

COMHAIRLE CHONTAE NA GAILLIMHE

Ceantar Bardasach Chonamara **Municipal District of Conamara**

Minutes of the Meeting of the Municipal District of Conamara held in the Council Chamber, Aras an Chontae, Galway on the 10th February 2017 @ 3.00 p.m

ILATHAIR:

Baill:

Cllr. N. Thomas Cathaoirleach,
S. Walsh, S. O’Tuairisg, S. Ó Cualáin,
T Ó Cuarraoin, T. Healy, N. Byrne. T. Welby

Oifigigh:

G. Mullarkey, Head of Finance
M. Timmins, Acting Director of Services
D. Mitchell, Senior Engineer Roads
P. Breathnach, S.E.E Conamara
T.J Redmond, Area Engineer, N. Conamara
J. Coyle, Area Engineer, S. Conamara
M. Ní Chionna, Senior Engineer, Roads
N. Heffernan, Administrative Officer, Roads
M. Doddy, Conservation Officer, Planning
S. Devaney, E.E NRDO
S. Groarke, Meetings Administrator

Apologies:

Cllr. E. Mannion

1. Minutes of the MD of Conamara Meeting held on the 17-11-2016 CMD 17003

The adoption of the Minutes of the Meeting held on the 17-11-2016 was proposed by Comh. S. O’Tuairisg and seconded by Cllr. N. Byrne. The adoption of the Minutes of the Special Meeting held on the 9-1-2017 was proposed by Cllr. S. Walsh and seconded by Cllr. N. Thomas.

2. Matters arising from the Minutes CMD 17004

J. Coyne requested a correction on page 4 of the Minutes of the meeting held on the 17-11-2016 in regard to the statement “ J. Coyle confirmed that the corner of Barna RD/N59 junction was subsiding and works were being considered for this location” He advised that he never said that it was subsiding. Cllr. N. Thomas stated that he raised this matter and

enquired if there was any progress. He referred to the fact that motorists travelling on the N59 have to move to the far side of the roads to avoid the dip. He also requested clarification on whether the Council will serve notices on private landowners in regard to the trimming of trees and hedges and enquired about the road near the school at Tully. D. Mitchell advised that he spoke to TII about the corner of the Barna Road/N59 junction and stated that he was awaiting clarification from the Law Agent concerning notices for private landowners in regard to trimming trees and hedges on their lands. He advised that he had no update on the road at Tully at present. Cllr. N. Thomas requested an update on these matters at the next meeting.

3. Declaration of Roads to be a Public Road- Section 11 Roads Act 1993 CMD 17005

On the proposal of Cllr. T. Welby, seconded by Cllr. S. Walsh the roads and footpaths at the Cregg View Estate, Station Road, Oughterard were declared to be public roads.

4. To consider & approve the Municipal District Schedule of Works (SWMD) 2017 (To include Roads Program and Environment, Housing, Recreation & Amenity Schedules of Repair and Maintenance) CMD 17006

M. Timmins advised that the total grant allocated by TII for the funding of Motorway and National Primary & National Secondary Roads in 2017 was €21,601,195 which is an increase of €3,913,751 or 22% on the 2016 allocation. This is divided between Improvement Works for which the allocation is €20,395,647 and the Maintenance Works allocation of €1,205,548. He referred to the breakdown of the funding for the Improvement Works on page 6 and for the Maintenance works on page 8. The relevant funding for schemes in Conamara is €800,000 for the N59 Clifden-Oughterard, €2,040,000 for the N59 Moycullen Bypass and 150,000 for the N59 Moycullen Online Improvements (Clydagh Bridge – Kylebroughlaun) He confirmed that the €2 million allocation for the N59 Moycullen Bypass was for land purchase and stated that TII would be making a separate notification during 2017 in regard to the operative costs of route lighting for the National Roads. He referred to the allocation of the National Road Ordinary Maintenance between the 5 Municipal Districts on page 8 for which €195,074 is the allocation for the N59 in Conamara.

