

CHOMHAIRLE CHONTAE NA GAILLIMHE

MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD AT OUGHTERARD GOLF CLUB, OUGHTERARD, AT 2.00 PM ON MONDAY 27th May, 2013

CATHAOIRLEACH:

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

I LATHAIR FREISIN:

Baill:

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

Oifigigh:

Ms. M. Moloney, County Manager; Messrs. F. Gilmore, K. Kelly, E. Cummins, J. Cullen, Directors of Service; G. Mullarkey, Head of Finance; M. Owens, County Secretary & Meetings Administrator; A. Farrell, Senior Executive Officer; E. Molloy, L. Gavin, Senior Engineers; Ms. S. Kennedy, A/Senior Planner, Ms. G. Kavanagh, Assistant Planner, Ms. M Donoghue, Senior Staff Officer, Ms. Marilyn Gaughran, Arts Officer, R. O'Boyle Staff Officer.

Thosnaigh an cruinniú leis an paidir.

The Mayor & County Manger welcomed Cllr. Naoisa O Muiri, Lord Mayor of Dublin and a native of An Spidéal, together with his parents to the May Meeting of Galway County Council.

In addressing the Meeting, the Lord Mayor referred to his strong Galway roots and his links with the County, he referred to his education in An Spidéal and complimented all those associated with the school and the standard of education and formation they provided for young people. He highlighted the number of current office holders with connections to County Galway, including the President and Tanaiste and highlighted the challenges facing local government and wished the Elected Members well in fulfilling their representational role.

The Lord Mayor concluded by inviting the Elected Members to visit the Mansion House on Sunday, 16th June 2013.

The Members joined both the Mayor and Manager in extending a warm welcome to the Lord Mayor and his parents, acknowledging his role as an Elected Member of Dublin City Council and Lord Mayor of Dublin together with the contribution of his parents to their local community.

RESOLUTIONS OF SYMPATHY

1439

It was proposed by Comh. O'Tuairisg, seconded by Cllr. S. Walsh and agreed to extend a vote of sympathy to the family of Ms. N. Feeney, Ros an Mhíl and the family of Uinsinn McCann, Aran Islands.

It was proposed by Comh. O'Curraoin, seconded by Comh. O'Laoi and agreed to extend a vote of sympathy to the family of the late Poilin O'Donnell.

Resolutions of sympathy were also extended to the following:

- Mrs. Mary Mitchell, Treanboy, Ballymoe, via Castlerea, Co. Galway
- Tony Ó Cadhain, Dubhachta, Corr na Móna, Co. Na Gaillimhe
- Christy Flaherty, Garryland, Gort, Co. Galway.
- Tom & Bernie Naughton, Bodane, Tuam, Co. Galway.
- Siobhán Ní Domhnaill (Coilin), Cnocán Glas, An Spidéal, Co. Na Gaillimhe.
- Catherine Conneely, Cregmore, Claregalway, Co. Galway.
- Mrs. Nancy Donoghue, New Inn, Ballinasloe, Co. Galway.
- Joe Stone, The Man in the Moon Pub, Croyden, New Addington, London, UK

An Comh O Cuaig referred to the need to progress the provision of a footpath at Ros an Mhíl and welcomed the commitment given at a recent meeting of the Connemara Electoral Area Committee in relation to progressing the project. He stated that An Taoiseach Enda Kenny, TD had agreed to meet with the family of the late Ms. Niamh Feeney during a forthcoming visit to Connemara.

It was proposed by Cllr. Fahy, seconded by Cllr. S. Walsh and agreed to extend a vote of congratulations to Mr. PJ Mara, a former FF Government Press Secretary, on becoming a father.

CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS

1440

The Minutes of Monthly Meeting held 22nd April 2013 were approved by the Council and signed by the Mayor on the proposal of Cllr. M. Finnerty, seconded by Cllr. T. Walsh.

Arising from the Minutes, Cllr. Fahy referred to the Prohibition Order to prohibit Temporary Dwellings at and in the vicinity of Kinvara Pier under Section 31(1) of the Local Government (Sanitary Services) Act, 1948 and questioned the current status of the Order. In reply, Mr. Cullen said that a valid appeal was submitted to the Minister for the Environment, Community & Local Government that a copy of same would be made available to the Council and following appropriate consideration the matter would be brought to the Loughrea Electoral Area Committee in due course.

Cllr. D. Connolly asked that an update on Irish Water be discussed later and an update be given by the Director of Services.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION

1441

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

Arising from the Minutes, An Comh O'Cuaig referred to the second last paragraph on Page 1 of the Minutes referring to recoupment of Expenditure by the Council in the development of Caladh Mor and Cill Ronain Harbours. The Manager stated that the Council are continuing correspondence with the Department and she was more hopeful now that she was last September of securing a resolution on the matter.

An Comh O'Cuiag also enquired in relation to the current position regarding the proposal to develop a Cultural Centre at Pearse's Cottage in Rosmuc. In reply, the Manager said that the Council was supportive of the efforts of Udaras na Gaeltachta as the lead on the project but indicated that it was her understanding that Failte Ireland was not currently in a position to allocate funding to the project.

The Report of the Corporate Policy Group Meeting held on 25th February 2013 was approved on the proposal of Cllr. Fahy, seconded by Cllr. T. Walsh

The Report of the Housing SPC Meeting held on 16th May 2012 was approved on the proposal of Cllr. Willers seconded by Cllr. McDonagh.

The Report of the Housing SPC Meeting held on 27th September 2012 was approved on the proposal of Cllr. McDonagh, seconded by Cllr. Willers

The Report of the Housing SPC Meeting held on 12th December 2012 was approved on the proposal of Cllr. McDonagh, seconded by Cllr. Willers.

Arising from the Minutes, Cllr Cuddy expressed concern in relation to the delays encountered in undertaking housing inspections. It was agreed to allow consideration of same under Item 10.

The Report of the Corporate Affairs & Cultural SPC Meeting held on 28th January 2013 was approved on the proposal of Cllr. Hynes, seconded by Cllr. McHugh.

The Report of the Planning, Economic Development & Community SPC Meeting held on 30th January 2013 was approved on the proposal of Cllr. L. Carroll, seconded by Cllr. Fahy

In reply to comments from Comh. O'Laoi in relation to a meeting with the NPWS, the Mayor indicated that it was his understanding that such a meeting was to be arranged by Deputy Kyne and related specifically to the route selection process for the R336 and the impact of environmental designations on the process.

Mr. Kelly in reply to Cllr. Cuddy stated that there was no further update or timeframe for resolution of the issues relating to the site in Oranhill however it was his understanding that the relevant financial institution had engaged with a view to undertaking works on the site and that the procurement process for same was ongoing.

**TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON
THE DISPOSAL OF 0.02207 HECTARES AT 31 THE POTTERY, THE WEIR ROAD, TUAM, CO.
GALWAY** **1442**

Statutory Notice dated 15th May, 2013 and Report dated the 15th May, 2013 were previously circulated in accordance with the relevant statutory timeframe.

On the proposal of Cllr. McHugh, seconded by Cllr. Cuniffe, it was agreed that having complied with the relevant statutory requirements, to dispose of 0.02207 hectares at 31 The Pottery, The Weir Road, Tuam, Co. Galway in accordance with the terms of the Statutory Notice.

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE SURRENDER OF THE LEASE ON ST. COLMAN'S HALL, GORT (FORMERLY GORT HERITAGE CENTRE) CO. GALWAY **1443**

Statutory Notice dated 15th May, 2013 and Report dated the 15th May, 2013 were previously circulated in accordance with the relevant statutory timeframe.

