

GC/1/33

Galway County Council Archives

**GALWAY COUNTY COUNCIL,
COUNCIL MINUTES**

GC/1/33

14 JANUARY 1994 - 11 JULY 1994

GC/1/33

COMHAIRLE CHONTAE NA GAILLIMHE

(Galway County Council)

Oifig an Runai,
Arus an Chontae,
GALWAY.

12u Iuil, 1994.

CHUIG GACH BALL DE'N CHOMHAIRLE.

A Chara,

Iarrtar ort leis seo bheith i lathair ag cruinniú Speisialta de Chomhairle Chontae na Gaillimhe a tionolfar ins na Foirgnithe Chontae ar De Luain, and 18 u la Iuil, 1994, at tosnu ag a 4.15 a Chlog sa trathnona no i ndiaidh and Crinniú Bliantiul.

Mise, le meas,

T. O COCHLAN,
RUNAI SEALADACH.

AGENDA

1. "That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, Galway County Council require the County Manager to grant outline permission to James O'Toole, in the Townland of Clifden Demesne for the construction of a dwellinghouse and septic tank - Planning Ref. No. 70467.

E. O Cuiv
J. Mannion.

C. Ni Fhatharta

P. O'Tuathail

2. "That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, Galway County Council require the County Manager to decide grant full planning permission to Mr. Henry Whyte for erection of dwellinghouse and construction of septic tank at Corboley (Morgan) Barna - Planning Ref. No. 70718.

S. O'Neachtain
P. McHugh.

S. O Gabhain

J. McDonagh

COMHAIRLE CHONTAE NA GAILLIMHE

(Galway County Council)

Oifig an Runai,
Arus an Chontae,
GALWAY.

12u Iuil, 1994.

CHUIG GACH BALL DE'N CHOMHAIRLE.

A Chara,

Tarrtar ort leis seo bheith i lathair ag cruinniú bliantúil de Chomhairle Chontae na Gaillimhe a tionolfar ins na Foirgnithe Chontae ar De Luain, and 18 u la Iuil, 1994, at tosnu ag a 3.30 a Chlog sa trathnona.

Mise, le meas,

T. O COCHLAN,
RUNAI SEALADACH.

AGENDA

1. Election of Chairman for year 1994/1995
2. Election of Vice-Chairman for year 1994/1995.
3. Appointment of three representatives on the County Councils' General Council for year 1994/1995.
4. Appointment of 30 Members to the County Libraries Committee.
5. Appointment of 10 Members to the National Monuments Advisory Committee.

6. Appointment of 30 Members to the Higher Education Grants Committee.
7. Nomination of 1 Member to Regional Advisory Council of Teagasc.
8. Appointment of nominee to the Irish Public Bodies Mutual Insurances Ltd., for 1994/1995.
9. Nomination of Chairman and one Member to the E.C. Operational Committee of the West Regional Authority.

A Copy of the Minutes of the 1993 Annual Meeting are attached for your information

MINUTES OF ANNUAL MEETING OF GALWAY COUNTY COUNCIL HELD AT THE COUNTY BUILDINGS, GALWAY, ON MONDAY, 19TH JULY, 1993.

IN THE CHAIR: (a) Councillor M. Mullins
(b) Councillor J. Burke

ALSO PRESENT:

Members: As recorded in the Attendance Book.

Councillors J. Brennan, W. Burke, T. Byrne, J. Callanan, Deputy P. Connaughton, Senator E. O'Cuiv, Councillors M. Cunningham, M. Fahy, P. Finnegan, M. Finnerty, Seamus Gavin, T. Hussey, Councillors M. Loughnane, J. Mannion, J. McClearn, Deputy P. McCormack, Senator J. McDonagh, Councillors P. McHugh, C. Ni Fhatharta, S. O'Neachtain, M. O'Neill, P. O'Tuathail, K. Quinn, O. M. Regan, M. Ryan, and E. Varley and T. Walsh.

Officials Messrs. P.J. Gavin, County Manager, T. Kavanagh, Acting Assistant County Manager, P. Flood, County Engineer; E. Lusby, Finance Officer, J. McGovern, B. Doyle, A.O's, R. Killeen, L. Kavanagh, B. Callagy Senior Executive Engineers; J. Murphy, C. Wallace, S.S.O.'s and T. Coughlan, Acting County Secretary.

The Opening Prayer was recited.

ELECTION OF CHAIRMAN FOR 1993/94:

1619

The Chairman, Councillor Mullins, thanked his colleagues for the privilege of being Chairman of Galway County Council for the past year. He thanked all the Members for their co-operation and understanding during the year and thanked the County Manager and all the Officials for their help and co-operation.

The Members paid tribute to Councillor Mullins for the manner in which he had acted as Chairman and discharged his duties during the year. The County Manager, on his own behalf and on behalf of the staff of the Council, complimented the Chairman.

It was proposed by Councillor W. Burke and seconded by Councillor M. Ryan that Councillor J. Burke be elected as Chairman for 1993/94.

It was proposed by Councillor T. Hussey and seconded by Councillor M. Cunningham that Councillor M. Fahy be

elected as Chairman. A vote taken on these proposals resulted as follows.

FOR COUNCILLOR BURKE.

Councillors Brennan, J.
Burke, W. Burke, Byrne,
Deputy Connaughton,
Councillors Finnerty, Gavin
Mannion, McClearn, Deputy
McCormack, Sen. McDonagh,
Councillors Mullins,
O'Neill, O'Tuathail, Ryan,
Varley, Walsh. (17)

FOR COUNCILLOR FAHY.

Councillor Callanan, Deputy
O'Cuiv, Councillors
Cunningham, Fahy, Finnegan,
Hussey, Loughnane, McHugh,
Ni Fhatharta, O'Neachtain,
Quinn, Regan, (12)

Councillor Burke was then declared elected Chairman of Galway County Council for 1993/1994 and was invested with the Chain of Office.

Councillor J. Burke then took the Chair.

Councillor Burke thanked his proposer and seconder, and the Councillors who had voted for him. He congratulated Councillor Mullins on his excellence in the role as Chairman and stated that he looked forward to working well with the Members, the County Manager and the Staff of the Council.

Councillor Fahy and other Members congratulated Councillor Burke on his appointment and wished him well in his year of Office.

ELECTION OF VICE-CHAIRMAN FOR 1993/94

1620

It was proposed by Deputy Connaughton and seconded by Councillor Mullins that Councillor Finnerty be elected as Vice-Chairman. As no other proposal was made, the Chairman declared Councillor Finnerty elected as Vice Chairman of Galway County Council for 1993/1994, and congratulated him on his appointment.

The Members of the Council congratulated Councillor Finnerty on his appointment, and Councillor Finnerty thanked his proposer, seconder and those who voted for him.

APPOINTMENT OF THREE REPRESENTATIVES ON THE COUNTY COUNCILS' GENERAL COUNCIL FOR YEAR 1993/94:

1621

On the proposition of Councillor Ryan, seconded by Councillor Hussey, the outgoing representatives were re-appointed.

As a result of the foregoing, the Member of the County

Councils' General Council for 1993/94 are as follows:

COUNTY COUNCILS' GENERAL COUNCIL

- (1) Councillor Michael Cunningham, Galway Road, Gort.
- (2) Councillor Jarlath McDonagh, Turloughmore.
- (3) Councillor Michael Finnerty, Tobergrellan, Ballinasloe.

APPOINTMENT OF 30 MEMBERS TO COUNTY LIBRARIES' COMMITTEE: 1622

On the proposition of Councillor Ryan, seconded by Councillor Hussey, the outgoing Members of the County Library Committee were re-appointed.

As a result of the foregoing, the Members of the County Library Committee for 1993/94 are as follows:

COUNTY LIBRARIES COMMITTEE

- (1) Councillor Matt Loughnane, Dunsandle, Kiltulla.
- (2) Councillor Kathleen Quinn, Ussey, Ballymoie.
- (3) Pdraig O Ceidigh, Uasal, An Phairc, An Spideal.
- (4) Mr. Paddy Grealish, Ennis Road, Gort.
- (5) Councillor Michael Fahy, c/o The Thatch, Ardrahan.
- (6) Mr. Leo Hallissey, Renvyle, Connemara.
- (7) Councillor Paddy McHugh, Beaghmore, Caherlistrane, Belclare P.O., Tuam.
- (8) Mr. Justin Mitchell, Woodlawn, Ballinasloe.
- (9) Mr. Patsy Geraghty, St. Michael's Square, Ballinasloe.
- (10) Mr. Patrick Pettit, Barna, Glenamaddy.
- (11) Mr. Justin Flannery, Blackrock, Peterswell.
- (12) Mr. Paudge Connelly, Aillebrack, Clifden.
- (13) Councillor Michael Mullins, Cleaghmore, Ballinasloe.
- (14) Councillor John M. Mannion, Clifden.
- (15) Councillor Michael Finnerty, Tobergrellan, B'Sloe.
- (16) Mr. Frank Donohue, Coolfin, Abbey, Loughrea.
- (17) Ms. Mary Conway, Mountbellew.
- (18) Councillor Patrick Finnegan, 9 Curragh Park, Tuam.
- (19) Mrs. Margaret Counihan, Streamstown, Peterswell.
- (20) Mr. Jimmy Geoghegan, Claremount, Oughterard.
- (21) Mr. Nioclas O'Conchubhair, Lettermore.
- (22) Mr. Tony Leahy, Masonbrook, Loughrea.
- (23) Ms. Kathleen Fallon, Kilgarve, Creagh, Ballinasloe.
- (24) Councillor Evelyn Varley, The Square, Headford.
- (25) Mr. Joe Donoghue, "La Rochelle", Bel Air Drive, Tuam.
- (26) Ms. Noelle Hayes, Brendan Street, Portumna.
- (27) Councillor Jarlath McDonagh, Turloughmore.
- (28) Councillor Tiarnan Walsh, Ardeevin, Williamstown.
- (29) Councillor Michael Ryan, Moate, Moylough.
- (30) Mr. Maurice Whelan, Scoil Mhuire, Moycullen.

APPOINTMENT OF 10 MEMBERS TO THE NATIONAL MONUMENTS ADVISORY COMMITTEE:

1623

On the proposition of Councillor Ryan, seconded by Councillor Hussey, it was agreed that the 10 outgoing Full Members be re-appointed to the National Monuments Advisory Committee for 1993/94. It was also agreed that the outgoing Honorary Members be re-appointed.

It was proposed by Councillor Finnegan, seconded by Councillor Hussey and agreed that Mr. Hubert Bermingham, Church Street, Dunmore be appointed as an Honorary Member. It was proposed by Senator McDonagh, seconded by Deputy McCormack and agreed that Mr. Martin Lynch, The Square, Athenry and Mr. John Rabbitte, Kiltulla, Castlegar, also be appointed as Honorary Members. As a result of the foregoing, the Members appointed to the National Monuments Advisory Committee for 1993/94 are as follows:

NATIONAL MONUMENTS ADVISORY COMMITTEE

Full Members

- (1) Councillor Michael Cunningham, Galway Road, Gort.
- (2) Councillor Paddy McHugh, Beaghmore, Caherlistrane, Belclare P.O., Tuam.
- (3) Mr. James Joyce, Laurencetown, Ballinasloe.
- (4) Councillor Pat O'Sullivan, 7 Kilgarve Park, Ballinasloe.
- (5) Councillor Jarlath McDonagh, Turloughmore.
- (6) Councillor Michael Finnerty, Tobergrellan, Ballinasloe.
- (7) Councillor Michael Mullins, Cleaghmore, Ballinasloe.
- (8) Ms. Erin Gibbons, Market Street, Clifden.
- (9) Councillor Evelyn Varley, The Square, Headford.
- (10) Mr. Pierce Joyce, St. Bridget's Road, Portumna.

Honorary Members

- (1) Dr. Tony Claffey, Vicar Street, Tuam.
- (2) Mr. Larry Kilcommins, Creggs.
- (3) Prof. Thomas O'Neill, U.C.G.
- (4) Mr. Tom Kenny, Ballygar.
- (5) Rev. J. Kelly, P.P. Ardrahan.
- (6) Mr. Thomas Creaven, Fairgreen, Tuam.
- (7) Mr. Michael Conneely, Culicar, Monivea.
- (8) Rev. P.K. Egan, P.P., Portumna.
- (9) Mr. Norman Morgan, Bride Street, Loughrea.
- (10) Prof. Etienne Rynne, U.C.G.
- (11) Rev. Martin Coen, C.C., Craughwell.
- (12) Mr. Garry O'Loughlainn, 63 Cruachan Park.
- (13) Mr. Miko Kelly, Church View, Tuam.
- (14) Mr. Frank Burke, N.T., Abbey.
- (15) Mr. Eoin Kennedy, 27 Hollygrove, Lisbeglawn, Renmore.
- (16) Mr. Paul Gosling, Dept. of Archaeology, U.C.G.
- (17) Mrs. Mary McDonagh, 15 Devon Gardens, Salthill.
- (18) Micheal Uas Breathnach, Vocational School, Gort.
- (19) Mr. M.J. Molloy, Milltown.
- (20) Mr. Jeff O'Connell, Kinvara.
- (21) Mr. Tadhg McLoughlin, Ballinasloe.
- (22) Mrs. Anna McHugh, Ballybane, Headford.
- (23) Mr. Jim Cronin, Mountbellew.
- (24) Mr. Hubert Bermingham, Church Street, Dunmore.
- (25) Mr. Martin Lynch, The Square, Athenry.
- (26) Mr. John Rabbitte, Kiltulla, Castlegar

APPOINTMENT OF 30 MEMBERS TO THE HIGHER EDUCATION GRANTS COMMITTEE:

1624

On the proposition of Councillor Ryan, seconded by Councillor Hussey, it was agreed that the 30 outgoing Members be re-appointed to the Higher Education Grants Committee for 1993/94.