D. Mitchell advised that the grant allocated in 2017 by TII for Regional & Local Roads is €19,576,451 which is an increase of €961,038 or 5% on the 2016 allocation. €16,753,091 of this is allocated for improvement works and the balance of 2,823,360 for maintenance works. He stated that the Restoration Improvement grant is €11,182,610 of which €227,462 is set aside for Community Involvement Schemes (CIS). The amount allocated to Conamara is €2,283,868 (€1,141,934 each for North & South Conamara) and he referred to the individual schemes listed on pages 25-27. The total grant for Surface Dressing is €2,823,360 of which €119,360 is set aside for CIS. The amount allocated to Conamara is €563,715 (€ 281,857 each for North & South Conamara) and he referred to the individual schemes contained on page 40. He explained that the Discretionary Maintenance Grant for 2017 amounted to €4,816,031 and was allocated as follows:

- Regional Roads-€1,327,668
- Local Roads-€1,697,153

- Bridges (Repairs)-€360,500
- Winter Maintenance-€265,000
- Tertiary Roads-€750,000
- Emergency Contingency Fund-€105,710
- Village Upgrade Scheme-€250,000
- Noise Mapping-€10,000
- Pavement Condition Survey-50,000

The amount allocated to Conamara from the Discretionary Grant for Regional & Local Road Maintenance and Bridges is €857,296. He advised that the Council can allocate 15% of the Discretionary Grant to LIS Schemes –but this is set aside for the repair of Tertiary Roads, a substantial number of which were classified as being in very poor condition following the road condition survey undertaken in 2012. The Tertiary Road allocation provided to Conamara is €148,434 for 2017 out of the €750,000 set aside and he referred to the schemes listed on page 35. He stated that the Council has a budget of €775,500 for bridges in 2017 and the list is shown on page 17. He referred to the €30,000 allocation for safety improvement works on the Market/Bridge St. junction of the R341 at Clifden. He advised that there is an allocation of €346,822 for CIS schemes for the whole County and applications will be sought following the adoption of the Roads Program. He referred to the provision of €6,340,350 from the Council's own resources to fund the maintenance including operational costs of Regional & local roads (€ 2,747,800) and which also includes other items such as Public Lighting (€1,122,000), Town and Village maintenance including street cleaning (€930,000) and the Councilors' NOM allocation (€721,500). He also confirmed that the NOM allocation for 2017 remains at €18,500 per Councillor. T.J Redmond and J. Coyle then circulated the schedules and maps for the relevant road schemes included in the roads program for Conamara in 2017. The 2017 Schedule of Repair & Maintenance for Environment, Housing & Recreation and Amenity was also noted.

Cllr. N. Thomas complimented the staff of the Roads section for formulating the roads program and stated that more funding is clearly required from Central Government Grants. He also enquired about the €2 million allocation for Moycullen and also in regard to Drimneen Bridge. D. Mitchell advised that the €2 million was for land acquisition and that he will check the position regarding Drimneen Bridge. Comh. S. O'Tuairisg also complimented the staff and welcomed the increase in funding. He advised that the Council was not receiving adequate funding and that Mayo County Council received €33 million for roads last year. He referred to the apportionment of funding on a km basis between the municipal districts which does not suit Conamara due to the fact the costs of road repairs and maintenance are higher due to the topography. He enquired about the current use of CES schemes and whether the Council can use the new funding from Clár on Tertiary Roads. He also raised his concern in regard to the state of the road at Carraroe. D. Mitchell advised that there are CES schemes ongoing in Moycullen and Oughterard and referred to the requirements necessary in order to initiate such schemes such as insurance and traffic management. He stated that the Council will consider the use of such schemes in regard to footpaths. He also stated that Clár highlighted schools as a priority for funding.

Cllr. T. Healy complimented T.J Redmond in regard to the work done at Ardbola and welcomed the increase in funding. Cllr. T. Welby highlighted the fact that some of the roads

that were taken in charge need to be entered on the road network online system. D. Mitchell advised that he will request S. Gaughran to update the system. Comh. S. O’Cualáin advised that funding was required for works on the road at Carraroe which he had previously raised with D. Mitchell. Comh. T. O’Curraoin expressed his gratitude to the Engineers for the recent works undertaken at Barna, Spiddal and Ballinahown crossroad and enquired if there was a problem with insurance in regard to CES schemes. Cllr. N. Byrne compliment the officials for the roads program and welcomed the increase in funding. She also welcomed the fact that certain road schemes such as the Barna Road junction were finally included on the list. She enquired if the proposed footbridge for Oughterard could be included on the Town & Village upgrade scheme and was advised by D. Mitchell that the allocation of the funding has not been decided. She also enquired in regard to more permanent safety measures concerning Moycullen National School and whether a drop off area could be put in place. D. Mitchell advised that the application for Moycullen was not successful under the low cost accident scheme and the installation of a drop off area was a matter for the Department of Education. She raised the issue concerning the proposed allocation of €3,000 which the Councillors could make in regard to Public Lighting from their NOM allocation and was advised by D. Mitchell that this is not an additional allocation beyond the €18,500 and the matter has to be brought before the Roads SPC. She sought confirmation if the €25,000 allocation for the repair and maintenance of school flashing lights was for all the municipal districts and was advised by D. Mitchell that it was.