On the proposal of Cllr. Willers, seconded by Cllr. G. Finnerty, it was agreed that having complied with the relevant statutory requirements, to surrender the Lease on St. Colman's Hall, Gort (formerly Gort Heritage Centre), Co. Galway in accordance with the terms of the Statutory Notice.

Cllr. Willers acknowledged the input of Mr. Owens and Ms. Marie Mannion, Heritage Officer in advancing the surrender of the lease in order to allow for the development of St. Colman's Hall, Gort for alternative use.

TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS RECEIVED ON THE GORT DRAFT LOCAL AREA PLAN 2013-2019 AS PER SECTION 20 (3) (C) AND (D) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED) **1444**

(report already circulated)

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

Ms. Kavanagh 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.

Ms. Kavanagh advised the meeting 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.

Ms. Kavanagh stated that the Draft Gort Local Area Plan 2009-2015 was on public display from the 19th February to the 2nd April 2013 and a total of nine Submissions were received, five from the Prescribed Authorities/Environmental Authorities/Statutory Bodies and four from General Public and Other Persons/Bodies.

Ms. Kavanagh advised that the preparation of the Draft Plan was accompanied by full Strategic Environmental Assessment (SEA/ER Report) and an Appropriate Assessment/Natura Impact Report (Stage 2 AA/NIR) to assess the likely significant effects of implementing the Draft Plan on the environment in general and on European sites that form part of the Natura 2000 network in particular. She also said that a Stage 2 Strategic Flood Risk Assessment (including a Justification Test for Town Centre lands) for the Gort LAP area was also undertaken in accordance with the Flood Risk Guidelines 2009 which has identified

the flood risk areas and zones within the Plan Area and have also informed the land use zonings of the Draft Plan.

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

Ms. Kavanagh said that the Department raised four main issues.

With regard to the Application of the Sequential and Justification Test in the Context of the proposed Town Centre/Commercial Zoning, Ms. Kavanagh said that the Draft Plan has integrated all recommendations arising from the Stage 2 Strategic Flood Risk Assessment (SFRA), including those relating to the flood zones and measures have been integrated into the Plan that will require compliance with the *Guidelines* at project level, including in relation to site-specific flood risk assessments. She advised that a Justification Test has been prepared for the Town Centre zoning located within Flood Zone A and B and the Justification Test passed all criteria and was used in conjunction with the Stage 2 SFRA to inform proposed land use zonings as part of the Plan preparation process. She advised that the area in question by the DOE is located within lands which have already been developed and the Justification Test will be included within the Appendices of the SEA/Environmental Report. She recommended no change to the Draft Plan.

With regard to the Departments submission regarding greater clarity on the Flood Maps to indicate what are Flood Zones A and B, Ms. Kavanagh said that in order to improve the clarity of the Draft Plan Flood Risk Management maps 3A and 3B, it is recommended that the colours on the Flood Risk Management map 3A/3B are reviewed, the flood zones delineated with red serrated lines and the OSI Flood Plains layer omitted with a view to providing greater clarity to the Flood Zones.

Ms. Kavanagh recommended that:

1. Amend the Flood Risk Management Maps 3A/3B in order to assist in providing greater clarity and delineation to the Flood Zones.
2. Remove the OSI layer on Maps 3A/3B in the Draft Plan in order to improve greater clarity to the flood plain layers.

In respect of the National Routes and Compliance with the provisions of the Spatial Planning and National Roads Guidelines, Ms. Kavanagh said that the comments from NRA will be duly considered and a detailed response will be provided under the NRA'S Submission No. 1.

Ms. Kavanagh advised that the Design Manual for Urban Roads and Streets 2013(DMURS) would be included into Section 3 of the Draft Plan and she recommended that Policies RD1, TI 1 and TI 2 and Objectives RD 2, and TI 14 be amended to include reference to DMURS, 2013.

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

Submission No 1 – National Roads Authority

Ms. Kavanagh advised that the NRA raised five main issues.

Ms. Kavanagh noted the NRA's comments on the Strategic National Road Network and recommended no change to the Draft Plan.

In relation to Transportation Infrastructure, Ms. Kavanagh said their comments were noted and the issue of appropriate access would be dealt with at project stage and including any review of the existing speed limits. She recommended that in the interest of clarity Objective TI 15 – Transport Network Improvement shall be updated to include reference to Section 2.7 of the DoECLG '*Spatial Planning and National Roads Guidelines*' in order to address this issue.

With regard to Residential Development, Ms. Kavanagh noted the NRA's comments. She advised that some of the undeveloped Residential land to the east of the Plan has been zoned as Residential (Phase 2) which is generally not developable during the lifetime of the Plan; however, she said that it was acknowledged that there are parcels of undeveloped Residential (Phase 1) lands located outside the 50kph speed limit. She said that these particular lands are historical residential zoning that has been in place in the Local Area Plan for Gort for a number of years and in addition, she said that the identification of these lands for development is also in accordance with the Preferred Development Strategy of the Plan which supports the consolidation of the town centre, promotes the infill and sequential development of the town and locates new Town Centre (C1) and Residential Phase 1 expansion potential to the east, adjacent to the Gort Railway station and along the N66. She further advised that the Preferred Development Option also recognises the area as a prime development quarter in terms of integrating land use and public transportation and promotes smarter travel opportunities for the town. In response to the comments by the NRA, Ms. Kavanagh said that Objective TI13 of the Draft LAP applies to all zoned land and deals with direct access to the National Road/Motorway Network. She said that the the issue of appropriate access for future development proposals will be dealt with at project stage and including any review of the existing speed limits. She recommended no change to the Draft Plan.

In respect of the NRA's comments with regard to Economic Development, Ms. Kavanagh said that the proposed zoned areas are historical zonings that have been in place in the Local Area Plan for Gort for a number of years and are predominantly located within the 50kph speed limits of the town not the 60kph speed limit as stated in the submission. She advised that these industrial zonings to the north of the Plan area accommodate some developed industrial and employment uses and it is proposed that they remain so zoned in order to accommodate the future expansion of these uses in a consolidated location. Ms. Kavanagh referred to Objective TI15 – Transport Network Improvements - of the Plan which requires proposed developments to consider incorporating provisions for busways, footpaths and cycleways where properties bound main arterial routes, new link routes or other routes determined by the NRA, which would further improve access and smarter travel infrastructure in the area, and said Objective TI 17 requires all new commercial,

industrial and retail developments to submit a Road Safety Audit and Traffic Impact Assessment as part of their planning application. She recommended no change to the Draft Plan.

In respect of signage, Ms. Kavanagh noted the NRA's comments in relation to signage on national roads and she recommended the inclusion of the following new Objective into the Draft LAP to read as follows:

TI 25 – Signage on or Visible from National Roads

Avoid the proliferation of non-road traffic signage on and adjacent to national roads outside of the 50-60kmh speed limit area in the interest of traffic safety and visual amenity, in accordance with the *Spatial Planning and National Roads Guidelines for Planning Authorities 2012*. The NRA document Policy and Provision of Tourist and Leisure Signage on National Road March 2011 shall also be considered in the assessment of relevant developments.

Cllr. G. Finnerty advised that meeting that while some repairs have been carried out on the N66 in Gort, representations have been made to the NRA seeking additional funding and he would hope that the NRA would provide further funding for the repair and maintenance of this road.

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

Submission No 2 – Office of Public Works (OPW)

Ms. Kavanagh said that this submission referred to the '*The Planning System and Flood Risk Management Guidelines*' and welcomes Galway County Council's commitment to adhere to these Guidelines, which place a firm onus on the Authority to follow the hierarchical order to avoid, substitute, justify, mitigate and manage flood risk and they welcomed the Council's production of the Strategic Flood Risk Assessment for County Galway, with the SFRA conclusions for Gort included and also notes that all forms of flooding must be addressed and given the karst geology throughout Galway, the presence of turloughs and groundwater flooding may well be important. She advised that the Submission references the CRFAM studies which should be available at end of 2013 and the Submission stated that where there is a suspected flood risk to a proposed development, the Authority should apply the appropriate level of assessment and where appropriate, evidence of application of the Justification Test may be required.