On the proposition of Councillor O'Neill, seconded by Councillor Mannion, it was agreed that Mr. Dermot Bray, Ardbear, Clifden be replaced on the Committee by Mr. Jim O'Malley, Clifden.

As a result of the foregoing, the Members appointed to the Higher Education Grants Committee for 1993/94 are as follows:

HIGHER EDUCATION GRANTS COMMITTEE

- (1) Councillor Matt Loughnane, Dunsandle, Kiltulla.
- (2) Councillor Kathleen Quinn, Ussey, Ballymoe.
- (3) Mairtin O Curraoin, B.A., Baile Eamonn, An Spideal.
- (4) Councillor Michael Cunningham, Galway Road, Gort.
- (5) Councillor Michael Fahy, c/o The Thatch, Ardrahan.
- (6) Mr. James Joyce, Laurencetown, Ballinasloe.
- (7) Councillor Paddy McHugh, Beaghmore, Caherlistrane, Belclare P.O., Tuam.
- (8) Mr. Cathal O'Malley, Cleaghmore, Ballinasloe.
- (9) Mr. Seamus O Donoghue, Kilkerrin Road, Glenamaddy.
- (10) Mr. Patsy Clancy, Searfin, Furbo.
- (11) Mr. Michael Walsh, Ashford, Cong, Co. Mayo.
- (12) Mr. Joe Brennan, Sarsfield Road, Ballinasloe.
- (13) Mr. Eamon McLoughlin, Cleggan.
- (14) Mr. Gerard Kelly, 12 Kilgarve Gardens, Creagh, Ballinasloe.
- (15) Councillor Jimmy McClearn, Killimor, Ballinasloe.
- (16) Mr. Brian Hynes, The Green, Dunmore.
- (17) Mr. Patrick J. Gilmore, Carrownagurraun, Tuam.
- (18) Mr. John C. Fahy, Rathalon, Ardrahan.
- (19) Mr. Jim O'Malley, Clifden.
- (20) Tomas O Monachain, Principal, Comprehensive School, Carraroe.
- (21) Mr. Charlie Mullen, Bridge Road, Portumna.
- (22) Sr. Brid Brennan, Presentation Convent, Headford.
- (23) Fr. Dermot Maloney, St. Jarlath's College, Tuam.
- (24) Mr. John Joe Connell, Gortanumera, Portumna.
- (25) Mr. Patrick Burke, "Barken", Baunmore, Claregalway.
- (26) Councillor Tiarnan Walsh, Ardeevin, Williamstown.
- (27) Councillor Michael Ryan, Moate, Moylough.
- (28) Mrs. Barbara Walsh, Kylebroughlawn, Moycullen.
- (29) Maire T. Ui Chuinneagain, Carna.
- (30) Ms. Ann Ruane Divilly, Tiaquin, Colemanstown, Ballinasloe.

APPOINTMENT OF 20 MEMBERS TO THE SHEEP DIPPING COMMITTEE: 1625

On the proposition of Councillor Ryan, seconded by Councillor Hussey, it was agreed that the 20 outgoing

Members of the Sheep Dipping Committee be re-appointed for 1993/94.

As a result of the foregoing, the following are the Members of the Sheep Dipping Committee for 1993/94:

SHEEP DIPPING COMMITTEE

- (1) Mr. Michael Gilhooley, Cussane Cross, Athenry.
- (2) Mr. Peter Raftery, Ballygar.
- (3) Mr. Michael Connolly, Moyloughmore, Moylough.
- (4) Councillor Joe Callanan, Calla, Kilconnell, B'Sloe.
- (5) Senator Tom Hussey, Patch, Glenamaddy.
- (6) Councillor Michael Fahy, Caherduff, Ardrahan.
- (7) Councillor Matt Loughnane, Dunsandle, Kiltulla.
- (8) Councillor John Mannion, Clifden.
- (9) Councillor Michael Ryan, Moate, Moylough.
- (10) Councillor Jarlath McDonagh, Turloughmore.
- (11) Councillor Tiarnan Walsh, Ardeevin, Williamstown.
- (12) Mr. Michael Conneely, Tulicar, Monivea.
- (13) Mr. P.J. O'Loughlin, Kinvara.
- (14) Mr. Joe Lambert, Ballyturn, Gort.
- (15) Mr. Joseph O'Neill, Glencroft, Leenane.
- (16) Mr. John Hession, Milltown.
- (17) Mr. Michael Finnerty, Uggool, Moycullen.
- (18) Mr. T.J. Gormley, Brownsgrrove, Tuam.
- (19) Councillor Evelyn Varley, The Square, Headford.
- (20) Mr. William Laffey, Lettergesh, Renvyle.

NOMINATION OF ONE MEMBER TO REGIONAL ADVISORY COUNCIL OF TEAGASC: 1626

On the proposition of Councillor Ryan, seconded by Councillor Hussey, Councillor Mannion was appointed as the Council's representative to the Regional Advisory Council of Teagasc for 1993/94.

REGIONAL ADVISORY COUNCIL OF TEAGASC

Councillor John Mannion, Clifden, Co. Galway.

APPOINTMENT OF NOMINEE TO THE IRISH PUBLIC BODIES MUTUAL INSURANCES LTD. FOR 1993/94: 1627

On the proposition of Councillor Ryan, seconded by Senator McDonagh, Councillor McClearn was appointed as the Council's representative to the Irish Public Bodies Mutual Insurances Ltd. for 1993/94.

IRISH PUBLIC BODIES MUTUAL INSURANCES LTD.

Councillor Jimmy McClearn, Killimor, Ballinasloe.

NOMINATION OF MEMBERS TO SUB-REGIONAL REVIEW COMMITTEE 1628

On the proposition of Councillor Ryan, seconded by Senator McDonagh, the Chairman and Councillor Mannion were nominated to the Sub-Regional Review Committee for 1993/94.

SUB-REGIONAL REVIEW COMMITTEE

- (1) Councillor Joe Burke, Tuam.
- (2) Councillor John Mannion, Clifden.

HIGHER EDUCATION GRANTS. 1629

Councillor Loughnane informed the Meeting that the Higher Education Grants Committee had proposed that a Delegation meet the Minister for Education to discuss the 1993/94 Higher Education Grants Scheme. The Council agreed that this Deputation be arranged.

THE MEETING THEN TERMINATED.

SUBMITTED. APPROVED & CONFIRMED

Chairman

22/8/93
(DATE)

COMHAIRLE CHONTAE NA GAILLIMHE
(Galway County Council)

Oifig an Runai,
Arus an Chontae,
GAILLIMH.

12 u la Iuil, 1994

CHUIIG GACH BALL DE'N CHOMHAIRLE/

A Chara,

I refer to notice of today's date regarding the Annual Meeting of the Council which takes place at 3.30 p.m. on Monday, 18th July, 1994.

I wish to advise you that the procedure set out in the Local Government (Re-Organisation) Act, 1985, will apply to the appointments to the Committees and other Bodies at the Annual Meeting.

This means that where only one appointment is to be made, it is made by majority vote. Where more than one appointment is to be made, any "group" of Members may nominate a person and that person is then appointed without a vote. The number of persons necessary to form a "group" is obtained by dividing the number of Members present at the meeting at the time when the business of making the appointments is reached by the number of appointments to be made. If the number so obtained is not a whole number, then the next highest whole number applies. A person can only be a Member of one "group". When any "group" or "groups" have made their appointments, the appointments then remaining are next made successively by those Members who did not form part of any of the "groups". These appointments are made by majority vote.

Mise, le meas,

T. COUGHLAN,
ACTING COUNTY SECRETARY.

GALWAY COUNTY COUNCIL

LOCAL GOVERNMENT (RE-ORGANISATION) ACT, 1985

Procedure for appointment to Council Committees and other Bodies

Section 27 of the Local Government (Re-Organisation) Act, 1985, provides that the procedure set out in the 5th Schedule to the Act will apply when appointments are being made by local authorities to Committees and to the other Bodies listed in Sub-Section 2 (copy attached). In particular, it should be noted that the procedures apply to all Committees and Joint Committees of a Local Authority.

The procedures outlined in the 5th Schedule to the Act apply by virtue of Section 27(1) to all persons appointed by a local authority to any of the listed bodies including persons who are not members of the local authority subject in the case of such persons to the two exceptions as provided for in Sub-Section 4 (a) whereby the new procedure will not apply to appointments of persons who are not Members of the Local Authority as in the case of such appointments to Vocational Education Committees or to School Attendance Committees.

Sub-Section 4.(b) provides that when any special qualification, knowledge or experience is required by Law for appointment, then that requirement will continue to apply notwithstanding anything contained in this Section.

Where a Member of a Local Authority is appointed to a Body by virtue of his particular office, (e.g., Mayor or Chairman), then the new procedure will not apply to such appointments - see Sub-Section 4.(c). This will arise in the case of nomination of Chairman to Sub-Regional Review Committee.

Part 11 of the 5th Schedule sets out the procedures which apply in relation to appointments. Where only one appointment is to be made, it is made by majority vote. Where more than one appointment is to be made, any "group" of Members may nominate a person and that person is then appointed without a vote. The number of persons necessary to form a "group" is obtained by dividing the number of Members present at the meeting at the time when the business of making the appointments is reached by the number of appointments to be made. If the number so appointed is not a whole number, then the next highest whole number applies. A person can only be a Member of one "group". When any "group" or "groups" have made their appointments, the appointments then remaining are next made successively by those Members who did not form part of any of the "groups". These appointments are made by majority vote.

[1985.]

Local Government
(Reorganisation) Act, 1985.

[No. 7.]

Appointments by
local authorities to
certain committees
and other bodies—

27.—(1) Subject to subsection (4) of this section, a local authority in appointing, whether by nomination or election, members of the local authority or persons who are not members of the local authority (where such is authorised by or under any enactment relating to such appointments) to be members of any body mentioned in subsection (2) of this section or a committee of agriculture shall make such appointments—

(a) in the case of appointments to membership of a committee of agriculture, in accordance with the rules set out in Part I of the Fifth Schedule to this Act, and

(b) in the case of appointments to membership of any body so mentioned, in accordance with the rules set out in Part II of the said Fifth Schedule.

(2) The bodies (other than a committee of agriculture) referred to in subsection (1) of this section are—

(a) a committee or board of a local authority,

(b) a joint committee or joint board of a local authority and one or more other local authorities,

(c) a vocational education committee,

(d) a harbour authority,

(e) a school attendance committee,

(f) a regional development organisation,

(g) a regional tourism organisation,

(h) the County Councils' General Council,

(i) the Association of Municipal Authorities of Ireland, and

(j) such other bodies as may for the time being be specified in regulations made for the purposes of this section by the Minister (either generally or with reference to any particular local authority or class or description of local authority).

(3) Subsection (4) of section 7 of the City and County Management (Amendment) Act, 1955, shall have effect as if the words "and, with respect to each such electoral area, two members of the council who were elected for that area shall be appointed to the committee" were deleted.

(4) (a) Subsection (1) of this section shall not apply as regards the appointment to membership of a vocational education committee or a school attendance committee of persons who are not members of a local authority.

(b) Nothing in this section shall be construed as operating to render unnecessary for appointment to any office, post or position the possession of any special knowledge, experience or other qualification the possession of which is required by law for appointment to the office, post or position.

(c) Nothing in this section shall be construed as affecting the entry to or tenure of membership of any body, or any other office, held *ex officio*.

(5) A reference to a committee, board, joint committee or joint board in paragraphs (a) or (b) of subsection (2) of this section shall be construed as including a reference to a committee, board, joint committee or joint board appointed by or under statute to perform the functions of a local authority.

Section 27

FIFTH SCHEDULE

RULES RELATING TO APPOINTMENTS BY LOCAL AUTHORITIES TO CERTAIN COMMITTEES AND OTHER BODIES.

PART I

45

Rules for the Making of Appointments to Committees of Agriculture

1. The persons to whose appointments Rule 2 (2) of the Rules of 1931 applies shall be appointed before any other persons are appointed to membership of the committee concerned.

2. Where the requirements of Rule 1 of this Schedule have been complied with, such appointments (if any) as are then necessary to comply with the requirements of Rule 4 of the Rules of 1931 shall next be made and every such appointment shall be so made by majority vote.