On the proposal of Comh. S. O’Tuairisg, seconded by Cllr. N. Byrne the 2017 Municipal District Schedule of Works 2017 which includes the Roads Program was approved.

5. Update on the N-59

CMD 17007

Cllr. N. Thomas referred to the meeting that had just taken place with the deputation from the N59 Action Campaign who were represented by Mr. Seosamh O’Cuaig, Mr. Josie Conneely, Mr. Manus O’Conaire, Mr. Gerry King and Ms Mairín Mhic Lochlainn and the document they circulated at the meeting which contained 14 specific requests/ comments. He requested M. Timmins to respond to these at the meeting. M. Timmins responded as follows:

- 1. That Councillors and Officials reaffirm what Liam Gavin RIP said on a TV program shortly before his untimely death: “The N59 at the moment particularly from Oughterard to Clifden is in very poor condition. The pavement is badly broken up. It is unsafe and it needs remediation and realignment”.**

He confirmed that the N59 from Oughterard –Clifden is in very poor condition and sub-standard for a considerable portion of its overall length.

- 2. That the overlay from Oughterard to Maam Cross must start next April.**

He advised that the Council planned to commence the first section of the overlay from Bunnakill to Claremount in May 2017 with 2 further tranches to follow after that.

- 3. That we get an explanation of what was the result of the meeting between officials from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and Galway County Council officials on the 16-9-2016. Mr. John Fitzgerald explained it as follows at a meeting of the Dáil Committee on Arts, Heritage, Regional, Rural and Gaeltacht Affairs. "On 16 September 2016, officials from the Department travelled to Galway to meet Council officials to see what practical steps could be taken to move on the project. It was agreed that the best approach would be to progress the road project section by section. The idea behind this was to allow the development to advance by progressing the less sensitive sections of the road quickly. In parallel, it was agreed to continue to explore how best to deal with the more challenging sections. At that meeting the Department gave a commitment that it would review and respond to method statements submitted to us within 10 days of receipt."**

He confirmed that the result of the meeting was that it was decided to look at the section between Maam Cross-Bunakill first which is outside the pearl mussel catchment area and therefore poses a lower risk. The Council agreed to provide method statements in regard to this section first, the purpose of which is to provide greater certainty. The catchment area for the pearl mussel is between Bunakill and Claremont and this poses a far greater risk. It was agreed that progress on the road was desirable but that it would have to be in accordance with the planning permission granted.

- 4. That we get a response to Mr. John Fitzgerald when he said " Galway County Council does not have any experience in submitting method statements to another body, namely the Department which also has no experience in dealing with them.**

He explained that method statements are normally prepared by a contractor for submission to an overseeing authority and as such the Council does not normally submit them to other bodies.

- 5. That we get clarification of what was meant by Mr. John Fitzgerald when he also stated the following: "The role of the Department post consent arises from an unusual condition attached to the planning permission by An Bord Pleanála. " Prior to the commencement of construction the Contract Stage Erosion and Sediment Control Plan and all Method Statements will be finalised by the construction stage contractor and will be subject to the approval of Galway County Council and the agreement of NPWS and IFI. This condition was proposed by Galway County Council at the second oral hearing during the planning process."**

He confirmed that the reason why this condition was proposed by the Council at the second Oral Hearing was that there was a view at the time that planning permission for the Oughterard –Maam Cross section of the N59 could be refused unless it made a proposal to involve NPWS. This condition was proposed in order to obtain planning consent for the project and was accepted by An Bord Pleanála and became a condition of the consent.