In response, Ms. Kavanagh said that the OPW's comments raised are noted. She advised that future SFRA's and reviews of the Plan will take into account new information when it becomes available. She said that a Stage 2 SFRA had been carried out for the Gort Local Area Plan which identifies the three flood zones as required under the *Flood Risk Management Guidelines* and has also taken on board local knowledge, site walkovers and other flood risk indicators. She advised that in order to communicate the findings of the Stage 2 SFRA, an updated legend for the Stage 2 SFRA Figure 3 will be provided and said that measures arising from the Stage 2 SFRA, including those relating to site specific FRA's have been integrated into the Draft Plan and will contribute towards the implementation of the Guidelines with regard to proposed developments within the LAP area. She further advised

that a Justification Test has been prepared for Town Centre zoning located within Flood Zone A and B and passed all of the criteria under the Guidelines.

On foot of this Submission, Ms. Kavanagh recommended the inclusion of an updated Map Legend in the Gort Stage 2 SFRA document under Figure 3 'Indicative Flood Risk Zone Map' to read "Indicative Flood Risk Zone A (Site visits, local knowledge and groundtruthing of flood indicators, including Western CFRAM Flood Risk Review, aerial photography and PFRA 100) and Indicative Flood Zone B (Site visits, local knowledge and groundtruthing of flood indicators, including aerial photography and PFRA 1000). Ms. Kavanagh also recommended the inclusion of the associated consequential changes to the Legend within the Flood Risk Management Maps 3A/3B in the Draft Plan.

In reply to Cllr. G. Finnerty as to when the CRFRAM maps would be available, Mr. L. Gavin advised that these maps are being prepared by the OPW for the Shannon and the West regions and the Draft Flood Maps are due to be available in February/March 2014 and he is of the opinion that these maps will be based on a 1 in 100 year flood risk. Cllr. G. Finnerty expressed his concern that it is difficult to make decisions with regard to the Local Area Plans in the absence of these maps.

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

Submission No 9 – Department of Agriculture, Food & Marine

Ms. Kavanagh noted the Departments comments and advised that provision is made in Policy UI 1, Objectives DS 5, UI 1, UI 2 and UI 4 in relation to capacity of the Gort sewerage treatment plant. She said that the EIS associated with individual projects is not under review in this process. Ms. Kavanagh recommended no change to the Draft Plan on foot of this Submission.

In reply to queries raised by Cllrs. Willers, Feeney and Comh. O'Curraoin, Mr. Kelly said that while there is nothing in the Plan referring to the proposed fish farm in Galway Bay, the Manager's Report was required to comment on the Submission made by the Department of Agriculture, Food & Marine.

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. Provision of Residential Phase 2 Lands:

Ms. Kavanagh referred to the EPA's comments with regard to the excessive provision of Residential Phase 2 lands (72 ha) and she advised that in order to align with the Core Strategy of the County Development Plan, phasing has been applied to residential lands within the Gort LAP, similar to the approach taken in other recently adopted LAPs within the county. She advised that Objective RD1 of the Draft Local Area Plan clearly sets out the phased approach with the area of Residential Phase 1 land reflecting the quantum of land allocated to Gort in the Core Strategy (23.65ha). She said these are the residential lands

targeted for development within the lifetime of this LAP and Residential Phase 2 lands are reserved for longer term growth needs and there is a general presumption against residential development in lands zoned Residential (Phase 2) within the lifetime of this Plan. In addition, she advised that Objectives DS5, UI 2, UI 3 and UI 4 ensure that no development can take place unless it is adequately serviced and said that all draft land use zonings including Residential have been assessed in the context of SEA/AA of the Draft Plan and mitigating objectives have been included within the Draft Plan as appropriate including DS3 and NH1. She recommended no change to the Draft Plan.

2. Water Services Objectives:

In respect of Water Services Objectives, Ms. Kavanagh said the EPA's comments were noted and said that her previous response also applied in relation to development not proceeding in the absence of adequate services. She recommended no change required.

Cllr. G. Finnerty advised the Meeting that the Waste Water Treatment Plant in Gort had been upgraded and there was a good supply of quality water in Gort. He said, however, that in order for proper development to take place in the town, a proper Regional Water Scheme is required for Gort.

3. Flood Risk Management

Ms. Kavanagh said that this Submission notes that critical infrastructure within the Plan are adequately protected from risk of flooding but it suggests that the wording of U12 Flood Risk Management be amended in relation to the *Western Catchment Flood Risk Assessment and Management Study* (CFRAMs) and the term 'coastal/tidal' to be removed from Objective UI 8 as it is not relevant to the Plan area. In response, Ms. Kavanagh said that Objective UI 5 in the Draft LAP makes specific reference to supporting and facilitating the protection of the town's existing wastewater treatment plant which is located within Flood Zone A.

Ms. Kavanagh recommended the amendment of Policy UI 2 Flood Risk Management to delete the text 'take account of' and to include the text "implement the relevant aspects of" and to insert new text to read "the output of which will be a Flood Risk Management Plan for the catchment".

Ms. Kavanagh also recommended the inclusion of additional text to Objective UL 8 – Flood Risk Management and Assessment (Refer to Maps 3A/3B) part d) to include reference to protecting critical infrastructure in general and the removal of the words 'coastal/tidal' from Objective UL 8 – Flood Risk Management and Assessment (Refer to Maps 3A/3B) part a).

4. Natural Heritage and Biodiversity related Policies

Ms. Kavanagh noted the EPA's comments in relation to Natural Heritage and Biodiversity related Policies and said that neither of the Natura sites referred to are located within the Local Area Plan area, and said that the issue is more relevant to the County Development Plan and shall be undertaken in consultation with the National Parks & Wildlife Service. She recommended no change required.

5. Environmental Report

Ms. Kavanagh noted the comments with regard to the Environmental Report and advised that the Report shall be updated as appropriate to reflect the EPA's comments and a new comment column in Table 1 within Appendix C will be included. She said that the Environmental Report includes provision for monitoring on the implementation of the Plan and no change is required.

Ms. Kavanagh recommended the insertion of a new bullet point within Policy NH1 of the Draft Plan to include reference to the updated EPA Report 2012.

6. Other Issues

Ms. Kavanagh said that a number of other issues were raised which included referring to proposed amendments to the Plan being screened for likely significant effects in accordance with the criteria as set out in Schedule 2A of the SEA Regulations and being subject to the same method of assessment applied in the "environmental assessment" of the Draft Plan and the information required in the SEA Statement. She recommended no change to the Draft Plan in respect of these other issues.

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

Submission No.4 – Grealish Glynn Associates on behalf of Sean Ruane Lands at Rindifin, Gort.

Ms. Kavanagh advised that this Submission requested that the zoning of lands located at Rindifin, Gort and hatched in red on the map included in the submission are rezoned as R- Residential (Phase 1) and the current zoning under the Draft Plan is R- Residential (Phase 2). She said that the submission also stated that the land has benefit of access to the public road, public footpath, public lighting and sewer mains and is also within easy walking distance of the town centre, schools, playground and other amenities.

In response, Ms. Kavanagh said that the Draft Plan provides for the maximum required area of Residential zoned land identified for development within the lifetime of the Plan under the Core Strategy and there is no further requirement for additional Residential (Phase 1) lands at this time.