3. Where the requirements of Rules 1 and 2 of this Schedule have been complied with, the appointments then falling to be made to comply with the requirements of the Rules of 1931 shall next be made and every such appointment shall be so made in accordance with the Rules set out in Part II of this Schedule.

PART II

Rules for the making of Appointments to Committees and other Bodies mentioned in, or specified in an order under, section 27 (2).

4. Where one, and only one, person falls to be appointed by a local authority to a committee of agriculture, or to a committee or other body mentioned in, or specified in an order under, section 27 (2) of this Act, he shall be appointed by a majority of the votes of the members of the local authority present at the meeting of the authority at the time when the business of making the appointment is reached.

5. Where two or more persons fall to be appointed by a local authority to a committee of agriculture or to a committee or other body mentioned in, or specified in an order under, section 27 (2) of this Act, they shall be appointed in accordance with the following provisions:

(a) any group of members of the local authority comprising the number of members necessary for the purposes of these Rules may nominate a person to be a member of the committee or other body and the person shall be so appointed on that nomination without any voting; and

(b) the members of the committee or other body then remaining to be appointed shall be appointed successively by a majority of the votes of the members of the local authority who are not members of any group referred to in paragraph (a).

6. (a) Subject to paragraph (b) of this Rule, the number of members of a local authority necessary to form a group for the purposes of these Rules shall be obtained by dividing the total number of such members present at the meeting of the authority when the business of making the relevant appointments to which this Schedule relates is reached by the number of the appointments to be so made, or, where the number so obtained is not a whole number, the whole number next above the number so obtained.

(b) No member of a local authority shall be a member of more than one group for the purposes of these Rules.

7. In this Schedule "the Rules of 1931" means the Rules contained in the Second Schedule to the Agriculture Act, 1931.

**MINUTES OF SPECIAL MEETING OF GALWAY COUNTY
COUNCIL HELD AT THE COUNTY BUILDINGS, GALWAY
ON MONDAY, 11th JULY, 1994.**

IN THE CHAIR: Councillor J. Burke.

Members: Councillors J. Brennan, W. Burke,
J. Callanan, Deputies
P. Connaughton, E. O Cuiv, M.
Cunningham, M. Fahy, P. Finnegan,
M. Finnerty, S. Gavin, T. Hussey,
J. Mannion, J. McClearn, Deputy
P. McCormack, Senator. J.
McDonagh, Councillors P. McHugh,
M. Mullins, C. Ni Fhatharta,
M. O'Neill, P. O'Sullivan, S.
O'Neachtain, P. O'Tuathail, K.
Quinn, M. Regan, M. Ryan, E. Varley
and T. Walsh.

Officials:- Messrs. T. Kavanagh, Deputy County
Manager, E. Lusby, Acting Assistant
County Manager, L. Kavanagh, F.
F. Gilmore, . R. Killeen,
B. Callagy, S.E.E's, T. Connell,
S.S.O., and T. Coughlan, Acting
County Secretary.

The Opening Prayer was recited.

**RESOLUTION UNDER SECTION 4 OF THE CITY AND COUNTY
MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING REF. NO.
70467 - APPLICANT - MR. JAMES O'TOOLE.** 2473

The resolution as set out on the Agenda was proposed
by Deputy O'Cuiv, and it was subsequently agreed that
this resolution would be considered at a Special
Meeting to be held on the 18th July, 1994 after the
Annual Meeting of the Council.

**RESOLUTION UNDER SECTION 4 OF THE CITY AND COUNTY
MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING
APPLICATION NO 71101 - APPLICANT - MR. PATRICK
CULLINANE.** 2474

The motion was proposed by Senator McDonagh and
seconded by Deputy McCormack. Senator McDonagh
informed the meeting that the applicant was seeking a

replacement house for his existing house. The
proposed development complies with the County
Development Plan and the siting of the house
elsewhere would be inconvenient for the applicant.
He was presently living with his mother in the home
house and this house will be demolished in time.
Senator McDonagh further added that the applicant Mr.
Cullinane would be willing to enter into an enurement
agreement with respect to this permission and stated
that there would be one house and one entrance.
Deputy McCormack then added that the proposed
development complies with the County Development Plan
provisions. Mr. Liam Kavanagh, S.E.E. stated that
the Council were insisting that the access to the
house come onto the minor road and then submitted the
following report.

LOCATION:

The site is located on the National Primary Road N17
about three-quarters of a mile on the Galway side of
the "Anbally Inn".

PLANNING HISTORY:

PR. No. 69812 - Permission for erection of
dwellinghouse and septic tank was
refused on the 28th April, 1994.
The reasons for refusal related to
traffic hazard.
Applicant: Patrick Cullinane.

PLANNING CONSIDERATIONS:

The site is located on the National Primary Route
(N17) at a point where the maximum speed limit
applies and where a large volume of traffic is
generated. This is a Class I control route where
housing development is restricted to the essential
housing need category where there is no alternative
access onto a minor roadway from family lands. In
this application the family holding has frontage of
almost 300 metres onto a minor road. If permission
were granted, it would contravene the current County
Development Plan and it would also set a precedent
for further development along this route.

Due to the large volume of traffic using this Class I
Control road, all new housing developments are
restricted because the extra traffic and turning
movements generated would endanger public safety by
reason of a traffic hazard.

RECOMMENDATION:

Refusal is recommended in this case as follows:

1. The proposed development would endanger public safety by reason of a traffic hazard because it would be located on the heavily trafficked National Primary Road (N17) at a location where the maximum speed limit applies and the traffic generated by this development would interfere with the safety and free flow of traffic along this route.

2. The proposed development, if permitted, would contravene Chapter 8, Table 8A of the current County Development Plan which restricts housing development along this Class I Control route to housing needs of farmholders families where alternative vehicular access is not available onto another roadway from family lands, which does not arise in this case as there is significant frontage onto a minor public road.

The Chairman called for a vote on the resolution as set out on the agenda.

FOR: Councillors Callanan, Deputies Connaughton, O Cuiv, Councillors Cunningham, Fahy, Finnegan, Gavin Hussey, Mannion, McClearn, Deputy McCormack, Seantor McDonagh, Councillors McHugh, Mullins, NiFhatharta, O'Neachtain, O'Neill, O'Sullivan, O'Tuathail, Quinn, Regan, Ryan, and Varley. (23)

AGAINST: - Nil.

The Chairman declared the Resolution carried.

REVIEW OF THE COUNTY DEVELOPMENT PLAN

2475

Councillor O'Neill stated that the review of the County Development Plan is of most importance. He felt that the County Council under the Local Government Act 1991 should have a wider role but acknowledged that finance was lacking. He stated that the Council should set up contacts with community development and to enshrine this in the County Plan and that a register of community groups be kept and the said groups be informed of certain details with respect to the annual reports and other matters. The role of the Council should be discussed with these groups and a better understanding would then develop between the County Council and community groups. He then referred to the following matters: -

Roads - He felt that the problem here was a lack of organisation. Road works in certain cases should be

sub-contracted out and a survey taken reflects that the main problem for tourists was the condition of our roads.

Blue Flags - From Roundstone to Killary, there is only one Blue Flag Beach.

Zoning - He felt that the greatest problem with the plan was that all of Connemara is designated an area of Outstanding Scenic Amenity. To get planning permission in these areas you must have a housing need, yet a company from Dublin can build up to 100 houses in the area. This blanket coverage would have to be changed.

Essential Housing Need - Councillor O'Neill stated that a person should be entitled to build an extra house to supplement his income. This is presently restricted in the plan. The second house on the family farm is also a restriction and should be deleted. Where someone comes back from England, they should be allowed to build in their own locality. With respect to a local person, he stated that there must be a time limit to qualify someone as a local person. The category on beneficial tourism should be deleted from the plan. He also referred to the technical data that is required with regard to planing applications. On enurement clauses he stated that he understands the logic of them and accepts their principle but had certain difficulties with them. With regard to exemption for agricultural buildings, he felt that these cases should be dealt with at a faster rate. He welcomed a number of positive aspects that had occurred such as the opening of an office in Clifden and also the planning officer discussing applications on site and then reiterated the importance of the review of the County Plan.

Councillor O'Neachtain stated that the review and the making of the County Development Plan was the most important duty that members had and that it was important that time be given to it and the topic examined thoroughly. He stated that the whole of Connemara is restricted at present being either an area of Outstanding Scenic Amenity or an area of High Amenity. He agrees that a high degree of control is necessary but felt that local people were being restricted, and then referred to a present Section 4 which he had proposed. He felt that there was a blanket restriction in place and that this must be examined to see how local people can develop in their own areas. He stated that there should be an infill in areas where development has already occurred and that there must be more flexibility in the Plan. With respect to the minimum 100ft. road frontage, he added that there were certain cases where this was unobtainable and he feels there must be flexibility in this instance. He then referred to the zoning of industrial land and stated that it should be changed

in this village as this area was not suitable for this type of development. With regard to Gaeltacht areas, he stated that planning should be incorporate a Gaeltacht ethos, for example, names, signs.

Deputy O'Cuiv informed the meeting that he disagrees that development should be concentrated within towns. He stated that it was not socially desirable to push people into towns and referred to the problem of housing estates in towns and cities. His first proposal was that equal merit be given to all areas of the county. Secondly manufacturing industry does not relate to areas zoned. He stated that alot of our industry has to be in the countryside for valid reasons, such as, noise, traffic. He felt that there was too much of a rigidity in definitions and stated that few people knew of the County plan. It should be more simple and more informative which he felt would lead to more observance of this document. He felt that consultants should be allowed an input as they submit planning applications. With respect to the 100ft. road frontage and the minimum half acre for domestic dwelling, he stated that there are certain circumstances where infill should be allowed, i.e. less than the 100ft. With respect to the half acre which is a requirement for septic tank, he felt that this requirement did not stand up to the S.R. 6 analysis and that it depended on the area and the land in question. On Scenic Amenity he stated that a balance must be achieved between the urban/rural development and that rural life is important. People should be allowed to live in rural areas and that depopulation of these areas will occur if people move to towns. It was not economic to provide services and people were being pushed into larger towns. He felt that people who wanted to live in rural areas should be granted planning permission in areas where there were previously houses. Certain land should be marked off-limits to everyone. People should be encouraged to build in old villages and that it was possible to develop the county without spoiling views. The policy should be to regenerate rural areas in the County. With respect to Telecom and E.S.B lines, a policy should be put in place whereby these lines are kept underground in small towns. The policy on demountable dwellings should also be looked at. The Plan should be more user-friendly. On derelict houses, there is no policy to encourage such houses to be redeveloped. Second houses for letting would boost peoples economy and income. He then added that there should be a special section on the Gaeltacht. Where there were largescale developments, the applicant would have to produce an impact study on the effect of this development on the language in the area.

Senator McDonagh then made the following contribution. He stated that the County Development Plan was not rural friendly. It was harsh and that it led to Section 4 Motions. He then referred to his

submission on which he had received a written reply. He further added that the County Development Plan was causing problems for genuine people. The Chairman added that the blanket cover is too restricted and that people were being forced into towns when in fact they should be allowed build in the countryside. Councillor McHugh requested that the Mayo County Development Plan be studied with respect to the restrictions around the Corrib. Deputy O'Cuiv added that it should be the aim of the Council to allow people build in the countryside if they so wished to which Senator McDonagh seconded this proposal.

The Deputy County Manager then informed the meeting that each County Plan made since 1963 had been made less restrictive. The Chairman requested that agents who submit planning applications be allowed to meet planners and express their views in this area, to which Mr. Kavanagh agreed.

VARIATION OF TUAM TOWN ENVIRONS PLAN

2476

The Deputy County Manager referred to report which had been circulated prior to the Meeting. The variation as set out in the report was proposed by Cllr. Joe Burke and seconded by Deputy Connaughton.

AFFORESTATION.

2477

Councillor Regan stated that proposals should be made, whereby planting of trees in land over 4 - 5 acres should require planning permission. In scenic areas, farmers here should be compensated for not having land afforested. Deputy Connaughton called for the government to introduce a land use policy in this area. The public are worried that trees could be planted close to them and others are worried that they would have to go through the planning permission system for afforestation. It was the E.E.C. who decided to promote the planting of trees and some farmers on good land have to consider planting. He added that the present system whereby up to a minimum of 200 hectares is exempt from having to apply for planning permission is too high a threshold and should be lowered.

Councillor O'Sullivan then added that the exempted area was far too great and added that all applications should be referred to the planning authority initially. A statement was required on afforestation policy. Councillor Cunningham welcomed afforestation and referred to the flooding which was occurring in South Galway. Deputy O'Cuiv informed the meeting that plantings less than 200 hectares required department approval and that the Council should be part of this procedure. There was no appeal mechanism if the department refused an applicant permission to plant. He sees cases for not

having to get planning permission for all planting but felt that the criteria had to be wider than normal physical matters. With respect to Leitrim, he added that no account had been taken of the local community affected by afforestation and stated that there should be a clear criteria set down and an appeal system also. He felt that the elected representatives should have a greater input into the system and wider debate was required.

