche to present same to Council.

Cllr. Roche referred to the various motions, considered and passed and submitted to the Department for consideration by the JPC, expression his appreciation to staff and all of the bodies actively involved in supporting the work programme of the JPC and the sub-committees. He referred to the important role played by all involved to ensure the JPC was a success and concluded by stated his commitment to continue to work to ensure the JPC remained an effective forum to support a new approach to policing and a cleaner environment.

The Members welcomed the report said it was important that there was a lot of interaction between Garda, Communities and the Council. The following matters were discussed following the presentation of the Report.

- A requirement to suspend the current recruitment embargo for An Garda Síochána
- The importance of maintaining the existing model of community policing and the need to review the current approach leading to the closure of rural stations.
- To limit the availability of the free legal aid system to allow consideration of previous convictions as an eligibility criteria and to limit free legal aid after the first conviction.
- To acknowledge the important role played by Community Alert in communities across the County and to acknowledge the success of the Community Alert scheme

in operation in Lackagh in preventing a recent crime and in supporting the apprehension of suspects by An Garda Síochána.

- The need to avail of modern policing to address rural crime and the ability of stations to prevent rural crime when only open for a few hours each day.
- The increase in rural crime in County Galway and the closure of stations and the failure of the proposed new policing model to work due to an inadequate garda fleet and numbers.
- The need for a well resourced garda service and the need for a discussion on how to fund the preferred model in the context of an inability to borrow further and the only revenue option remaining that of increased taxation.
- The need to compensate the victim and the imposition of a financial penalty for convicted criminals, through income sources including social welfare.
- The need to clearly demonstrate that crime does not pay in any shape or form and the consideration of imposing sentences including a requirement for labour.
- The ongoing issues associated with litter and illegal dumping and the use of street bins for the disposal of domestic refuse.
- The need to avail of CCTV to address litter black spots and the ability of the work of the JPC sub-committee to address the problem of illegal dumping.

The Members noted the Joint Policing Committee Annual Report for 2012

It was proposed by Cllr. Canney, seconded by Cllr D. Connolly and agreed to further suspend Standing Orders to receive a presentation by Ireland West Airport Knock as the next item.

TO RECEIVE A PRESENTATION BY IRELAND WEST AIRPORT KNOCK

1401

The Mayor welcomed Mr. Joe Gilmore, Mr. John Dillon, Mr Martin Gillen and Mr. Brendan Flanagan, representing Ireland West Airport Knock. Mr. Gilmore provide a very informative presentation on the operations of the Airport at present, and plans for future development. Mr. Gilmore welcome the decision to separate Shannon and Dublin Airports, stating that additional investment in Shannon and the West of Ireland was welcome but that Ireland West Airport Knock was seeking similar investment to support tourism and job creation in the region. He outlined the aim of Ireland West Airport Knock to deliver growth, passengers, jobs and tourism to the region. He referred to the current review of aviation policy, and the specific focus on Ireland West Airport Knock confirming that the terms of reference for same were recently agreed.

The Members expressed their thanks to the Committee and to Mr. Gilmore acknowledging the importance of Ireland West Airport to the West of Ireland in relation to jobs and sustainability. They said the Airport has created an identity for the West of Ireland, and it was a good news story which the Government should embrace whole heartedly, acknowledging the strategy importance of the airport to rural Ireland and the West.

A questions and answers session took place with regard to the development of Industry at the airport, the provision of Trans Atlantic Flights, the low cost airline model, the impact on Galway Airport, Expansion of current services and the viability of Shannon and Knock Airports.

SUSPENSION OF STANDING ORDERS

1402

It was proposed by Cllr. Cuddy, seconded by Cllr. McClearn and agreed to suspend Standing Orders to allow the meeting proceed beyond 6.00 pm.

It was proposed by Cllr. Sean Canney, seconded by Cllr. Tiernan Walsh “that Galway County Council support Ireland West Airport Knock in its position as a strategic Airport for the West of Ireland and that its important role in providing international air access for tourism, business and leisure is supported and its future is secured by Government.”