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

Cllr. G. Finnerty advised the Meeting that this was a prime site in Gort but he was aware of the Core Strategy requirements and subject to reservations, he was accepting the recommendation in the Manager's Report. Cllr. Willers concurred with this and accepted the recommendation in the Manager's Report with reservations also.

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

Submission No. 5 – Mark Brindley, on behalf of Lidl (Ireland) GmbH

Ms. Kavanagh advised that this Submission sought the amendment of the ACA boundary as it affects their lands and an existing building to the Crowe Street frontage which is located within the Gort Architectural Conservation Area (ACA). She said that, following consultation with the Architectural Conservation Officer, the response is that Gort historic town centre has the appearance of a planned, well laid out town of the late 18th century and the principal routes through the town, however, may predate the majority of buildings. She advised that Crowe Street forms the approach to the more formal square at the core of the town centre, and as such forms a transition from the more recent developments on the approach roads to Gort and the historic core. She advised that it is considered that the importance of this approach from the north is such that it should be maintained as part of the ACA which protects the character of the historic town core of Gort. Ms. Kavanagh recommended that no alteration is made to the existing boundary of the ACA.

Ms. Kavanagh advised that the Submission also considered that the Draft Plan objectives concerning ACA's are overly prejudicial in terms of restricting or prohibiting demolition of structures of limited importance and stated that Objective BH 5 is a repetition of BH 4(d), which is more appropriately qualified by the use of the words "that contribute to the special character of the area". In reply, Ms. Kavanagh said, following consultation with the Architectural Conservation Officer, that the use of the words "save in exceptional circumstances" is sufficiently flexible to allow for the consideration of the demolition of buildings of little or no local or special significance, when this would contribute to the overall benefit of the development of the historic town centre. She said that it is noted that a planning application has been recently submitted on this site and it is acknowledged that the objectives of a Local Area Plan are formulated to address issues on a wider scale than individual plots and in this regard, she said that it was strongly recommended that objectives should not be formulated to facilitate individual planning applications. Ms. Kavanagh recommended that Objectives BH 4 and BH 5 of the Draft LAP are retained unaltered.

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

In reply to Cllr. Willers, Mr. Kelly explained to the Meeting that the subject site has a building at the front of the site which is included in the Gort ACA and the Submission states that it is too restrictive and that the building cannot be demolished because of being part of this ACA. The Planning Authorities response is that this is not the case and a proposal can be considered on its merit and if no value is put on the building, it can be considered for demolition but that its removal from the ACA is not warranted to achieve same. He said that following consultation with the Architectural Conservation Officer, it is recommended that the issue would be dealt with more appropriately at development project stage and as part of the normal planning process.

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

Submission No. 6 –Gerry, Eilisha, Gearóid and Fergal Lydon

Ms. Kavanagh said that this Submission seeks the rezoning of lands off George Street from Open Space, Recreation & Amenity and Town Centre/Commercial to Town Centre zoning across the entirety of the subject lands and said that the Submission sets out the

justification for the rezoning proposal referring to the Core Strategy, the existing live permission on the site – PP No. 11/239 to 13th April 2016 for a significant mixed residential and commercial development.

Ms. Kavanagh advised that the Submission stated that lands were zoned for town centre (mixed development) uses in the Gort LAP 2006-2012 and this takes account of the subject lands prominent and accessible town centre location. Ms. Kavanagh further advised from the Submission that a site-specific flood risk assessment previously carried out for these lands as part of the planning applications has already demonstrated the flood risk to any development on the subject lands can be adequately managed and that the use or development of the lands will not cause unacceptable adverse impacts elsewhere. She said that the Submission also sets out their Justification Test for the proposed Town Centre/Commercial (C1).

In response, Ms. Kavanagh said that this Submission including the Site Specific Flood Risk Assessment has been reviewed by the Consultants who carried out the Stage 2 SFRA for Gort. She advised that the Consultants note that with regard to Section 4.3 of Submission No 6, a Flood Risk Assessment (FRA) is referred to which was submitted with a planning application which detailed a specific development alongside the river. She said that Planning Permission was granted for the proposed development and the findings of the FRA with regard to the specific development appear to have been accepted by the planning process. She advised, however, that the site specific assessment referred to was undertaken in 2006 and therefore predates the *Flood Risk Management Guidelines 2009*.

Ms. Kavanagh said that the site specific food risk assessment does not appear to include mapping of the area affected by this flood level and the assessment does not appear to consider a 1000 year design flood level. Ms. Kavanagh said that the Consultants recommendation is that the assessment referred to in this Submission does not appear to provide evidence and mapping of the Flood Zones that would allow the zones (Flood Zones A/B/C) in the Stage 2 SFRA to be updated in accordance with the *Flood Risk Management Guidelines* and therefore no change should be made to the Stage 2 SFRA.

Ms. Kavanagh clarified that with regard to emerging information, Flood Hazard Mapping is expected to be made available in the latter half of 2013 and Flood Risk Management Plans in 2015 which will inform any future iterations of the LAP and where possible, any decisions in the interim.

Ms. Kavanagh said that Land Use zoning within the Gort LAP boundary has been informed by the Stage 2 SFRA which has been undertaken in compliance with the Flood Risk Guidelines 2009 and which was prepared for the review of the LAP and this Stage 2 SFRA established three flood zones in compliance with the Guidelines. She said that the flood risk zones delineated by the Stage 2 SFRA have been integrated into the land use zoning for the Draft LAP and including the draft zoning objectives in relation to the subject lands.

Ms. Kavanagh advised that the Draft Plan has proposed
a) Town Centre/Commercial (C1) zoning for that portion of the undeveloped submission land that is identified within Flood Zone C and

b) Open Space, Recreation and Amenity (OS) zoning for that portion of undeveloped submission land that is identified within Flood Zone A of the Stage 2 SFRA.

Ms. Kavanagh advised that Objective UI 12 – Boundaries of Flood Zones - has been inserted into the Draft Plan in order to address situations where lands transected by the outer boundary of Indicative Flood Zone A or B do not reflect local topographical and/or flood path conditions and this proposed objective allows the Planning Authority to consider the extension of an adjacent land use zone into the Indicative Flood Zone area, where the extended area inside the Indicative Flood Zone does not exceed 50% of the site outside of the indicative flood zone or 1acre/.404Ha, whichever is the lesser. She said that the proposal will also be subject to the submission of a Site Specific Flood Risk Assessment and Justification Test as appropriate and the developer satisfying the Planning Authority and him/herself that the probability of flooding is appropriate to the development being proposed and will not increase flood risk elsewhere.

Ms. Kavanagh advised that the SEA Screening on the Draft Submissions received advice from SEA Consultants who state that the portion of land identified within Flood Zone A should remain Open Space, Recreation and Amenity (OS) and they note that there has been sufficient lands proposed to be zoned as Town Centre/Commercial in the Plan area and there are also existing lands not within Flood Zone A which could be zoned as Town Centre/Commercial adjacent to existing Town Centre/Commercial lands.

Ms. Kavanagh advised that a Site Justification Test was also undertaken by the SEA consultants for Submission No 6 which proposes the rezoning of the Open Space lands in their site to Town Centre/Commercial (C1), the conclusion of which states that the portion of the subject land that is located within Indicative Flood Risk Zone A does not pass the Justification Test as outlined in the *Flood Risk Management Guidelines for Planning Authorities 2009*. She said that Criteria No's 2i), 2ii), 2iv) 2v) and Criteria No 3 fail the Site Justification Test and in order to pass the Justification Test all criteria must pass.