Councillor Callanan stated that planting of good land was a disaster and that in East Galway as planting increased, people were being enclosed and surrounded by forestry. A development plan on afforestation should be drawn up. A study should be carried out to establish the areas acceptable for planting and applications for planting should be made in writing to the Council.

Councillor Gavin stated that it was the national policy to plant trees in the country and that if the lower limit of 40 acres came into being, methods would be used to get around this minimum criteria. He felt then that there would be piecemeal planting of land to avoid the lowered limit. He then informed the meeting that the Fishery Department were having great problems with afforestation. Farmers with hundreds of acres of land situated in mountainous areas are been advised to plant trees. Deputy McCormack agreed with the lower limit for exemption. He felt that there was conflict of policy with respect to different government departments. He added that it was at the harvesting of afforested land the amenities of the area would be injured. He stated that there was a difference between Connemara and East Galway physically and that some applications had been of benefit.

Councillor Quinn welcomed afforestation for bad land but did not agree with the planting of trees near houses. Councillor O'Tuathail stated that in areas of Connemara, the planting of afforestation will affect views and in this respect referred to the Maam Valley. He further added that fertilisers from forestry development affects lakes, overall this was a sensitive issue. Councillor Hussey stated that afforestation meant an economic boom in the case of large proportion of farmers in Galway especially small farmers. It was wrong for planning permission to be required for up to 4 - 5 acres. He then referred to the harmful effect of planting near villages which would result in them being cut off.

Councillor O'Neachtain stated that there must be a balance set down and that there are certain areas in the county that benefits from afforestation. A land use study should be prepared to take account of all factors. He felt that there are areas good for forestry and that areas need economic development & tourist development.

Mr. Brian Callagy, S.E.E. (Forward Planning) welcomed the contribution from the members. He informed the meeting that the Department of Agriculture, Food and Forestry had carried out a land use strategy in respect to afforestation and then went on to explain the process of selection which was operated by the Department. The Department assesses the application themselves and act as a planning authority. They then send the application to various bodies and it was not clear exactly how the process of assessment was carried out. He added that regulations which are in force with respect to farm development should be brought into law to cover afforestation i.e. distance from adjoining houses. He then went on to address various issues brought up by the members.

He informed Deputy Connaughton that only one E.I.S. was submitted in respect to afforestation and this was carried out by Coillte. With respect to the flooding in South Galway he advised Councillor Cunningham that the effect of afforestation on this matter would be investigated. Mr. Callagy informed the meeting that the method to control afforestation would be by way of regulations. He stated that superb views in Connemara are being ruined by afforestation and that another problem was that forests which are existing can be replanted without obtaining planning permission. It was the Planners duty to try and preserve natural areas such as blanket bogs in Connemara. An E.I.S. should be made so that areas are completely ruled out for afforestation. Councillor McClearn wished to know if a provision could be put in the County Development Plan that required all afforestation to come through the Council and that there were situations in South-East Galway where views are being lost. He felt that there was plenty of land suitable for afforestation but this land was not being used and questioned the ethics of people involved in afforestation. Mr. Callagy stated that the planning regulations must be changed to lower the limits on afforestation in answer to Deputy Connaughton's request on this matter. With respect to Councillor Ryan's question on the possibility of enforcement against people who plant trees near a house, he was informed that there was no power in the regulations to cover this matter.

Deputy O'Cuiv stated that a balance must be achieved with respect to afforestation as a great number of jobs depend on it and felt that if huge grants were not been given out, this problem would have not arisen. He stated that the following aspects should be taken into account with respect to afforestation:

1. Suitable land.
2. Suitable species.
3. Social effect.

4. Planning Implications.
5. Effect on fish life.

All of these must be looked at together. A clear system should be set down which allowed a person to appeal a decision made by the Department. Councillor Regan stated that all afforestation should require planning permission.

The Deputy County Manager stated that unless the regulations require that planning permission be sought for afforestation, people cannot be forced to apply. He felt that the present threshold should be reduced and a certain number of restrictions in terms similar to those which are applied in the case of agricultural buildings.

It was proposed by Councillor Regan, and seconded by Councillor McClearn, that all forestry development should require planning permission. A counter proposal was made by Deputy O Cuiv that a further report be prepared incorporating the views of the Members.

A Vote taken for or against Clr. Regan's proposal resulted as follows:

FOR:- Councillors Brennan, Callanan, Cunningham, Finnerty, McClearn, Mullins, Sullivan O'Tuathail, Regan (9)

AGAINST:- Councillor J. Burke, Deputy O Cuiv, Councillors Finnegan, Gavin, Mannion, Deputy McCormack, Senator McDonagh, Councillors NiFhatharta, O'Neachtain, O'Neill, Quinn, Ryan. (12).

It was agreed that this item be included on the Agenda for the next Meeting of the Council.

CONFERENCES

2478

It was proposed by Councillor Mannion, and agreed, that the following Conferences, which had previously been approved by the Finance Committee, be ratified by the Council, details of which had previously been circulated to each Member - Dr. Douglas-Hyde Conference, Ballaghaderreen - Attendance by Senator McDonagh, Councillor McClearn and Councillor McHugh. Social Study Conference, Kilkenny to be attended by Councillors Loughnane, Ryan and Senator McDonagh.

SYMPATHY

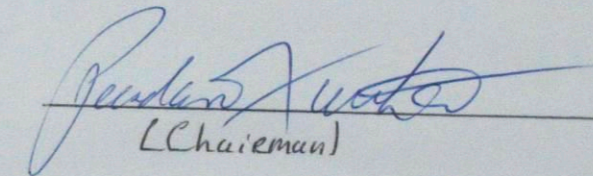
2479

A vote of Sympathy was passed with the following:

Mrs. Chrissie Shinnors, Perssepark, Aughrim, B'sloe.

THE MEETING THEN CONCLUDED.

Submitted, Approved & Confirmed.


(Chairman)

22/8/94

(Date)

COMHAIRLE CHONTAE NA GAILLIMHE
(Galway County Council)

Oifig an Runai,
Arus an Chontae,
GAILLIMH.

8u la Iuil, 1994

CHUIG GACH BALL DE'N CHOMHAIRLE/

A Chara,

Iarrtar ort leis seo bheith i lathair ag cruinniu Speisialta de Chomhairle Chontae na Gaillimhe a thionolfar ins na Foirgnithe Chontae, Gaillimh, De Luain, an 11u la Iuil, 1994, ag tosnu ar a 3.30 a chlog sa trathnona.

Mise, le meas,

T. O COCHLAN
RUNAI SEALADACH

SUPPLEMENTARY AGENDA

4. Proposed Variation of Tuam Town Environs Plan.

COMHAIRLE CHONTAE NA GAILLIMHE
(Galway County Council)

Oifig an Runai,
Arus an Chontae,
GAILLIMH.

5u la Iuil, 1994

CHUIG GACH BALL DE'N CHOMHAIRLE/

A Chara,

Iarrtar ort leis seo bheith i lathair ag cruinniu Speisialta de Chomhairle Chontae na Gaillimhe a thionolfar ins na Foirgnithe Chontae, Gaillimh, De Luain, an 11u la Iuil, 1994, ag tosnu ar a 3.30 a chlog sa trathnona.

Mise, le meas,

T. O COCHLAN
RUNAI SEALADACH

AGENDA

1. "That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, Galway County Council require the County Manager to grant outline permission to James O'Toole, in the Townland of Clifden Demesne for the construction of a dwellinghouse and septic tank - Planning Ref. No. 70467.

E. O Cuiv C. Ni Fhatharta P. O'Tuathail
J. Mannion.

2. "That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, Galway County Council require the County Manager to grant Planning Permission for house and Septic Tank to Patrick Cullinane, Caheravoola, Cummer - Planning

Ref. No. 71101.

J. McDonagh
E. Varley

S. O'Neachtain
S. Gavin

P. McHugh
P. McCormack

3. Review of County Development Plan,

**MINUTES OF SPECIAL MEETING OF GALWAY COUNTY
COUNCIL HELD AT THE COUNTY BUILDINGS, GALWAY ON
MONDAY, 4th JULY, 1994.**

IN THE CHAIR: Councillor J. Burke.

ALSO PRESENT:
Members: Councillors J. Brennan, W. Burke, T. Byrne, J. Callanan
Deputies P. Connaughton, E. O Cuiv, Councillors M. Cunningham, M. Fahy, M. Finnerty, S. Gavin, T. Hussey, M. Loughnane, J. Mannion, J. McClearn, Senator J. McDonagh, P. McHugh, M. Mullins, C. Ni Fhatharta, P. O'Sullivan, P. O'Tuathail, K. Quinn, M. Regan, M. Ryan, E. Varley, and T. Walsh.

Officials: Messrs. T. Kavanagh, Deputy County Manager, J. Crotty, Deputy County Engineer, E. Lusby, Acting Assistant County Manager, L. Kavanagh, S.E.E., B. Doyle, Admin. Officer, T. Connell, S.S.O., and T. Coughlan, Acting County Secretary.

The Opening Prayer was recited.

SYMPATHY.

2465

It was proposed by Councillor E. Varley, seconded by Deputy O'Cuiv and resolved that the Sympathy of the Council be extended to the families of Declan Walsh and Joseph O'Dea, Headford, following a tragic accident.

The Sympathy of the Council was also extended to Mr. J. McCartin, M.E.P., and his wife Anne, on the recent death of their Son.

A Resolution of Sympathy was also passed with the following:-

The Burke Family, Moyglass, Loughrea, Co. Galway.

CONGRATULATIONS.

2466

The Best Wishes of the Council were extended to Councillor Michael Finnerty and his wife on the Birth of their daughter, Emma.

RESOLUTION UNDER SECTION 4 OF THE CITY AND COUNTY MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING APPLICATION NO. 70568 APPLICANT - TOM AND CATHERINE HAHESSY

2467

The motion was proposed by Councillor Tiarnan Walsh and seconded by Councillor Tom Hussey. The Chairman declared his interest in this matter and left the Chamber. Cllr. Finnerty took the Chair. Cllr. Walsh informed the meeting that in 1991, Teagasc advised the applicants that they were exempt from applying for planning permission. They had nothing to hide in this present application and were not informed that planning permission was required. The applicants had spent up to £200,000 on the course and there were no objections to it. He maintained that there was no interference with traffic and that the course was open for two years and used in the day and was an amenity for the area. It was only fair to grant permission. He further added that Galway Rugby Club were granted permission also onto the N17 National Route. Cllr. Hussey referred to the traffic generated as a result of this development and quoted the width of the road at this particular entrance to the golf course and at a garage 300 yards further down the road which had a width of 30 feet. He stated that the weekend figures of traffic movements were 12% down on weekday figures. He then compared a traffic count taken at Loughgeorge, Claregalway with one taken on the Tuam/Milltown road. He stated that there were no objections to this development and that screening would be put in place, if necessary.

Cllr. McHugh then added that he was familiar with this present application. He stated that there is an existing access to the site and that the applicants could carry out alterations if required. The course is used in evenings and at weekends. Cllr. Mullins informed the meeting that he was in favour of the development in principle, it being an amenity for the area. With regard to the golf balls landing on the roadway, he wanted to know if screening would overcome this difficulty. Cllr. Joe Brennan then stated that Galway Golf Club was on a main road and that Galway Rugby Club was allowed onto this particular route also. He added that the Golf Course was active since 1991 and that no problems had arisen about the change of use. There were no external

changes and no accidents had occurred. Deputy Connaughton stated that the access is existing and the County Engineer must clarify why emphasis is on this aspect. Cllr. McClearn stated that it was futile to bring in a Section 4 as it will be refused on legal advice. He wished to know if members had any right to get copies of this legal advice. The Deputy County Engineer informed the meeting that the facts were clear in the report, the site is on National route and would endanger public safety because of traffic hazard. The four greens were a short distance from National route and would lead to disastrous results if golf balls hit a car at speed on this road. It would also be a distraction to drivers on the National route. The erection of netting would not be sufficient to protect cars on this route. Recently Galway Golf Course was altered to prevent golf balls from landing on the roadway. The Deputy County Engineer then submitted the following report.

LOCATION:

The site is located on the N.17 National Primary Route approximately 1 mile north of Tuam town.

PLANNING HISTORY:

PR 68686 - Permission refused on the 2/7/93 for change of use of part of residential building to golf clubhouse.
Applicants: Tom & Catherine Hahessy.
No appeal against Planning Authority's decision.

PLANNING CONSIDERATIONS:

The site is located on the National Primary Route where the maximum speed limit applies and where it is the policy of the Planning Authority to restrict development in the interests of public safety. The applicants commenced the development of a golf course alongside the National Route on farmland which has an access directly onto the Route in the belief that it constituted exempted development. The Planning Authority does not regard it as exempted development because the traffic which would be generated would be liable to endanger public safety by reason of traffic hazard. It would thus be de-exempted under Article 10 of the Regulations.

Apart from the general policy of limiting new accesses along the Route and limiting development which would intensify traffic volumes and turning

movements to and from the Route, there is the added difficulty at this access point of insufficient sight distance and lack of compliance with standard R.T. 181. There is also the situation where there are fairways and greens in close proximity to the N. 17 with the consequent risk to drivers attention and concentration which would arise from the activity itself and from golf balls landing on the roadway.