It was proposed by Cllr. Hoade, seconded by Cllr. T. Mannion, “that Galway County Council support the Development Plan of Ireland West Airport Knock as vital strategic links to West of Ireland. Call on the Government to fund Ireland West Airport and to proceed with putting in place the necessary infrastructure without which it is difficult for the Airport to compete”.

In conclusion the Mayor thanked the Committee for their very informative presentation and commended them on the great service that Knock Airport is providing.

UPDATE ON HOUSING SERVICES INCLUDING GRANT SCHEMES AND IMPLICATIONS OF CURRENT FINANCIAL POSITION **1403**

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

Following presentation of the report to the meeting by Mr. Eugene Cummins, it was proposed by Cllr. McHugh, seconded by Cllr. T. Mannion to defer this item until the next meeting, and that it be place further up the agenda for discussion.

MANAGERS BUSINESS & CORRESPONDENCE **1404**

The Manager informed the Members that the decision of the European Court of Justice on the Galway City Outer Bypass was due on the 11th April.

The Manager advised the Members of a review of the Development Contribution Scheme, in line with the requirements as recently advised by the Department of Environment, Community & Local Government, indicating that public notice of same would be published in the local press.

The Manager also advised the Members of the participation of Galway County Council in the pilot of the labour activation scheme, indicating that same would be progressed in consultation with the relevant trade unions.

The Manager informed the members that Planning approval for the Connemara Greenway from Oughterard to Clifden had been obtained.

She referred to the invitation issued to the Members to attend a Regional Citizens Dialogue to be hosted by Galway County Council on Monday, 8th April 2013 in Áras an Chontae to mark the European Year of Citizens and the Irish Presidency of the European Council, being organized by the European Movement Ireland.

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

- Correspondence dated 27th February, 2013, from Monaghan County Council regarding the resolution adopted to issue a requisition to the County Manager under Section

140 of the Local Government Act 2001 to: Refrain from increasing the rent payable by local authority tenants as a result of the government's property tax (Home Tax).

- Correspondence dated 7th March, 2013, from South Tipperary County Council in relation to the resolution adopted that South Tipperary County Council call on the Government to take action to tackle criminal gangs involved in the laundering of fuel, smuggling of cigarettes and other counterfeit goods, which is estimated to be costing almost € 861 million per year to the taxpayer according to the recent Retail Ireland report.
- Circular advising of the Battle of Aughrim Visitor Centre Easter Opening Times
- An Invitation from the European Movement Ireland Presidency Programme 2013 regarding a Regional Dialogue in County Hall on 8th April, 2013.
- Correspondence dated 19th February, 2013, from Galway Against Suicide regarding cycle against suicide from 22nd April, 2013 to 5th May, 2013.
- Correspondence dated 11th March, 2013 from SUSI (Student Universal Support Ireland) giving an update on the progress of Student Grants.
- Correspondence dated 13th March, 2013, from the Irish Heart Foundation regarding Genetic data on Guthrie Cards and Sudden Cardiac Deaths among babies, children and young adults.
- Correspondence dated 7th March, 2013, from An Garda Síochána thanking the Council for its expression of sympathy on the tragic death of Detective Garda Adrian Donohoe, R.I.P.

MAYORS BUSINESS

1405

It was proposed by Cllr. Cuddy, seconded by An Comh O'Curraoin "that the Council express its serious concerns and reservations to the proposed Fish Farm in Galway Bay and the negative effect it may have on our wild salmon stocks."

Cllr. Feeney stated that it was premature, and the matter needed to be discussed.

Cllr. D. Connolly expressed his disappointment that a significant number of the Members did not remain in the Chamber to facilitate appropriate consideration of this important matter that was being raised by Cllr. Cuddy that was giving rise to significant concern.

A vote was taken and the result was as follows;

AR SON: *Cllrs. Canney, D. Connolly & Cuddy, Comh. Ó Curraoin, Cllrs. G. Finnerty, Hoade, Noone, S. Walsh & Welby [9]*

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

GAN VOTÁIL: *Cllr. McDonagh [1]*

The Mayor declared the proposal carried.