In this regard and in relation to its function of zoning of lands in accordance with the *Flood Risk Guidelines*, Ms. Kavanagh said that the Planning Authority is not satisfied that the Site Justification Test (in relation to the portion of the submission land within Indicative Flood Zone A) has passed all criteria and that flood risk to the proposed development can be adequately managed and the use or development of the lands will not cause unacceptable adverse impacts elsewhere. She advised that the Planning Authority having considered all available data conclude that this portion of the Submission land should not be rezoned from Open Space Recreation and Amenity (OS) zoning to Town Centre/Commercial zoning as this portion of the Submission land has failed the Justification Test, nor is there a need to undertake a new or update the original Site Specific Flood Risk Assessment for these lands.

Ms. Kavanagh said that it should be noted that to rezone as proposed by Draft Submission No 6 would not be in compliance with the provisions of The Planning System and *Flood Risk Management – Guidelines for Planning Authorities* (Department of the Environment, Heritage and Local Government and Office of Public Works, 2009) or the recommendations of the Stage 2 Strategic Flood Risk Assessment (SFRA) which has been undertaken alongside the preparation of the Draft Gort LAP and the Department of the Environment has indicated

clearly that they require Planning Authorities to adhere to the *Flood Risk Management Guidelines* and will monitor the decisions of Local Authorities in this regard.

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

Cllr. G. Finnerty advised the Meeting that this was an important site which is bounded by a high stone wall. He said that the landowners can build up until 13th April 2016 on their current planning permission but they now wish to scale back the development on the site. He proposed that these lands remain as zoned in the current Gort Plan as Town Centre and the proposal to be put on public display to give the landowner time to submit a detailed site specific flood risk assessment on the site. He said that any development on this site would also assist health and safety by securing the access to the railway line and also assist in developing a lot of back-land in the town.

Cllr. Feeney supported the proposal if it would provide an opportunity for the landowner to submit a more up-to-date detailed site specific flood risk assessment and where the information from the site specific assessment may amend the boundary line without impacting on the river.

In reply to Cllr. Willers, Mr. Kelly explained that a vast majority of the site has some degree of development and advised that if the Members agree that the subject lands retain the zoning of Town Centre than this would be a Material Alteration to the Plan and it would go out on public display for a four week period and the landowner would need to submit a detailed site specific flood risk assessment during this period. He said that if there was no change to the flood risk area, on consideration of the site specific flood risk assessment, then he would be strongly suggesting to the Members that any flood risk area be zoned Open Space, Recreation and Amenity regardless of the permission on the lands at present.

On the proposal of Cllr. G. Finnerty and seconded by Cllr. Maher, it was agreed to zone these lands the subject of Submission numbered 6, as Town Centre/ Commercial.

Submission No. 8a – Grealish Glynn Associates on behalf of Margaret Linanne

Ms. Kavanagh advised that this Submission requests the zoning of lands at Glenbrack, Gort to Industrial uses and a map of the lands was included in the Submission.

In response, Ms. Kavanagh said that the subject lands are located outside of the Local Area Plan and in terms of the provision of additional industrial lands, the Draft Plan currently provides for 27.36ha of undeveloped Industrial lands and 35ha of developed industrial lands. In consideration of this and taking account of the population allocation anticipated for Gort over the lifetime of this Local Area Plan, Ms. Kavanagh said there is no further requirement for additional industrial lands at this time.

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

Cllr. Fahy proposed that these lands be zoned Industrial as per the Submission request. Cllr. G. Finnerty advised the Meeting that there is a clear view from this site and while there is no access from this site onto the Motorway there is access onto the Roundabout.

Cllr. Feeney expressed his concern with regard to the flood risk on this site due to Groundwater (PFRA) and referred also to the Departments Circular PL 7/13 which was circulated to the Members with regard to compliance with Departmental Guidelines and other Bodies and said that by zoning these subject lands, it was giving the landowners false hope and additional costs when it was likely that a Ministerial Direction could issue with regard to the zoning of these lands.

Mr. Kelly advised that these subject lands were not zoned in the current Gort LAP and they are outside the LAP boundary on the far side of the Motorway. He advised that there is a flood risk associated with the site due to Goundwater. In addition he said that there is sufficient land zoned Industrial within Gort Town in the Draft LAP and the NRA noted this in their Submission. Mr. Kelly advised that this is not a marginal case and there is the high likelihood of DOE intervention if the land is zoned due to its contravention of NRA policy, its location beside the Motorway and also due to the flood risk and he said that it is likely that the eventual outcome at the end of the LAP process is that these subject lands would not be zoned. Mr. Kelly said his advice to the Members would be to think carefully about a proposal to zone this land.

In reply to Cllr. Cuddy, Mr. Kelly said that the NRA and also the DOE, EPA and OPW could make a submission on the Material Alteration if it went on public display and it is highly likely that all would be against this zoning based on the facts of the site.

Cllr. E. Mannion expressed her concern with regard to the zoning and Cllr. T. Walsh concurred with these concerns and said that it would only give the landowners false hope.

Cllr. Fahy advised the meeting that Gort was let down by the NRA as the link road was developed at the southern end of the town and none of the local businesses can benefit from this and it has led to unemployment in the town and surrounding area.

On the proposal of Cllr. Fahy and seconded by Cllr. G. Finnerty, it was proposed to not to accept the recommendations in the Manager's Report and to zone the lands the subject of Submission 8a as Industrial.

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

AR SON: Comh. Ó'Curraoin, Cllrs. Fahy, G. Finnerty, Hynes, S. Walsh.

[5]

AGHAIDH: Cllrs. Canney, Carroll, D. Connolly, Comh. Ó'Cuaig, Cllrs. Cuddy, Feeney, Hoade, E. Mannion, McDonagh, McHugh, T. Walsh, Welby, Willers.

[13]

GAN VOTÁIL: Cllrs. Maher, Noone **[2]**

AS LÁTHAIR: **[10]**

The Mayor declared the proposal not carried.

Submission No. 8b – Grealish Glynn Associates on behalf of Margaret Linanne

Ms. Kavanagh advised that this Submission requests the zoning of lands at Crow Street approximately 1.214 ha to Residential Phase 1 lands and the lands are currently zoned Residential Existing and a map of the lands was included in the Submission.

In response, Ms. Kavanagh said that the Draft Plan provides for the maximum required area of Residential Phase 1 land identified for development within the lifetime of the Plan under the Core Strategy and said in this regard, there is no further requirement for additional Residential Phase 1 lands at this time. She advised, however, that the subject lands are currently zoned Residential-Existing and the land use zoning objective for such as zoning is does not preclude the redevelopment of the subject lands in accordance with normal planning practice, proper planning and sustainable development, therefore no change to the zoning in the Draft Plan is recommended.

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

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

On the proposal of Cllr. Maher and seconded by Cllr. Finnerty, it was agreed to accept the recommendations in the Manager's Report, as amended by the Members and it was agreed to put the Gort Draft Local Area Plan on display with the agreed amendments and Material Alterations.

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 1445

Cllr. S. Walsh left the meeting for the duration of the consideration of this item in the context of a potential beneficial interest arising due to his role as Director of Esperanza Enterprises.