There would be no objections in principle to a golf course on this farmland if an access could be provided onto a County road and the course layout were re-arranged so as not to adjoin the major roadway. The annual average daily traffic (AADT) for this route in 1992 was 2956 vehicles of which 12% were the H.G.V. (heavy goods vehicles).

RECOMMENDATION:

It is proposed to refuse the application for the following reasons:

1. The site is located on a restricted National Primary Route (N.17) and if this development were permitted, it would be contrary to the current County Development Plan (Chapter 8, and Table 8A) which restricts frontage development outside the 30 mph speed limit to the essential housing need category and prohibits commercial development along this Class 1 Control Route.

2. The proposed development, if permitted, would endanger public safety by reason of traffic hazard because the site fronts a heavily trafficked section of the National Primary Route (N.17) where the maximum speed limit applies. The proposed development would be a distraction and danger to motorists and would also result in increased traffic turning movements where sight distance is restricted, which would interfere with the safety and free flow of traffic along this restricted route and would be contrary to the proper planning and development of the area.

Mr. Liam Kavanagh, S.E.E. Planning stated that the policy was to restrict National route accesses. It was in the interest of the common good to protect traffic routes. The Rugby Club previously referred to by the members was granted on appeal by An Bord Pleanala, after having been refused by the Planning Authority. The access to the Club was onto a county road but this was found to be too dangerous on coming on to the national route and an alternative access was applied for and granted by the Planning Authority. He further added that the garage near the

golf course was granted by way of Section 4. On the point of amenity, it was not being argued. The Planning Authority would not object to the course provided access was onto a county road and subject to them re-jigging the course layout. He added that with respect to the Salthill course, this was pre-planning. Cllr. Walsh added that the distraction to motorists in this case would be similar to that of football pitches and that this was a weak argument. He again stated that the applicants felt that they did not need planning permission. Cllr. Hussey stated that the applicants would erect screening where required.

The Chairman called for a vote on the resolution as set out on the Agenda.

FOR: Councillors Brennan, Byrne, Callanan
Deputies Connaughton, O Cuiv, Councillors
Cunningham, Fahy, Finnegan, Finnerty,
Gavin, Hussey, Mannion, McClearn,
Senator McDonagh, Councillors McHugh,
Mullins, Ni Fhatharta, O'Sullivan,
O'Tuathail,, Quinn, Regan, Ryan, Varley
and Walsh (24)

AGAINST Nil.

The Chairman declared the resolution passed.

DISPOSAL OF LAND

2468

It was proposed by Councillor Finnegan, seconded by Councillor Hussey and agreed, that the Council approve the disposal of .099 acres of land at Townparks, Tuam to Mr. Cathal Lynch in accordance with Section 83 of the Local Government Act, 1946 and Section 83 Notice dated the 22nd June, 1994 which had been circulated to each Member prior to the Meeting.

SURAFACE DRESSING - CAHERLISTRANE.

2469

It was agreed that this Matter be deferred to the Monthly Meeting of the Council.

ENUREMENT CLAUSES

2470

The Council noted report dated the 1st July, 1994 which had been circulated to each Member prior to the Meeting. It was agreed that the Law Agent be requested to attend the September Planning Meeting of the Council to discuss this matter.

HEDGE CUTTING

2471

It was agreed that this matter be included in the Agenda for the July Monthly Meeting of the Council.

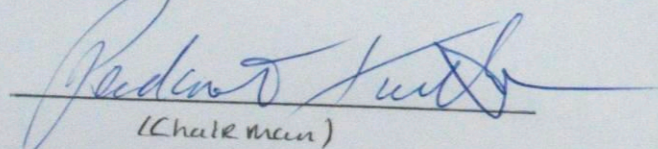
AREA MEETINGS

2472

The County Secretary requested that the Members agree dates for the Ballinasloe, Connemara, Galway and Tuam Area Meetings of the Council to be held during the month of July.

THE MEETING THEN CONCLUDED.

Submitted, Approved & Confirmed.


(Chairman)

22/8/94
(Date)

COMHAIRLE CHONTAE NA GAILLIMHE
(Galway County Council)

Oifig an Runai,
Arus an Chontae,
GAILLIMH.

28u la Meitheamh, 1994.

CHUIG GACH BALL DE'N CHOMHAIRLE/

A Chara,

Iarrtar ort leis seo bheith i lathair ag cruinniu Speisialta de Chomhairle Chontae na Gaillimhe a thionolfar ins na Foirgnithe Chontae, Gaillimh, De Luain, an 4u la Iuil, 1994, ag tosnu ar a 12.00 a chlog Mean-lae.

Mise, le meas,

T. O COCHLAN
RUNAI SEALADACH

SUPPLEMENTARY AGENDA

2. Disposal of .099 acres of land at Townparks, Tuam to Mr. Cathal Lynch - Section 83 Notice dated 22nd June, 1994 already circulated.
3. Surface Dressing - Caherlistrane.
4. Enurement Clauses.

COMHAIRLE CHONTAE NA GAILLIMHE
(Galway County Council)

Oifig an Runai,
Arus an Chontae,
GAILLIMH.

27u la Meitheamh, 1994.

CHUIG GACH BALL DE'N CHOMHAIRLE/

A Chara,

Iarrtar ort leis seo bheith i lathair ag cruinniu Speisialta de Chomhairle Chontae na Gaillimhe a thionolfar ins na Foirgnithe Chontae, Gaillimh, De Luain, an 4u la Iuil, 1994, ag tosnu ar a 12.00 a chlog Mean-lae.

Mise, le meas,

T. O COCHLAN
RUNAI SEALADACH

A G E N D A

1. "That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, Galway County Council require the County Manager to grant Permission for Retention of Golf Course at Ardnacong, Tuam, to Tom and Catherine Hahessy - Planning Ref. No. 70568.

T. Hussey P. Finnegan K. Quinn M. Ryan
P. Connaughton T. Walsh.

**PLEASE NOTE THAT THIS MEETING WILL ALSO INCORPORATE
THE BUSINESS OF SPECIAL MEETING WHICH WAS TO BE HELD
ON FRIDAY, 8TH JULY, 1994**

**MINUTES OF MONTHLY MEETING OF GALWAY
COUNTY COUNCIL HELD AT THE COUNTY
BUILDINGS, GALWAY ON MONDAY, 27th JUNE, 1994.**

IN THE CHAIR:- Councillor J. Burke.

ALSO PRESENT:

Members:

Councillors J. Brennan, T. Byrne
J. Callanan, Deputies P.
Connaughton, E. O Cuiv
Councillors M. Cunningham, M.
Fahy, P. Finnegan, M. Finnerty,
S. Gavin, T. Hussey, M.
Loughnane, J. Mannion, J.
McClearn, Senator. J. McDonagh,
Councillors P. McHugh,
M. Mullins, C. Ni Fhatharta,
S. O'Neachtain, M. O'Neill,
P. O'Sullivan, P. O'Tuathail,
K. Quinn, M. Regan, M. Ryan,
E. Varley and T. Walsh.

Officials:

Messrs. T. Kavanagh, Deputy
County Manager, J. Crotty,
Deputy County Engineer,
E. Lusby, Acting Assistant
County Manager, L. Kavanagh,
S.E.E., J. McGovern, Admin.
Officer, T. Connell, C. Wallace,
S.S.O's, and T. Coughlan,
Acting County Secretary.

The Opening Prayer was recited.

It was proposed by the Chairman, and agreed, that Standing Orders be suspended, and that the Minister for Justice be invited to address the Council.

MINISTER'S ADDRESS

The Minister for Justice, Ms. Maire Geoghegan-Quinn, T.D., was welcomed by the Chairman and Spokespersons for each Grouping of the Council.

The Minister addressed the Council and referred the Role of the Community as a key factor in security, proposals for recruitment of extra Garda, information

technology, and corporate strategy plans, crime prevention initiatives, rural policing schemes, and the management of offenders. Members of the Council paid tribute to the Minister for the manner in which her Portfolio had been handled, and expressed concern at a number of issues, including rural policing, moral issues, collection of fines, remand of prisoners, and free legal aid. The Members welcomed the schools visiting scheme.

The Chairman thanked the Minister for her informative and frank contribution to the Meeting.

RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY
MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING
APPLICATION NO. 71101 - PATRICK CULLINANE

2412

The Acting County Secretary informed the Members that this Section 4 was invalid, and that the Members had already been informed accordingly.

RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY
MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING
APPLICATION NO. 70735 - CATHAL QUINN.

2413

Seantor McDonagh informed the Meeting that he was withdrawing this Section 4 Motion.

RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY
MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING
APPLICATION NO. 70814 - MR. & MRS. JOHN KEANE

2414

The Resolution set out on the Agenda was proposed by Cllr. Cunningham and seconded by Cllr. Regan.

Cllr. Cunningham stated that this Section 4 was before the Council on a previous occasion, being defeated because of insufficient members present. He added that a housing need existed in this case and that an area like this is open country.

The following report was submitted to the members:

LOCATION: The site is located in the townland of Stradbally North and is on the county road leading to the village of Stradbally. This county road is the first road on the right hand side as one leaves the village of Clarinbridge travelling south just past the National School.

PLANNING HISTORY:

PR. No. 70008 - A similar application by the same applicant was refused by the Planning Authority and was not appealed to An Bord Pleanala. A Section 4 motion to grant planning permission failed because a sufficient number of Councillors failed to support the motion.

PLANNING CONSIDERATIONS: The site is located within the Galway City Environs as indicated on Map No. 7A of the County Development Plan and where it is the policy of the Planning Authority as set out in Chapter 7.2.6.(i) to exercise strict development control and having regard to policies for groups of houses as set out in Section 7.2.8 (i) of the County Development Plan. For the purposes of section 7.2.8(i) ribbon development is defined as a group of 3 or more buildings located on contiguous sites which

have frontage onto a public road. Development control policy is clearly set out and states that applications for such groups of houses, whether wholly or singly in a piecemeal manner, or singly by addition to two existing or permitted contiguous buildings, will not be permitted.

There is 1 no. existing dwellinghouse and 2 no. permitted dwellinghouses on immediately adjacent and contiguous sites. These permissions are the result of previous permissions granted prior to the introduction of the present Development Plan. There is also a dwellinghouse located across the roadway.

In addition there are 13 no. dwellinghouses located at the head of the roadway and only a 1/4 of a mile distant. The applicant is a prospective purchaser and a case of essential housing need is not involved.

RECOMMENDATION: It is proposed to refuse the application for the following reason.

The proposed development would, in conjunction with adjacent existing and permitted developments, constitute an excessive density and concentration of non-essential housing in a rural area situated within the environs of Galway city as indicated on Map No. 7A of the County Development Plan and would, if permitted, be contrary to Chapter 7.1 (vi), 7.2.6 and 7.2.8 (i) of the County Development Plan which seeks

to restrict such development.

Mr. Liam Kavanagh, S.E.E. Planning, stated that a housing need existed but did not come under the farmholders need category as outlined in the County Development Plan. Cllr. Cunningham replied that the applicant lived in the area and is renting a house there.

A vote taken for or against the resolution as set out on the agenda resulted as follows:

FOR: Councillors Brennan, Byrne, Callanan, Deputy Connaughton, O'Cuiv, Councillors Cunningham, Fahy, Finnegan, Finnerty, Gavin, Hussey, Loughnane, Mannion, McClearn, Deputy McCormack, Senator McDonagh, Councillors McHugh, Mullins, Ni Fhatharta, Naughton, O'Neill, O'Sullivan, O'Tuathail, Quinn, Regan, Ryan, Varley, Walsh - (28).

The Chairman declared the resolution passed.

MINUTES

2415

On the proposition of Councillor Ryan, seconded by Councillor Regan, the Minutes of Special Meeting of Galway County Council held on the 9th May, 1994 were approved and signed by the Chairman.

On the proposition of Senator McDonagh, seconded by Councillor Ryan, the Minutes of Arts Meeting of Galway County Council held on 23rd May, 1994, incorporating the allocation of the 1994 Arts Grants, were approved and signed by the Chairman.

On the proposition of Councillor Mullins, seconded by Councillor Quinn, the Minutes of Monthly Meeting of Galway County Council held on the 23rd May, 1994 were approved and signed by the Chairman.

It was agreed that a Report on Surface Dressing at Caherlistrane and Enurement Clauses be circulated for the next Meeting of the Council.

SALE OF HOUSE

2416

It was proposed by Councillor Finnegan, seconded by

Senator McDonagh, and agreed, that the Council approve the sale of house at Farmhill, Abbeyknockmoy to John and Nuala Lane, Farmhill, Abbeyknockmoy in accordance with Section 83 of the Local Government Act, 1946, and in accordance with Section 90 of the Housing Act, 1966 as substituted by Section 26 of the Housing (Miscellaneous Provisions) Act, 1992 and Section 83 Notice dated the 27th May, 1994 which had previously been circulated to each Member of the Council.