- 6. Last but not least as far as Mr. Fitzgerald is concerned, we demand to know was he correct when he said when discussing how An Bord Pleanála refused permission for the work between Maam Cross and Clifden : “the decision appears to have been reached as a result of a lack of information and data presented to it in the context of the habitats in the location of the proposed road development”**

He advised that the Council had a number of advance meetings with NPWS prior to the oral hearing but that the latter raised other matters of concern regarding the special areas of conservation and habitats at the hearing. He stated that a very high standard of proof was required to indicate that the proposed development would have no adverse effect on the habitats i.e to prove the negative. He explained that the Council, NPWS and An Bord Pleanála had their own ecological experts present at the oral hearing and it appears that they could not agree on the assessments. It appeared that An Bord Pleanála decided that it was not possible to conclude that the road project alone or in combination with other plans or projects would not adversely affect the integrity of the European sites with regard to their conservation objectives.

- 7. That we be given copies of the method statements prepared for the section of the road from Oughterard to Maam Cross so that we can help in any way we can to convince the NPWS to ratify them. What is the status of the 8 method statements at this point in time? Let us remember that planning permission was granted for this section over three years ago.**

He advised that the Council is not in a position to give out copies of the method statements as they are a work in progress. The eight method statements for the Bunnakill to Claremount section have not been agreed.

- 8. That a timescale be presented to us on the work proposed for the section from Bunnakill to Maam Cross.**

He stated that there is no accurate timescale for construction works from Bunnakill to Claremount at present and that the Council is concentrating on the section from Maam Cross to Bunnakill.

- 9. That another application be made to An Bord Pleanála for the section from Maam Cross to Clifden and that a timescale be specified.**

He explained that an examination of the An Bord Pleanála planning decision in regard to Maam Cross-Clifden has been undertaken with TII and further consideration will be made when resources allow.

- 10. That we be given details of preparations made for a possible application to Europe under the IROPI System.**

He explained that the decision to proceed by way of IROPI is one for An Bord Pleanála to make in the first instance and they did not suggest this in regard to the N-59 Clifden-Maam Cross section.

11. That the question of a Part 8 from Derrylea to Clifden be clarified.

He referred to the explanation given at item 9.

12. That proposals and a timescale be presented for the section between Clifden and Leenane.

He explained that preliminary design works are underway for a section of the N59 immediately west of Letterfrack.

13. That Council officials liaise with their counterparts in Scotland to assess how projects of this type are carried out there. We have researched the subject and found that Local Governments in Scotland have found methods to progress major roadworks near Special Areas of Conservation.

He advised that the Council is in aware of the situation in Scotland and that this will be discussed with Jacobs the Consultants.

14. That our demands be fully discussed at the open session of this meeting.

He advised that this will happen at the meeting today.

Cllr. N. Thomas thanked M. Timmins for the response to the 14 items raised by the N59 Action Group and requested him to issue a reply to them by e-mail later. He advised that he held NPWS responsible for this situation and that the Council had done everything possible to design the road in accordance with best environmental practice. He stated that NPWS appear to have complete disregard for the safety of road users and are totally unreasonable in throwing the matter back to the Council. He stated that the proposed overlay for Bunakill-Oughterard could become a permanent feature and enquired if membranes could be installed to prolong its life-he was concerned that the overlay for the other section would not happen. Cllr. S. Walsh questioned the need for the design for an overlay for Bunakill and Claremont. He stated that money should not be wasted on procuring a design from Consultants and this is holding up the overlay. He advised that the Council could overlay it with 4" blacktop and referred to the overlay done near the golf course. Comh. T. O'Curraoin referred to the construction of the A9 Road through a national park in Scotland and blamed the current situation on the imposition of Directives from the EU- he stated that in his opinion Ireland should leave the EU as it would be in a better position to look after its own affairs. Cllr. T. Healy referred to the meeting held in regard to the N59 3 weeks ago where the Councillors were told they would have an update a week later which did not happen. He stated that they require consistent updates /better communications in order to inform their constituents of progress on the matter. He expressed the frustration of the community in Conamara who were told that the overlay would be done and the Health and Safety concerns of heart attack and leukemia patients who have to commute to Galway for hospital treatment. In regard to the section between Clifden and Maam Cross he questioned how NPWS can go unchallenged in regard to its statement that the refusal of planning resulted from a lack of information and data presented by the Council in regard to the habitats. He stated that bodies such as universities possess a lot of data on these habitats. He also referred to the need by the Council to examine the feasibility of doing sections of this through the Part 8 process. He advised that he wished to see the Maam Cross-Bunakill section done as soon as possible and that the