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

Esperanza Enterprises – Local Government supporting Volunteerism – 8th – 9th March – Manor West Hotel, Tralee, Co. Kerry – Fee: €150

Cllr. Peter Roche

TGR Seminars – Local Property Tax: Logistics, Implications & Consequences for Irish Consumers – 19th – 21st April – Mullingar Park Hotel, Mullingar, Co. Westmeath – Fee: €145

Cllr. Peter Roche

Dundalk Chamber – Eures Cross Border Partnership Tourism Conference 2013 – Sustainable Tourism – Practical Ideas for your business – 24th April – Ballymascanlon House Hotel, Dundalk, Co. Louth – Fee: Free

Cllr.'s Dermot Connolly, Jimmy McClearn, Tiarnan Walsh

Co-operation Ireland – Planning Reform on the Island of Ireland: from Policy to Practice – 2nd May – Canal Court Hotel, Newry, Co. Down – Fee: Free

Cllr. Dermot Connolly

Solution Marketing – Local Tourism & the Councillor – 10th – 11th May – Talbot Hotel, Wexford – Fee: €120

Cllr. Jimmy McClearn

Ace Training – HSE Tobacco Control Policy – 10th – 12th May – Four Seasons Hotel, Carlingford, Co. Louth – Fee: €100

Cllr.'s Kevin Ryan, Michael Maher, Shaun Cunniffe

Celtic Conferences – West Cork Tourism Seminar – 24th – 26th May – Celtic Ross Hotel, Rosscarbery, Co. Cork – Fee: €100

Comh. Tomás Ó Curráoin

Ace Training – European Legislation & Local Authorities – 7th – 9th June – Four Seasons Hotel, Carlingford, Co. Louth – Fee: €100

Cllr. Michael Maher

TO NOTE THE SUMMARY OF PROCEEDINGS OF CONFERENCES ATTENDED IN ACCORDANCE WITH SECTION 142(5)(F) OF THE LOCAL GOVERNMENT ACT 2001 **1446**

Cllr. S. Walsh left the meeting for the duration of the consideration of this item in the context of a potential beneficial interest arising due to his role as Director of Esperanza Enterprises.

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

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

Cllr. Michael Fahy

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

Cllr.'s Mary Hoade, Tomás Mannion

Carlow Tourism – 11th National Conference – The Gathering – Diaspora Tourism Matters – 18th – 20th April – Lord Bagenal Hotel, Leighlinbridge, Co. Carlow

Cllr. Tomás Mannion,

Esperanza Enterprises – Water Services Bill 2013 – 19th – 20th April – Westport Plaza Hotel, Westport, Co. Mayo

Cllr. Jarlath McDonagh

Dundalk Chamber – Eures Cross Border Partnership Tourism Conference 2013 – Sustainable Tourism – Practical Ideas for your business – 24th April – Ballymascanlon House Hotel, Dundalk, Co. Louth

Cllr. Tiarnan Walsh

Esperanza Enterprises – Strengthening the Building Control System – 26th – 27th April – Westport Plaza Hotel, Westport, Co. Mayo

Cllr. Jarlath McDonagh

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

Cllr.'s Michael Fahy, Pat Hynes

Co-operation Ireland – Planning Reform on the Island of Ireland: from Policy to Practice – 2nd May – Canal Court Hotel, Newry, Co. Down

Cllr. Dermot Connolly

TO CONSIDER AND IF DEEMED APPROPRIATE ADOPT THE REGIONAL HOMELESS ACTION PLAN

1447

Report dated the 20th May had already been circulated to each Member;

Mr. Cummins outlined the contents of the report referring in particular to the aims and objectives in regard to the homeless.

In reply to questions from the Elected Members, Mr. Cummins clarified that the Regional Homeless Action Plan provided a framework plan outlining the national and local context for addressing homelessness and provides a mechanism for implementing the National Homelessness Strategy. He advised that the framework was intended to provide strategic direction for the actions to be delivered over the next three years, which will be contained in an implementation blueprint to be finalised by August 2013.

A length discussed ensued with issues relating to the services and supports available to the homeless and the costs associated with same, together with the role of Galway County Council, neighbouring authorities and state agencies in adequately responding to homelessness being raised by the Elected Members.

Mr. Cummins addressed the queries raised indicating that as a Housing Authority the Council has an obligation in regard to homelessness with a role for other agencies in providing ancillary support services and after care. He acknowledged that the existing model, with a cost of €100 million nationally, was not working and that a new approach involving the provision a long term solution to housing need was required. This required the provision of housing but that in the context of no increase in direct housing stock he advised that it would be necessary to provide the long term solution through the RAS, working with the private sector and also the voluntary housing sector.

In response to questions from the Elected Members, Mr. Cummins outlined the process followed in the event that a person presents as homeless to the Housing Unit, he highlighted that the first priority remained the provision of a bed for the night and thereafter meeting their short-term housing need through a co-ordinated response by the various relevant agencies, depending on the particular needs of the individual applicant.

The Elected Members highlighted the need for clarity in relation to the roles and responsibility of the main agencies, the connection between the abuse of alcohol and drugs and homelessness, the need for a clear distinction in service provision to address alcohol and drug abuse and those to address homelessness, the importance of interagency cooperation and the need for a coordinated response to homelessness.

Mr. Cummins welcomed the level of engagement by the Elected Members and stated that the implementation plan was being progressed and would be brought before Council in due course.

It was proposed by Cllr. M. Fahy, seconded by Cllr. Maher and agreed to adopt the Regional Homeless Plan as presented.

ANNUAL FINANCIAL STATEMENT 2012

1448

Report dated 20th May, 2013 was already circulated to each Member.

Mr. Mullarkey addressed the Members and gave an overview of the Annual Financial Statement (AFS) for the year ended 31st December, 2012. He said he wished to draw attention to Pages 3 and 4 in particular, commenting that 2012 had been a difficult financial year for the Council, not helped by the reduction in the local government fund, providing an outturn for 2012 of a deficit of €493,979 and a cumulative deficit on the General Reserve of €1,896,307 at 31st December, 2012.

Mr. Mullarkey addressed a range of queries raised by the Elected Members relating to liability for the LPT, potential for increases in housing rents due to liability associated with LPT for Council housing stock, liability for NPPR and the impact of the loss of revenue from same to the local authority, the lack of awareness of those living abroad of their potential liability under NPPR and the extent of the arrears now be to discharged, the basis for the reduction in bank investments during 2012, the collection rate for commercial water and rates and the potential for a reduction in development contributions due to transfer of responsibility for capital investment in water and wastewater infrastructure to Irish Water.

The liability for LPT on council housing stock was discussed and various views were expressed in relation to determining liability based on ability to pay and the need to

introduce means testing to determine liability instead of a blank exemption for those living in local authority housing.

Cllr. McDonagh advised that IPB had determined the dividend payment and he was pleased to confirmed that a dividend of €160,000 would be payable to Galway County Council.

Mr. Cullen in reply to Cllr. Ryan clarified tht the bond in relation to the Landfill in Kilconnell was not held by Galway County Council but by the EPA and accordingly the issue was a matter for the EPA.

On the proposal of Cllr. Maher, seconded by Cllr. Hoade, the Members agreed to adopt the Annual Financial Statement for the year ended 31st December, 2012

On the proposal of Cllr. Feeney, seconded by Cllr. Willers, the Members agreed to approve the transfers to reserves as detailed in Note 15 of the Accounts.

In reply to Cllr. D. Connolly, Mr. Mullarkey confirmed that the transfers did not relate to specific projects but were contingency sums citing as an example provision for the capital replacement of equipment for water services.

On the proposal of Cllr. McHugh, seconded by Cllr McDonagh, the Members agreed to approve the over/under expenditure by division as noted in Note 17 of the Accounts

TO CONSIDER FINANCIAL REPORT OF THE COUNCIL FOR THE PERIOD ENDING 31ST MARCH 2013 **1449**

Report dated 20th May, 2013 was already circulated to each Member.

Mr. Mullarkey in reply to An Comh. O'Cuaig confirmed that discussions were ongoing in relation to the recoupment of expenditure incurred in the development of Cill Ronain and Caladh Mor Harbours.

Mr. Gilmore in reply to Cllr. Cuddy indicated that the delivery of the Roads Programme and in particular the completion of the surface dressing programme was heavily influenced by weather conditions and that the full programme would be delivered and the full allocation and drawdown.

The Financial Report of the Council to the 31st March, 2013 was noted by the Members.