JULY PLANNING MEETING

2417

It was agreed that the July Planning Meeting be held on Monday, 4th July, 1994 at 12.00 Noon.

CONFERENCES.

2418

It was resolved that the Council approve attendance at Conferences which had previously been ratified by the Finance Committee of the Council. It was agreed that Councillors Hussey, O'Tuathail, and Mannion attend the "Culture and the Regions" Seminar in Gweedore, and that Councillors Mannion, Byrne and Finnegan attend the Carlingford Conference. Details of the Estimated Cost of attendance at these Conference had been circulated to each Member of the Council.

SALE OF HOUSE

2419

It was proposed by Councillor Finnegan, seconded by Councillor T. Hussey, and resolved that the Council approve the sale of house at Bishop Street, Tuam to Mr. Jim Flanagan, Galway Road, Tuam in accordance with Section 83 of the Local Government Act, 1946, and in accordance with Section 90 of the Housing Act, 1966, as substituted by Section 26 of the Housing (Miscellaneous Provisions) Act, 1992 and Section 83 Notice dated the 14th June, 1994 which had been circulated to each Member of the Council.

REVISION OF REMUNERATION

2420

It was proposed by Councillor Hussey, seconded by Councillor Ryan, and agreed that the Council approve the application of Agreement on Pay to the Public Service in accordance with Report dated the 21st June, 1994 which had been circulated to each Member of the Council which provides for the Public Service Pay Agreement for 37 Months.

FORUM

2421

It was proposed by Councillor O'Neill, seconded by Councillor J. Brennan, and agreed, that the Council approve a payment of £3,000 to FORUM, Letterfrack, subject to the funding not being deducted from the provision for Amenity Grants.

LOUGHREA HERITAGE TRUST

2422

It was resolved by the Council that a contribution of £1,000 be made to the Loughrea Heritage Trust in accordance with Documentation which had been circulated to each Member prior to the Meeting.

COUNTY TOURISM COMMITTEE

2423

It was proposed by Councillor Mannion, seconded by Senator McDonagh and agreed that Councillor E. Varley be nominated as the Council's representative to the County Tourism Committee.

BALLINASLOE COUNTY COUNCIL OFFICE.

2424

The Deputy County Manager referred to report dated 27th June, 1994 which had been circulated to each Member prior to the Meeting. It was proposed by Councillor Mullins, seconded by Councillor O'Sullivan and agreed, that the Council approve the proposed new County Council Offices for Ballinasloe, and approve the raising of a loan of £53,000 to fund this development.

KILBEG/KNOCKFERRY BRIDGE

2425

It was proposed by Councillor Gavin, seconded by Councillor O'Neachtain, that the Council restate the support of Galway County Council for the Bridge Group in their endeavours to construct a bridge at Kilbeg/Knockferry.

CASUAL TRADING BILL

2426

It was agreed that this matter be deferred.

CONTROL OF LITTER

2427

It was agreed that this matter be deferred to the next meeting of the Council.

VOTES OF SYMPATHY

2428

Resolutions of Sympathy were passed with the following:

Mr. Peg Keane & Family, Oldtown, Moycullen, Co. Galway.
Mr. Ciaran Sullivan & Family, Corribdale, Oughterard.
Ms. Very Flynn, Kilgarve, Creagh, Ballinasloe.
The Hall Family, Ballyboy, Gort, Co. Galway.
Ms. Nancy Turley, Lochan Beag, Indreabhan.

COUNCILLORS NOTICES OF MOTION.

N.O.M. NO. 16 - ROAD - CLR. M. CUNNINGHAM

2429

The following written reply was given to Councillor Cunningham.

"The above road is not up to the required standard and cannot be taken in charge.

The developer should contact the County Council and will be informed by the Council of works outstanding."

N.O.M. NO. 17 - BOTHAR - AN COMH. C. NÍ FHATHARTA.

2430

Seo leanas an freagre a tugadh do'n Comhairleoir Ní Fhatharta.

"Deanfar an obair seo ag deireadh na bliana ma bhionn airgead ar fail."

N.O.M. NO. 18 - HOUSE - CLR. M. O'NEILL

2431

The following written reply was given to Councillor O'Neill.

"An inspection of the Septic Tank was carried out in this case and the necessary defect has been remedied.

N.O.M. NO. 19 - SIGN - CLR. W. BURKE.

2432

The following written reply was given to Councillor Burke.

"A Statutory children crossing sign will be provided at the above location within the next few weeks."

N.O.M. NO. 20 - ROAD - CLR. W. BURKE 2433

The following written reply was given to Councillor Burke.

"The worst sections of this road will be resurfaced under the 1994 Roadworks Programme."

N.O.M. NO. 21 - SEWERAGE SYSTEM - CLR. W. BURKE 2434

The following written reply was given to Councillor Burke.

"Galway County Council submitted a Preliminary Report for Portumna Sewerage Scheme to the Department of the Environment in March, 1993. Departmental approval to the Preliminary Report is awaited to allow the Council to proceed to Contract Document Stage.

N.O.M. NO. 22 - ENGINEERING AREAS - CLR. M. CUNNINGHAM 2435

The following written reply was given to Councillor Cunningham.

"We are presently reviewing the above locations along with similar roads for both Engineering Areas."

N.O.M. NO. 23 - ROAD - CLR. M. CUNNINGHAM 2436

The following written reply was given to Councillor Cunningham.

"The above road was damaged as a result of land reclamation works carried out by a local farmer. This has been brought to the attention of the landowner concerned."

N.O.M. NO. 24 - ROAD - CLR. M. CUNNINGHAM 2437

The following written reply was given to Councillor Cunningham.

"Lay-bys were recently provided at the above location."

N.O.M. NO. 25 - HOUSING - CLR. M. FAHY 2438

The following written reply was given to Councillor Fahy.

"Mr. & Mrs. Martyn are approved applicants for Local Authority Housing and a final decision in relation to

the provision of a rural house for this family will be made in the immediate future.

N.O.M. NO. 26 - ROAD - CLR. M. FAHY 2439

The following written reply was given to Councillor Fahy.

"It is hoped to have the above works carried out towards the end of the year."

N.O.M. NO. 27 - GROUP WATER SCHEME - CLR. M. FAHY 2440

The following written reply was given to Councillor Fahy.

This proposed Group Scheme was approved by Galway County Council in June, 1984. The Council informed the Department of the Environment that the group should arrange to have levels taken and then plotted in order that proper drawings could be prepared when the scheme was going to tender.

Revised drawings were submitted to the Council in May, 1994. The Council subsequently wrote to the Department notifying them that the revised drawings were in order. Further information may be obtained from the Department of the Environment, Group Scheme Section, Ballina, Co. Mayo.

N.O.M. NO. 28 - BOTHAR - AN COMH. SEAMUS GAVIN 2441

Seo leanas an freagra a tugadh do'n Comhairleoir Gavin.

"Se an piosa deire den bothar an piosa is measa. Ni bheidh muid indhan an piosa seo a dheisiu mar nil se faoi churam an Comhairle Contae."

N.O.M. NO. 29 - ROAD - CLR. S. GAVIN. 2442

The following written reply was given to Councillor Gavin.

"Routine maintenance will be carried out at the Tooreeny road within the next few weeks. Repairs have already been carried out at the Barranarran road."

N.O.M. NO. 30 - ROAD - CLR. S. GAVIN. 2443

The following written reply was given to Councillor

Gavin.

"Work is presently in progress at the Ower Road and repairs have been carried out to the Gorthmore-Gortbeg Road."

N.O.M. NO. 31 - WATER PUMP - CLR. M. LOUGHNANE 2444

The following written reply was given to Councillor Loughnane.

"Pump is presently in place and is working satisfactorily".

N.O.M. NO. 32 - ROAD - CLR. M. LOUGHNANE 2445

The following written reply was given to Councillor Loughnane.

"It was not possible to include the above road in the 1994 Roadworks Programme due to a lack of funds."

N.O.M. NO. 33 - HARD SHOULDERING - CLR. M. LOUGHNANE 2446

The following written reply was given to Councillor Loughnane.

"The provision of hard shoulders on National Routes is 100% exchequer funded by the National Roads Authority. However, no grants were provided for this location in the current year."

N.O.M. NO. 34 - SPEED LIMITS - DEPUTY P. McCORMACK 2447

The following written reply was given to Deputy McCormack.

"This is essentially a rural area served by a County road which does not meet the criteria for the provision of speed limit. Accordingly, the provision of speed limit at this location is not recommended."

N.O.M. NO. 35 - ROAD - SENATOR J. McDONAGH. 2448

The following written reply was given to Senator McDonagh.

"If and when a commitment is made by the National Roads Authority to fund this and other National Secondary routes, plans will be prepared and submitted to the National Roads Authority. The

Council sought a grant of £600,000 in 1994 for this location."

N.O.M. NO. 36 - WALLS - SENATOR J. McDONAGH. 2449

The following written reply was given to Senator McDonagh.

"Survey and design work is currently being carried out on the road. A grant of £100,000 has been provided in 1994 for improvement which will involve setting back a number of walls."

N.O.M. NO. 37 - ROAD - SENATOR J. McDONAGH. 2450

The following written reply was given to Senator McDonagh.

"As this is a national road which is the responsibility of the National Roads Authority, the Council has requested the opinion of the National Roads Authority."

N.O.M. NO. 38 - ROAD - CLR. P. McHUGH 2451

The following written reply was given to Councillor McHugh.

"The school is located on a County road dominantly trafficked by local traffic. Yellow road markings are not proposed as it is considered that they would not increase road safety for school children and could in fact create a false sense of security."

The statutory school signs are in place on all approaches to the school.

The 1994 Public Lighting Programme has already been approved by the Council."

N.O.M. NO. 39 - BOLLARDS - CLR. P. McHUGH. 2452

The following written reply was given to Councillor McHugh.

"The erection of bollards could make the area in question redundant when it could be available for the parking and turning of cars at the church. There is no history of unauthorised dwellings using the area. It is not proposed, therefore, to erect any bollards."

N.O.M. NO. 40 - LITTER BINS - CLR. P. MCHUGH 2453

The following written reply was given to Councillor McHugh.

"It is not possible to erect litter bins at this location because of the difficulty of servicing such bins on a regular basis. It is considered that residents dispose of litter as part of normal household refuse disposal.

It is proposed to erect two seating areas at the above location before the end of the current year."

N.O.M. NO. 41 - COMHARTHA BOTHAR - AN COMH. C. NI FHATHARTA. 2454

Seo leanas an freagra a tugadh do'n Comhairleoir Ni Fhatharta.

"Deanfar an obair seo ag deireadh na bliana ma bhionn airgead ar fail."

N.O.M. NO. 42 - BOTHAR - AN COMH. C. NI FHATHARTA 2455

Seo leanas an freagra a tugadh do'n Comhairleoir Ni Fhatharta.

"Deanfar an obair seo ag deireadh na bliana ma bhionn airgead ar fail."

N.O.M. NO. 43 - COSAIN - AN COMH. C. NIFHATHARTA 2456

Seo leanas an freagra a tugadh do'n Comhairleoir Ni Fhatharta.

"Ta airgead curtha ar fail sna merstachain i mbliana le haghaidh an lathair thuas luaite, agus deanfar an meid obair is feidir, de reir an tairgead.

N.O.M. NO. 44 - BOTHAR - AN TEACHTA E. O CUIV. 2457

Seo leanas an freagra a tugadh do'n Teachta O Cuiv.

"Ni raibh muid indhan an bothar seo a chur i gclar na mBoithre 1994 toisc easpa airgid."

N.O.M. NO. 45 - BOTHAR - AN TEACHTA E.O CUIV. 2458

Seo leanas an freagra a tugadh do'n Teachta O Cuiv.
"Cuirfear caoi ar na piosai is measa don bothar seo

i mbliana.

N.O.M. NO. 46 - BOTHAR - AN TEACHTA E. O CUIV 2459

Seo leanas an freagra a tugadh do'n Teachta O Cuiv.

"Deisiu bothar an Leachta Turlach le gairid."

N.O.M. NO. 47 - ROAD - CLR. S. O'NEACHTAIN 2460

The following written reply was given to Councillor O'Neachtain.

"The 1994 Roadworks Programme has already been approved by the County Council. However, it was not possible to include the Cloonabinna - Callawnamuck road in this Programme due to lack of funds."

N.O.M. NO. 48 - BOTHAR - AN COMH. S. O'NEACHTAIN 2461

Seo leanas an freagra a tugadh do'n Comhairleoir O'Neachtain.

"Ni raibh muid indhan an bothar seo a chur i gclar na mBoithre 1994 toisc easpa airgid."

N.O.M. NO. 49 - ROAD - CLR. S. O'NEACHTAIN 2462

The following written reply was given to Councillor O'Neachtain.

"If and when a commitment is made by the National Roads Authority to fund this and other National Secondary routes, plans will be prepared and submitted to the National Roads Authority. The Council sought a grant of £600,000 in 1994 for this location."

N.O.M. NO. 50 - ROADSIDE PUMPS - CLR. P. O'SULLIVAN 2463

The following written reply was given to Councillor O'Sullivan.