NOTICE OF MOTIONS

NOTICE OF MOTION NO 17 – CLLR. G. FINNERTY

1406

The following reply was given:-

“The Council has drawn down 7 Bonds in respect of unfinished estates to date. The Bonds in these cases were sufficient to bring the estates up to an acceptable standard. In the event that a Bond is insufficient the outstanding works would be dealt with in order of priority.”

NOTICE OF MOTION NO 18 – CLLR. G. FINNERTY

1407

The following reply was given:-

“Galway County Council will pursue this matter with the NRA.”

NOTICE OF MOTION NO 19 – CLLR. G. FINNERTY

1408

The following reply was given:-

“Galway County Council will discuss this issue of additional signage at this location, with the NRA and advise accordingly.”

NOTICE OF MOTION NO 20 – CLLR. J. CUDDY

1409

The following reply was given:-

“The provision of standard speed limits at all schools is a national issue and can be referred to the relevant department. However for specific locations, speed limits can be considered as part of the current review which will be brought before council in the coming months. It should be noted that speed limits at schools are not always appropriate or effective.”

NOTICE OF MOTION NO 21 – CLLR. J. CUDDY

1410

The following reply was given:-

“Dog fouling is an offence, subject to an on-the-spot fine of €150. It is the responsibility of dog owners to have proper control of their dogs, which includes dog fouling. If a dog fouls the person in charge must clean up and dispose of the faeces properly. The Environment Section through its awareness officer and community wardens continue to make people aware that dog fouling is a health hazard and spoils walkways and amenities for everybody. A booklet “Guide to good dog ownership” has been distributed widely to the general public.

Anti fouling stencils have been trialled on footpaths in Loughrea and will be expanded to other parts of the county. Leaflets on Dog fouling are been prepared and it is intended that Council staff will hand out these leaflets to dog owners on the streets of towns and villages.”

NOTICE OF MOTION NO 22 – CLLR. J. CUDDY

1411

The following reply was given:-

“Consultations have taken place between the stakeholders in Baile Chláir (Claregalway) and Galway County Council regarding the potential improvements and upgrade of the road surface and layout. Galway County Council will seek funding to prepare the design and layout for road improvement. When funding for the design is allocated, Galway County Council will proceed to prepare the design and seek further funding from the NRA for the provision of an overlay through Baile Chláir (Claregalway).”

NOTICE OF MOTION NO 23 – CLLR. M. FAHY

1412

The following reply was given:-

“Galway County Council is prepared to examine this location in consultation with the relevant stakeholders. However the County Council has no funds available for the development of bus stops at the present time.”

NOTICE OF MOTION NO 24 – CLLR. M. FAHY

1413

The following reply was given:-

“Galway County Council has not given approval for bus stops at these locations and is not in a position to provide funding for work at these locations.”

NOTICE OF MOTION NO 25 – CLLR. M. FAHY

1414

The following reply was given:-

“There is no funding available, to carry out this work at the present time.”

NOTICE OF MOTION NO 26 – CLLR. P. ROCHE

1415

The following reply was given:-

“The maintenance and general upkeep of Burial Grounds is carried out by Galway County Council Area Offices and/or local community groups. A limited amount of funding is allocated annually to the Area Offices for this work. The type of works carried out by the Area Offices includes repairing of damaged or dangerous walls, removal of dangerous overhanging trees, drainage works, laying of new pathways, and so on.

It is the established practice in the majority of burial grounds in County Galway that plot owners remove all waste and discarded material rather than leaving it to be removed by the Council. In a number of burial grounds where bunkers were put in place the volume of waste has increased and in some cases unauthorized/illegal dumping has taken place. The Council does not have the resources to provide waste removal at these locations and cannot provide such a service.

Due to the large number of burial grounds in the County, and the cost involved in the maintenance of these, the Council encourages local communities to participate in their upkeep and in this regard, a Maintenance Grant is allocated to the groups to assist them in their work. A grant up to a maximum of €450 is made available to successful groups in respect of each burial ground. The grant must be used for the purpose of purchasing trees, shrubs, brushes, shovels, grass cutting and other incidental items which are required to carry out maintenance works to the Burial Ground."

Criochnaigh an Cruinniu Ansin