TO RECEIVE AN UPDATE ON HOUSING SERVICES INCLUDING GRANT SCHEMES AND IMPLICATIONS OF CURRENT FINANCIAL POSITION **1450**

Report dated the 22nd March, 2013 was already circulated to the Elected Members.

Mr. Cummins outlined the contents of the report advising that in the context of reduced allocations and the level of demand for financial support and assistance a more targeted approach was necessary. In relation to housing maintenance he stated that it was necessary to reduce the cost base and apply strict enforcement of the tenants maintenance responsibilities as detailed in the tenancy agreement. He also referred to the cost involved in the Control of Horses. He concluded by advising that it would be necessary to provide services on a priority basis and that he would continue to keep the Elected Members

informed on the management of applications and the implementation of a priority based system.

The members complimented the good work being done by the Housing Unit and raised a number of issues relating to the need to address voids, review the maximum rents payable under the differential rent scheme, the delay in allocating vacant properties and the issues associated with same including vandalism and anti-social behavior, the length of time afforded to housing applicants to consider an offer, the costs associated with the control of horses, consideration of the demolition of a number of vacant properties, as a more cost beneficial approach than carrying out maintenance and repairs given the extent of the works required and the difficulties associated with the allocation of certain properties, the need for increased expenditure to reduce the turnaround on voids in the context of the cost associated with rent supplement to meet housing need through the private rented sector.

A diverse range of views were expressed in relation to the impact of the current broader economic and financial position on society and in particular the impact of the reduced level of resources available for services provided by the local authority.

SUSPENSION OF STANDING ORDERS

1451

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

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

1452

A Report dated May, 2013 was already circulated to Members.

Cllr. G. Finnerty referred to the copy of correspondence dated the 8th May, 2013 from the Department of Social Protection, as circulated to each Member, in relation to financial assistance for relocation and was critical of the delays in finalizing the payment of financial assistance. He acknowledged the assistance provided by Mr. Kelly and Ms. Valerie Loughnane in relation to an application for assistance.

Cllr. Willers outlined her frustration at the delays in advancing the Dunkellin Scheme and expressed concern that the process consisted of an exercise of going through the motions with no evidence of progress being made.

Mr. Gilmore stated that progress was being made in advancing the proposal and that discussions were ongoing to improve the cost benefit of the scheme, he indicated that a revised hydraulic analysis of the catchment indicated an improved cost benefit and that they were continuing to work hard to get a workable scheme. He acknowledged the patience of the Elected Members, while outlining that a significant amount of background work was necessary but that all necessary data was now available and he was confident that a workable scheme that met the necessary cost benefit requirements could be developed.

Mr. Gavin addressed a number of queries in relation to the progress of applications and schemes at Bride Street and Moanmore East, Loughrea, River Clare & Cregg, Thoor Ballylee, Renville and Peterswell.

Mr. Gilmore confirmed that a reply was awaited from the River Suck Joint Drainage Committee in relation to works to be undertaken on the River Suck.

It was proposed by Cllr. D. Connolly, seconded by An Comh O'Cuaig and agreed "that Galway County Council ask Minister Phil Hogan, T.D. to look at exemption from property tax for people who had their homes flooded in previous flood events and homes now have an extremely low value"

A vote was taken and the result was as follows;

AR SON: *Cllrs D. Connolly, M. Connolly, Comh O Cuaig, Cllr Cuddy, Comh. Ó'Curraoin, Cllrs. Fahy, Feeney, G. Finnerty, Hoade, Hynes, Comh. Ó Laoi, Cllr. Noone, Roche, Ryan, Comh Ó Tuairisg, Cllr. S. Walsh, Welby, Willers [18].*

AGHAIDH: *Cllrs. Carroll, Maher, McDonagh, McHugh, T. Walsh [5].*

GAN VOTÁIL: *Cllr. Canney [1]*

AS LÁTHAIR: *[6]*

The Mayor declared the Motion carried.

COMMUNITY INVOLVEMENT SCHEME (CIRCULAR RW 7/2013)

1453

Correspondence received from the Department of Transport Tourism and Sport dated 20th May, 2013 was already circulated to Members.

The Members expressed their disappointment with the total amount of €169,588 allocated for schemes in County Galway, referring to the huge benefits that Communities gain from this scheme at a very low cost.

Replying to some queries raised, Mr. Molloy advised that approximately 60 applications were received by the Council, of which 50 were recommended for approval, all 50 of these schemes were submitted to the Department. He stated that in previous years the funding for the CIS was provided from the Improvement & Discretionary Roads Grant allocation but that in the current year a specific grant allocation was being made available.

It was proposed by Cllr. M. Connolly, seconded by Cllr. McHugh and agreed that Galway County Council write to the Minister of Transport, Tourism and Sport "proposing that the list of schemes submitted by Galway County Council be all included in the List of Regional and Local road Projects to be funded, and all included in the 2013 Community Involvement Scheme Grant. Galway County Council are requesting that funding is provided to carry all the works recommended by the Roads Section of Galway County Council".

TO RECEIVE A PRESENTATION ON UNESCO'S CREATIVE CITIES NETWORK.

1454

A Report on this was already circulated to each Member.

Ms. Gaughan gave a very informative presentation on the UNESCO's Creative Cities Network: City of Galway, highlighting the Cultural Work Programme of Galway County Council and the background to the network.

She outlined a proposal for Galway to connect to the UNESCO Creative Cities Network by joining the global creative cities network as City of Film taking in the geographical area of the county. She detailed the support services available in Galway City & County to support the film industry, the economic and benefit of the sector in terms of employment and promotion of the County, citing as an example the impact of the filming of The Guard in Galway and concluded her presentation by outlining the overall vision and benefit of the City of Film designation.

The Members complimented Ms. Gaughan on her presentation and for her work in the promotion of the Arts.

Cllr. Carroll said that the Council should be working more closely with Galway City Council, and referred to the communication received from Gary McMahon of Galway City Council (which had been circulated), and contained a motion which had been passed by Galway City Council on the proposal of Cllr. Hildergarde Naughton, seconded by Cllr. Pdraig Conneely and agreed, and asked that Galway Council pass a similar motion as follows:-

It was proposed by Cllr. Carroll, seconded by Cllr. Roche and agreed "that Galway County Council joint with Galway City Council in putting together a joint delegation to approach the Public Interest Directors of Allied Irish Banks to explore the possibility of the Lynchs Castle building on Shop Street, Galway, being given back to the people of Galway for the purpose of relating a Regional Municipal Arts Centre."

The Members expressed their support for the submission of a bid involving joint partners and other relevant stakeholders.

Ms. Gaughan welcomed the support offered by the Elected Members and concluded by indicating that the submission of a formal bid would involve the consideration of the allocation of funding in the context of the budgetary process for 2014.

TO RECEIVE AN UPDATE ON AMENDED LEGAL REQUIREMENTS ON POLITICAL DONATIONS

1455

Report dated the 21st May, 2013 was already circulated to each Member.

It was agreed to note the content of the Report as previously circulated.

The MANAGER'S BUSINESS & CORRESPONDENCE

1456

The Manager updated the Members on the position on the Galway City Outer Bypass indicating that that the restrictions on expenditure on the scheme had been lifted and that ARUPS were appointed to consider environmental constraints and that the procurement process for the appointment of consultants to advance the scheme was being advanced with a timeline of September 2013 for the appointment. She confirmed that a dedicated sub office of the NRDO had been established to advance the scheme.