"Pumps are bolted down and nothing further can be done to secure them."

N.O.M. NO. 51 - SIGNS - CLR. P. O'SULLIVAN 2464

The following written reply was given to Councillor O'Sullivan.

Ref. No. 71101 and allow the continuance of use of his Mother's house during her life time - using a common entrance.

P. McCormack E. Varley P. McHugh
J. McDonagh.

3. "That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, Galway County Council require the County Manager to grant Planning Permission to Cathal Quinn, Cregboy, Claregalway for dwellinghouse and septic tank - Planning Ref. No. 70735.

J. McDonagh E. Varley P. McCormack
S. Gavin.

4. Consideration of Minutes of the following Minutes:-

- (a) Minutes of Special Meeting held on the 9th May, 1994.
- (b) Minutes of Arts Meeting held on the 23rd May, 1994.
- (c) Minutes of Monthly Meeting held on the 23rd May 1994.

5. Sale of house at Farmhill, Abbeyknockmoy, Co. Galway to John and Nuala Lane, Farmhill, Abbeyknockmoy, Co. Galway - Section 83 Notice dated 27th May, 1994 already circulated.

6. Sale of house at Bishop Street, Tuam to Mr. Jim Flanagan, Galway Road, Tuam - Section 83 Notice dated 14th June, 1994 already circulated.

7. Revision of Remuneration - to approve Terms of 28th Pay Round - Phase 1 (Report attached).

8. To consider contribution of £3,000 to FORUM, Letterfrack (Report to follow)

9. To consider contribution of £1,000 to Loughrea Heritage Trust (correspondence attached)

10. To nominate a representative to the County Tourism Committee (correspondence attached).

11. To nominate delegates to the 1994 National Seminar on Irish in the Local Authority Service (correspondence attached).

12. To approve proposal for County Council Offices in Ballinasloe (Report to follow).

13. Kilbeg/Knockferry Bridge - (correspondence attached).

14. Casual Trading Bill (correspondence attached).

15. Control of Litter (correspondence attached).
-

**PLEASE NOTE THAT DEPUTY MAIRE GEOGHEGAN QUINN, T.D.,
MINISTER FOR JUSTICE WILL ADDRESS THE COUNCIL AT 3.30
P.M**

COUNCILLORS NOTICES OF MOTIONS :

- Adjourned From Previous Meeting :

16 CLR. MICHAEL CUNNINGHAM
- I will propose :

That Galway County Council take over maintenance of Road at Gurrane Lower No. of Houses 1 - 4.

17 CLR. CONNIE NI FHATHARTA
- I will propose :

Go gcuirfidh Comhairle Chontae na Gaillimhe "Aire Paisti ag Trasnu" ar an mbothar an dha thaobh do S.N. Colmcille, Ros-a-Mhil. Bionn go leor tracht ar an mbothar seo.

18 CLR. MICHAEL O'NEILL
- I will propose :

An immediate inspection is carried out on the Septic Tank serving the Council house occupied by (name and address enclosed) as it would seem to be a serious health hazard.

COUNCILLORS NOTICES OF MOTIONS :

- Other Motions Received :

19 CLR. WILLIE BURKE
- I will propose :

I will propose that "Go Slow Signs" be erected on the Bohercon Road, Loughrea. There are over 500 school students using this road and traffic travels at excessive speed along this stretch of road. The residents of Bohercon have been requesting signs for the past 12 months without success.

20 CLR. WILLIE BURKE
- I will propose :

I propose that the "The Wood Road" Ballycrissane be resurfaced as it is in a deplorable condition.

21 CLR. WILLIE BURKE
- I will propose :

I propose that the County Council apply maximum pressure on the Department of the Environment to secure the proposed New Town Sewerage System for Portumna. It is restricting the growth and development of Portumna, and further the present situation where over 70% of the sewerage is going untreated into Lough Derg is intolerable and unacceptable.

22 CLR. MICHAEL CUNNINGHAM
- I will propose :

Request Galway County Council to exchange Road at Pollacurra, Castledaly, from the Loughrea Engineering Area to the Gort Engineering Area, and Roads at Roxboro to be exchanged from the Gort Engineering area to the Loughrea Engineering Area for convenience of maintenance.

23 CLR. MICHAEL CUNNINGHAM
- I will propose :

That Galway County Council repair the road that has slipped at Knockroe, Gort (Near Ballycahalan)

24 CLR. MICHAEL CUNNINGHAM
- I will propose :

Request Galway County Council to clear the side of the road leading to Thoor Ballylee Castle from Tannians Forge.

25 CLR. MICHAEL FAHY
- I will propose :

That Galway County Council erect a Local Authority house for Mr & Mrs Patrick Martyn, Roveagh, Kilcolgan. This

applicant has been approved for years for a dwellinghouse. Health problems in Family, desire need for urgent rehousing.

26 CLR. MICHAEL FAHY
- I will propose :

That Galway County Council remove claybanks adjacent dangerous bends on Carnaune Co. Road, Kilcolgan. A Deputation from this area met Mr. Paddy Martyn B.E., last year at County Buildings on this matter. Removal of claybanks would provide a good measure of safety on this road.

27 CLR. MICHAEL FAHY
- I will propose :

That Galway County Council get approval from the Department of the Environment to proceed with the Tarmuid No. 2 Group Water Scheme at Tarmuid, Clarenbridge.

28 CLR. SEAMUS GAVIN
- I will propose :

Iarraimse ar Chomhairle Chondae na Gaillimhe Bothar Baile na mBroughach in Indreabhan, Cois Fharraigne a dheisiu. Ta an droch-chaoi ar an mbothar faoi lathair agus muintir na h-aite an mi-shasta.

29 CLR. SEAMUS GAVIN
- I will propose :

That repair works are carried out on the Tooreeny Road (Moycullen) and the Barranarran Road (near Oughterard Gold Club) as both are in a poor condition and in need of immediate repair works.

CLR. SEAMUS GAVIN
- I will propose :

Road Works are carried out on the Ower Road and Gorthmore-Gortbeg Road in Roscahill. Work was promised for both roads previously.

31 CLR. MATT LOUGHNANE
- I will propose :

That the Council re-erect the water pump which was removed from Keanys Cross (Athenry E.A.) leaving a number of local people without a convenient supply.

32 CLR. MATT LOUGHNANE
- I will propose :

That surface dressing be carried out at the location detailed in attached note.

33 CLR. MATT LOUGHNANE
- I will propose :

That hardshouldering work be carried out at specified location (details below).

34 CLR. PADRAIC MC CORMACK
- I will propose :

What is the position re the provision of a speed limit in Tonagurrane Village, Corrandulla.

35 CLR. JARLATH MC DONAGH
- I will propose :

That Galway County Council inform me as to the proposals they have for the improvement and upgrading of the National Secondary Route between Headford, Co. Galway and Shrule, Co. Mayo. I wish to enquire if Galway County Council have submitted a proposal for improvements to this road to the Department of the Environment, and if so, when, and what reaction did they received from the Dept.

36 CLR. JARLATH MC DONAGH
- I will propose :

To have walls on road from Galway City to Carnmore Airport rebuilt and possibly re-sited.

37 CLR. JARLATH MC DONAGH
- I will propose :

To have road edges on the N63 from Loughgeorge to Abbeyknockmoy levelled, landscaped and re-seeded to enable pedestrians to walk in safety along this highly dangerous National Secondary Road. I wish to propose that at least 100 persons would be employed on each of these two very important C.E.S. Schemes.

38 CLR. PADDY MC HUGH
- I will propose :

(a) Provide yellow lines along the edge of the carriageway adjacent to Caherlistrane N.S. in order to define same along the school frontage in order to ensure that vehicular traffic on the carriage-way does not endanger school children coming and going from school (b) That school signs be erected on all approach roads to the school (c) That add. public lighting be provided outside school.

CLR. PADDY MC HUGH
- I will propose :

39 That Galway County Council carry out works (details enclosed).

CLR. PADDY MC HUGH
- I will propose :

40 That Galway County Council carry out works (details enclosed)

CLR. CONNIE NI FHATHARTA
- I will propose :

41 Go gcuirfidh Comhairle Chontae na Gaillimhe comhartha bothar ag Crosbothar Caladh Thadhg, An Cheathru Rua ag taispeaint an príomhbothar agus an taobh-bhothar.

CLR. CONNIE NI FHATHARTA
- I will propose :

42 Go gcuirfidh Comhairle Chontae na Gaillimhe "Aire Paisti ag trasnu ar dha thaobh den bothar ag S.N. Chamais. Bíonn go leor tracht ar an mbothar seo.

CLR. CONNIE NI FHATHARTA
- I will propose :

43 Go ndeanfaidh Comhairle Chontae na Gaillimhe na cosain ag Minna a dheisiu agus a glanadh. Bíonn go leor daoine ag úsáid na cosain seo.

CLR. EAMONN O'CUIV
- I will propose :

44 Go gcuirfear caoi ar Bothar an Bhaile i nDoire Iorrais, Rosmuc, Co. na Gaillimhe.

CLR. EAMONN O'CUIV
- I will propose :

45 Go gcuirfear caoi laithreach ar an mbothar i Seanapheistin, Casla, Co. na Gaillimhe mar go bhfuil droch chaoi air faoi lathair.

CLR. EAMONN O'CUIV
- I will propose :

46 Go gcuirfear caoi laithreach ar Bothar an Turlaigh, i Rosmuc, a bhfuil fíor droch chaoi air i lathair na huaire.

CLR. SEAN O'NEACTAIN
- I will propose :

47 That Galway County Council makes this road (details supplied) top priority for special funding. It is a very busy road and a special tourist route. It has badly deteriorated in recent times and local opinion is that it has been neglected.

CLR. SEAN O'NEACTAIN
- I will propose :

48 Go gcuirfeadh Comhairle Chontae na Gaillimhe barr fheabhar ar an mbothar seo (sonraí leis seo).

CLR. SEAN O'NEACTAIN
- I will propose :

49 That Galway County Council makes the following National Secondary Road a top priority as it is in a very bad condition at the moment and is totally incapable of servicing the high traffic use in its present condition. It is highly dangerous and the surface is rapidly subsiding which makes it extremely hazardous to commuting and general traffic.

CLR. PAT O'SULLIVAN
- I will propose :

50 That immediate action be taken to secure all roadside pumps belonging to Galway County Council.

CLR. PAT O'SULLIVAN
- I will propose :

51 That "No Dumping" signs - bearing information as to penalty - be erected at the Carty Road, Clonfert and at the Craughwell Road, Laurencetown.

MINUTES OF SPECIAL MEETING OF GALWAY COUNTY

COUNCIL HELD IN ST. PATRICK'S SCHOOL, TUAM

ON MONDAY, 13th JUNE, 1994 .

IN THE CHAIR: Councillor J. Burke.

Members:

Councillors J. Brennan, W. Burke,
T. Byrne, J. Callanan, Deputies
P. Connaughton, E. O Cuiv, M.
Cunningham, M. Fahy, M. Finnerty,
S. Gavin, T. Hussey,
M. Loughnane, J. McClearn,
Deputy P. McCormack, Senator. J.
McDonagh, Councillors P. McHugh,
M. Mullins, C. Ni Fhatharta,
M. O'Neill, P. O'Sullivan,
P. O'Tuathail, K. Quinn, M.
Regan, M. Ryan, E. Varley and
T. Walsh.

Officials:-

Messrs. D. O'Donoghue, County
Manager, P. Flood, County Engineer,
T. Kavanagh, Acting Assistant
County Manager, L. Kavanagh,
S.E.E., T. Connell S.S.O.,
and T. Coughlan, Acting County
Secretary.

The Opening Prayer was recited.

WELCOME.

2390

The Chairman welcomed the Members and Officials to Tuam and thanked Sean Burke, Principal of St. Patricks School, for the facilities provided to the Council for the Meeting.

ELECTIONS.

2391

The Chairman, and Members of the Council, congratulated the successful M.E.P.'s and Town Commissioners on the results of the recent Elections.

SYMPATHY.

2392

The Chairman proposed a minute's silence in memory of the late Ms. Marie Kilmartin, Ballinasloe, Co. Galway.

A Vote of sympathy was also passed with the following:

Maire Mhic Dhonncha, Beal an Daingin, Co. na Gaillimh.

Mrs. Chrissie Flaherty & Family, Mausrevagh,
Headford, Co. Galway.

**RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY
MANAGEMENT (AMENDMENT) ACT, 1955 PLANNING
APPLICATION NO. 70061 - TOMMY KYNE**

2393

The resolution was proposed by Cllr. McHugh and seconded by Cllr. Quinn or McClearn.

Cllr. McHugh stated that on the basis of the County Engineers report that the site is located in a high scenic amenity area. It should be taken into account that the site is 3/4 mile from the lake. It is located on the blind side of the lake and in his opinion does not interfere from the lake. He submitted that the Planning authority could freeze the remainder of the land, approximately 3.6 acres and so prohibit further development.