Council should press NPWS as hard as possible on the matter. It was important to have 1 section completed and set in stone as regards further progress. This could be the framework and model for every other road development in similar circumstances. Comh. S. O’Cualáin stated that progress on the overlay is vital and enquired if NPWS had made revised requests for additional method statements. Cllr. T. Welby stated that he was disappointed with the opinion expressed in the submission by the N59 Action Group as regards whether some of the Conamara Councillors were not fully in favour with the proposals for the N59. He referred to a quote from Pat Warnerer that “New roads are better for nature conservation “and stated that they provided items such as oil spillage collectors which are beneficial to habitats and the environment. He stated that a sustainable new road would be beneficial to the pearl mussel habitat. He advised that he listened to the presentation by NPWS at the Oral Hearing and expressed his belief that their opinions on the ground are contradictory to those held in Dublin. He referred to the question posed by Deputy Eamon O’Cúiv to NPWS at the Oireachtas Committee meeting as regards the number of times Ireland was prosecuted in relation to infringement of the Habitats Directive and that the response was there were none to date. He also referred to the situation concerning the Mutton Island development in the past. He enquired whether the Council would have to purchase the required land on the Bunakill-Oughterard road and do the design later. M. Timmins advised that the Council hoped to get agreement from some of the landowners. Cllr. S. Walsh also referred to the comment concerning the total commitment of all the Councilors to the N59 project and stated that this appears to be an indictment of them as a group. Cllr. N. Byrne expressed her concern also in regard to this comment and wished to place the matter on record that all the Conamara Councillors are totally committed to the N59 project and are working for their community at all times. Cllr. N. Thomas referred to the fact that the N59 Action Campaign have sought a meeting with Shane Ross T.D the Minister for Transport on the issue but that it was representatives of the Municipal District of Conamara who met the Oireachtas Committee last September in order to seek progress on the matter. Cllr. T. Healy made that suggestion that it may be helpful if the Councillors passed a motion. He then proposed the following motion:

“ That the Municipal District of Conamara write to the Minister for Transport and TII requesting that additional funding be made available as a matter of urgency to the Roads Department of Galway County Council for additional staffing and hours dedicated to progressing works on the N59 “

The motion was seconded by Cllr. S. Walsh and agreed.

5. Proposed Deletion to the Record of Protected Structures

CMD 17008

M. Doddy advised the meeting of the proposal to delete RPS 736 Seipéal Cill Treasna from the record of protected structures. This will come before the full Plenary Council at a later date.

6. Date & Venue for Next Meeting

MD 17009

It was agreed that the next meeting would be held at 2.30 p.m on Friday 21-4-2017 in the Council Chamber.

Cllr. N. Thomas advised that the Council should abandon the policy of repairing potholes with tar and chips and do a proper job with DBM. D. Mitchell stated that the patching machine was fairly effective in Conamara and that he would come back in regard to this issue at the next meeting. Cllr. Thomas also requested that a speed limit review be conducted in order to reduce it to 50km outside schools in Conamara. M. Timmins requested the Councillors to send their submissions on this matter to Máire Ní Chionna, Senior Engineer, Roads Dept.

7. Any Other Business

Comh. S. O'Cualáin recommended that the Council conduct a review of safety of the slipways which form part of the piers in the County and referred to the terrible tragedy which occurred on the slipway at Bunrana pier in County Donegal last year. He advised that a similar tragedy could occur again. Cllr. T. Healy referred to 2 road accidents which occurred near Kylemore last year which involved foreign motorists driving on the wrong side of the road. He advised that the Superintendent had written to the Council concerning the increased number of accidents in this area. He enquired if signage /paint markings on the road concerning driving on the left could be installed and funded from the Discretionary Grant. M. Timmins advised that the Council would examine this. T. J Redmond advised that RMS Consultants are undertaking a pilot scheme in regard to the reduction in road accidents. Cllr. N. Byrne enquired if anything could be done concerning a hoarding located on an undeveloped building site at Moycullen which is an eyesore. D. Mitchell requested her to forward the details to him. Cllr. N. Thomas raised the issue concerning road safety at Tooreneey National School and was advised by D. Mitchell that the speed limit could be considered under the current speed limit review and to send a proposal to Máire Ní Chionna, Senior Engineer.

On the proposal of Cllr. N. Thomas, seconded by Comh. S. O'Tuairisg a vote of sympathy was expressed to Cllr. E. Mannion on the death of her father and a minutes silence was observed. G. Mullarkey stated that he wished to be associated with the expressions of sympathy.

CROCHNAIGH AN CRUINNIU ANSIN