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

- Correspondence dated the 22nd April, 2013 from North Tipperary County Council regarding rates, particularly in relation to rural public houses.
- Correspondence dated 25th April, 2013, from Joan Burton, T.D., Minister for Social Protection stating that Galway County Council's resolution in relation to the Free Travel scheme is receiving attention.
- Correspondence dated the 3rd May, 2013 from Monaghan Town Council in relation to resolutions adopted as follows: (a) That Monaghan Town Council call on the relevant Departments and agencies to consider how best to regulate the quantity, quality and labelling of packaging materials used on smaller items for sale in Ireland with a view to reducing the amount of packaging used, and (b) that Monaghan Town Council write to the Minister for Justice, Alan Shatter, calling for a maximum 10 year sentence and a minimum of 5 years for any person involved in a fatal motor accident who leaves the scene.

- Correspondence dated 7th May, 2013 from Down District Council regarding a Motion passed that Down District Council ask their Government to allow citizens of the Irish Republic who perceive themselves to be British to be entitled to obtain a British passport.
- Correspondence dated 16th May 2013 from Nenagh Town Council regarding a motion adopted that Nenagh Town Council ask that any State board positions that come up and are advertised through PublicJobs.ie are assessed by an independent panel and the relevant Minister should be bound by the recommendations of the panel.
- Correspondence from Limerick County Council dated the 15th May, 2013 regarding a resolution passed that the Minister for Finance and the Government would be called upon to reimburse the Irish Credit Unions who lost their investments in the purchase of Investment Bonds from Anglo Irish Bank as a result of the recent liquidation of IRBC.
- Correspondence from Offaly County Council dated the 25th May, 2013 regarding a resolution passed that Offaly County Council write to the Minister for Justice and Equality and to the Garda Commissioner Martin Callinan requesting that Garda recruitment be resumed as soon as possible.
- Correspondence from the Department of Social Protection dated the 8th May, 2013 in reply to Galway County Council's resolution in relation to Humanitarian Aid for Flood Victims.

MAYOR'S BUSINESS

1457

The Mayor referred to the Lough Derg on the Shannon Realising our Potential conference to be held on Tuesday, 28th May 2013 in the Lakeside Hotel, Ballina, Co. Tipperary, details of which were circulated at the meeting, and encouraged the Elected Members to attend.

Cllr. Cuddy referred to burning that takes place after 5 p.m. and at weekends on the Headford Road and indicated that the response received to his NOM on the matter detailing a proposal to provide CCTV was not sufficient to address the issue and that it was necessary to have staff available to respond to such incidents.

In reply Mr. Cullen advised that covert CCTV had proven most effective in other locations and was a suitable response to address the issue. He outlined that it was necessary for Community Wardens to witness the starting of the fire and it was not sufficient for them merely to observe the unauthorized burning in order to take action.

In reply to concerns expressed by Cllr. Cuddy in relation to the washing of horses in the sea at Clarenbridge, Mr. Cullen advised that he was not aware of a prohibition on same other than in designated bathing areas.

In reply to comments from Cllr. Cuddy & Cllr. McDonagh in relation to the provision of traffic calming measures at Knockdoe by the NRA, Mr. Gilmore indicated that, in accordance with the standard process for such schemes, a post construction safety audit of the scheme would be undertaken by the NRA and issues identified, if any, would be addressed.

In reply to queries raised by a number of Elected Members in relation to the timeframe for the Speed Limit Review, Mr. Gilmore advised that same was being advanced and that he would revert to the Elected Members with an update.

An Comh. O'Tuairisg referred to the matter of fluoridation and asked that arrangements be made for a presentation to Council on the matter outlining the various positions on the matter.

Mr. Cullen advised that further to previous discussion on the matter at a Council Meeting, it was referred for consideration by the Environment SPC and that the minutes of the relevant SPC meeting would be brought before Council in due course. He concluded by advising that the role of the local authority was to implement the relevant requirements as determined at national level.

Cllr. Connolly stated that he had raised the matter also at previous Council meetings and that he continues to have concerns about the possible health effects of fluoridation of public water supplies.

The Mayor thanked the Elected Members, Council Staff and Media for attending the meeting in Oughterard and invited all present join him for a meal to be served in the restaurant.

NOTICES OF MOTION

NOTICE OF MOTION NO 17 – CLLR. G. FINNERTY

1458

The following reply was given:-

“Galway County Council has traditionally accepted planning permission bonds from all major lending institutions as an instrument submitted by the developer as a surety that the development is completed in accordance with the conditions of the permission. Where development is not completed as intended, the normal avenue pursued would be Enforcement action. It is only where enforcement fails that recourse to the bond arises and this would be in a limited number of cases it remains to be seen how IRBC Bonds will be treated as a result of the recent liquidation of IRBC.”

NOTICE OF MOTION NO 18 – CLLR. G. FINNERTY

1459

The following reply was given:-

“It is not possible at this time to forecast the timelines requested. The current position with the scheme is that the application for planning permission was lodged with An Bord Pleanála (ABP) on the 14th March 2013. The six week display period finished on 30th April 2013. Submissions on the planning application go direct to An Bord Pleanála. A six month timeline is envisaged, so it will be mid-September before a decision is reached. It should be noted that the network element of the scheme is quite small but whatever digging in roads has to be carried out will be restored to acceptable standards.”

NOTICE OF MOTION NO 19 – CLLR. G. FINNERTY

1460

The following reply was given:-

“Further road re alignment works will not be done during 2013. Planning permission has not yet been acquired but it is proposed to try and acquire planning permission with CPO by the

end of this year. However there may be a small amount of funds available during 2013 to undertake temporary repairs on the existing surface. Galway County Council will examine this and advise accordingly.”

NOTICE OF MOTION NO 20 – CLLR. J. MCDONAGH

1461

The following reply was given:-

“Galway County Council will discuss the provision of funding for traffic route lighting for Lackagh village with the NRA. However in recent years funding for route lighting has not been made available due to the scarcity of resources.”

NOTICE OF MOTION NO 21 – CLLR. J. MCDONAGH

1462

The following reply was given:-

“The village of Lackagh is not yet included in the Council’s assessment of needs as there are several other larger villages in the County that require wastewater treatment and are of higher priority. It will therefore not be possible to make such an application at this time.”

NOTICE OF MOTION NO 22 – CLLR. J. CUDDY

1463

The following reply was given:-

“It is intended to install a mobile CCTV unit at an undisclosed location off the Headford Road in the coming weeks.”

NOTICE OF MOTION NO 23 – CLLR. J. CUDDY

1464

The following reply was given:-

“Galway County Council currently have the local community warden visiting Oranmore on a regular basis and issuing tickets to those parked illegally. However the traffic warden cannot be there at all times and we have again written to the local Gardai requesting them to assist with the enforcement of the traffic management in Oranmore.”

NOTICE OF MOTION NO 24 – CLLR. J. CUDDY

1465

The following reply was given:-

“To date 90% of the road markings have been done. The remaining works will be complete in the next number of weeks.”

NOTICE OF MOTION NO 25 – CLLR. M. FAHY

1466

The following reply was given:-

“Galway County Council have sought funding from the Department of Transport for the provision of bus shelters at locations around the county including Ardrahan. However no funding has been made available and we are not in a position at this point in time to fund the provision of this bus shelter.”

NOTICE OF MOTION NO 26 – CLLR. M. FAHY

1467

The following reply was given:-

“Galway County Council have discussed the issue of drainage in this area with the OPW. However this area is tidal and very difficult to work in. To date no funding has been made available from the OPW to Galway County Council to undertake any works in this area.”

NOTICE OF MOTION NO 27 – CLLR. M. FAHY

1468

The following reply was given:-

“Galway County Council are currently working with the OPW and our engineering experts to prepare the EIS and planning application to be submitted to An Bord Pleanála. This permission is to enable us to proceed with drainage works on the Dunkellin River and Aggard stream. The environmental issues and cost benefit analysis for the scheme are currently being finalised.”

Críochnaigh an Crinniú ansin