The County Engineer stated that it is in an area of Outstanding Scenic Amenity as per report and not high amenity as Cllr. McHugh had stated, where special controls applied. Kilbeg Pier is 2/3 mile from the site but the lake is no more than 100 to 150 yards from its edge of the site. Mr. Kyne did not claim a housing need. To grant planning permission where there was no housing need in an area of outstanding scenic amenity would open the floodgates and would set a precedent.

The County Engineer referred to the following report which had been circulated to each member prior to the meeting:

LOCATION:

The site for the proposed dwellinghouse and septic tank is located on a county road off the Galway/Headford road in the townland of Ballynacregga and is about 2/3 mile from Kilbeg Pier.

PLANNING HISTORY:

There are no previous applications on this site.

PLANNING CONSIDERATIONS:

The site is located in an area of Outstanding Scenic Amenity as designated in the current County Development Plan (Chapter 9 and Map No. 9A) where the policy of the Planning Authority is to prohibit development other than development in the "essential housing need" category, which does not apply in this case as the applicant stated in his reply to further information "there is no special housing need for this application". If this house were permitted, it

would overlook Lough Corrib, a very important amenity area of fishing, etc., from an elevated location and would serve as a precedent for other such housing development in the area.

RECOMMENDATION:

Refusal is recommended in this case for the following reason: -

The site is located in an area of Outstanding Scenic Amenity as designated in the current County Development Plan, Chapter 9 and Map No. 9A and the proposed development would be contrary to the provisions of the Plan which restricts development in this area to those with an essential housing need, a category which does not apply in this case.

A vote taken for or against the resolution as set out on the agenda resulted as follows:

FOR: Councillors Byrne, Callanan, Deputy Connaughton, O'Cuiv, Councillors Cunningham, Fahy, Finnegan, Finnerty, Gavin, Hussey, Loughnane, McClearn, Deputy McCormack, Senator McDonagh, Councillors McHugh, Mullins, Ni Fhatharta, O'Sullivan, O'Tuathail, Quinn, Regan, Ryan, Varley, Walsh - (24).

AGAINST: Councillors Brennan and Burke - (2).

The Chairman declared the resolution passed.

RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY MANAGEMENT (AMENDMENT) ACT, 1955 PLANNING APPLICATION NO. 70814 - JOHN KEANE

2394

The County Engineer informed the meeting that further information was requested on this application, a reply to which had been received on the 10th June, the contents of which was yet to be considered by the Council.

Cllr. Cunningham stated that all the information was there already and that there was no need for this further information to which Cllr. McClearn asked if an application was the same as before why was additional information requested. The County Engineer replied that this application was previously the object of Section 4 resolution which was defeated and that the applicant had not claimed a housing need. The County Manager stated that there appeared to be a change in the circumstances and that this

would now be investigated.

RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY MANAGEMENT (AMENDMENT) ACT, 1955 PLANNING APPLICATION NO. 70182 - PADDY WALSH

2395

The resolution as set out on the agenda was proposed by Councillor Gavin and seconded by Deputy McCormack.

Cllr. Gavin stated that it was his first Section 4 that he had asked fellow Councillors to sign and this was a genuine case. For many years Mr. Walsh had lived with his aunt and he was to get the land and house on her death. She suffered a stroke and he was not able to look after her. He then gave a site to his sister for minding his aunt. When the aunt died, he inherited the house but he found it too big and substandard so he sold it. He now wished to apply for a small house and was presently in rented accommodation and with no job.

The Chairman enquired was there a genuine housing need here.

The County Engineer submitted the following report.

LOCATION:

The site is located on the Galway/Oughterard Road N.59, approximately 3 miles south of Oughterard at Rosscahill.

PLANNING HISTORY:

There are no previous planning applications on this site.

PLANNING CONSIDERATIONS:

The applicant was granted full planning permission on a nearby site on this holding in September 1990, based on a housing need claim, which stated that he was due to be married and required a house separate from that of his aunt with whom he resided in what was formerly Rosscahill Post Office. The house was built recently and the applicant has said that he gave the site to his sister.

The applicants aunt died in 1991 leaving him her house and land. He decided that the house needed such extensive repair work that he could not afford to carry out the works, and subsequently sold it. He now states that he lives in rented accommodation in Maghera, Oughterard.

There are now two houses on this holding, neither of which relates to the agricultural working of the

land, and both having access onto the National Secondary Route. The proposal to construct a third house on the National Route is not acceptable, as the only housing need which existed was already fulfilled and then arbitrarily disposed of by this applicant.

The policy of the Planning Authority is to restrict development along this route in the interests of traffic safety. Numerous studies have established a direct relationship between traffic accidents and the number of roadside access points. The studies were carried out by An Foras Forbartha in Ireland and by Roads Authorities in other countries. The policy of restricting development and thereby not intensifying accident risk cannot be effected if applicants dispose of existing properties, as they please, and then plead housing need.

The Development Plan requires that where alternative frontage is available on family lands on minor roads, that housing requirements should be located there. At no stage has there been an indication of lands in the ownership of the Walsh family, other than what the applicant inherited from his Aunt, the late Mrs. O'Connor.

It should also be noted that this particular stretch of National Road has been the location of a number of serious traffic accidents in recent years, some of which have resulted in fatalities.

RECOMMENDATION:

Refusal is recommended for the following reasons: -

1. The proposed development would endanger public safety by reason of a traffic hazard because the site is located on a National Secondary Route where the maximum speed limit applies and the traffic generated by the development would interfere with the safety and free flow of traffic along the route.

2. The proposed development is located on the N59, a Class II Control Road as defined by the County Development Plan where it is the policy of the Planning Authority to prohibit development other than development in the essential housing need category, a category of development which has already been satisfied on this holding (Reference Number 61376).

The County Engineer stated that the applicant had two houses and now wanted a third. There was a duty on the Council to protect the public and stated that near this site there was a monument to someone who was killed on this road. There were also two other fatal accidents at this point which was a very busy route. It was the main road to Connemara and was likely to be the only route for years to come, so it had to be preserved from ribbon development. It was

his duty to advise of the risks involved in opening new accesses to national roads.

Deputy McCormack stated that the man only needed a small house and did not want to go on the Local Authority housing list. The fatal accident had nothing to do with the entrance.

The deputy referred to a site near Moycullen village which was granted planning permission onto this road. Mr. Walsh lived in the area all his life. Cllr. Gavin accepted the points raised by the County Engineer about the traffic on this road as did Deputy O'Cuiv. The deputy continued to add that the opening of an access point is a risk but is allowed in certain circumstances. You had here someone who was in genuine need and living in rented accommodation. If he has to buy a site, it would cost up to £15 - 20,000. The County Engineer referred back to the application mentioned by Deputy McCormack and stated that permission was granted for holiday homes by Galway County Council on foot of a provision inserted in the plan by the members of the County Council. This application was since refused by An Bord Pleanala. He further added that the housing need aspect of Mr. Walsh was considered previously and he disposed of the site to which Cllr. Gavin stated that he gave it to his sister and that there must be some give and take. Only three years ago this was the post office in the area. The County Engineer stated that the Post Office got permission to relocate its premises a number of years ago. Cllr. O' Tuathail added that the County Plan should be able to take this kind of situation into account. Then miles down the road you can have an interpretative centre. Cllr. McHugh stated that the permission should be granted and should not be a Section 4. There is a housing need, the history was bad but was not intended to be as such.

The Chairman stated that the review of the County plan was coming up and similar Section 4's to this one could be looked at in the context of the review.

Cllr. Gavin added that every point was genuine.

FOR: Councillors Brennan, Burke, Byrne, Callanan, Deputy Connaughton, O'Cuiv, Councillors Cunningham, Fahy, Finnegan, Finnerty, Gavin, Hussey, Loughnane, McClearn, Deputy McCormack, Senator McDonagh, Councillors McHugh, Mullins, Ni Fhatharta, O'Neill, O'Sullivan, O'Tuathail, Quinn, Regan, Ryan, Varley, Walsh - (27).

The Chairman declared the Resolution carried.

RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY
MANAGEMENT (AMENDMENT) ACT, 1955 PLANNING
APPLICATION NO. 70265 - JOHN MORAN 2396

The resolution as set out on the agenda was proposed by Senator McDonagh and seconded by Deputy Connaughton.

Cllr. P. McHugh declared an interest and left the meeting. Cllr. McDonagh stated that there was vast overcrowding in the current house and that it was so bad that they required a caravan at the rear of the dwelling. They now needed a new house. In order to do this they would have to sell the existing house to finance a new house. Deputy Connaughton added that gross over-crowding existed and stated that this was a very sensitive area as far as planning was concerned. He stated that the applicant was genuine and that he accompanied him to the Planning Office. Cllr. Loughnane stated that he lived in this area for a period and knows of it and suggested screening the house. Cllr. Ryan stated that as the house was overcrowded, the family should be considered and should not be by way of Section 4.

The County Engineer submitted the following report.

LOCATION:

The site is located on the island of Inchiquin which is in Lough Corrib, an area of Outstanding Scenic Amenity, and is connected to the mainland at Greenfields by a causeway. There is an old ruin of a dwellinghouse on the site but it is only about 8' high.

PLANNING HISTORY:

PR 62696 - There was one previous planning application on this site for outline permission for reconstruction of a dwellinghouse (the above mentioned ruins) and provision of water and sewerage facilities. This application was refused by Galway County Council on the 8/2/1991 and later refused on appeal by An Bord Pleanala on the 2/10/1991. The applicant was a Mr. Michael Walsh who stated that he was the owner of the site.

PLANNING CONSIDERATIONS:

The site is located on one of the most elevated and exposed points on the island and if a house was permitted, it would be seen for many miles from all directions including from many parts of Lough Corrib. It is more than 100 metres from the County road and its proposed access is along a narrow lane. There is

an old roofless ruin on site at present with its walls weathered to a height of 7' - 8' high. It would not be possible to screen the proposed development satisfactorily because of its location and elevation. The erection of a dwellinghouse on this site would be an erosion of the landscape and the addition of E.S.B. poles Bord Telecom poles etc. would add to this erosion. If this dwellinghouse were permitted, it would set a precedent for the construction and development of other houses in this area of Outstanding Scenic Amenity as designated in the current County Development Plan, Chapter 9 and Map No. 9A.

The applicant at present lives with his family on the north eastern side of the island in a modern bungalow which is in very good condition. Favourable consideration would be given to an application to extend the above bungalow to accommodate his family.

RECOMMENDATION:

It is proposed to refuse the application for the following reasons:

1. The proposed development would be situated in an elevated and exposed location on a scenic hillside in an area designated as Outstanding Scenic Amenity. The proposed development would, accordingly, seriously injure the scenic amenities of the area and be contrary to the proper planning and development of the area.
2. The proposed development would be contrary to Chapter 9.2.1 of the County Development Plan which restricts development to this area of Outstanding Scenic Amenity to the essential housing needs of farmholders families which, it is considered, could be catered for in this instance by an extension of the existing dwellinghouse.

The County Engineer stated that he accepts the family live in overcrowded conditions but this was not a planning issue. The Council was trying to avoid holiday type development in the island which would probably begin with Mr. Moran's existing house being sold as a holiday home. This would be the beginning of pressure on the island for holiday accommodation. The Council would look favourably on an application to extend the present accommodation or on a site near the present house on a less elevated site. The County Engineer stated that there may be cases throughout the county where houses are overcrowded but they cannot be remedied by breaking the planning rules.

Cllr. Connaughton stated that the applicants proposed to raise a loan on the basis of the Council's decision. Cllr. Joe Brennan stated that it should be

let go by default and a new application submitted. Cllr. McClearn asked did discussions take place with the applicant and why was the decision deadline so close.

A Vote taken for or against the resolution as set out on the Agenda resulted as follows:

FOR: - Councillors Byrne, Callanan, Cunningham, Fahy, Finnegan, Finnerty, Gavin, Hussey, Loughnane, McClearn, Mullins, O'Neill, Ni Fhatharta, O'Sullivan, O'Toole, Quinn, Regan, Ryan, Varley, Walsh, Deputy O'Cuiv, Connaughton, McCormack, Senator McDonagh - 24.

AGAINST: - Cllr. Brennan - 1.

The Chairman declared the resolution carried.

RESOLUTION UNDER SECTION 4 OF THE CITY AND COUNTY MANAGEMENT (AMENDMENT) ACT, 1955 PLANNING APPLICATION NO. 70467 - JAMES O'TOOLE

2397

The resolution as set out on the agenda was proposed by Deputy O'Cuiv and seconded by Cllr. Connie Ni Fhatharta.

Deputy O'Cuiv stated that it was the second time the application was applied for and the question of family housing need did not arise. He then described the location of the site and its visibility from various parts. He further added that he visited the site and was of the view that it was not injurious to the visual amenities, suggesting that this was a matter of opinion. He then stated that a meeting should take place with the applicant and staff on site to discuss the application and requested that the Section 4 be deferred.

RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY MANAGEMENT (MANAGEMENT) ACT, 1955 - PLANNING APPLICATION NO. 69332 - S. & M HAMILTON

2398

The resolution as set out on the Agenda was proposed by Deputy O'Cuiv and seconded by Cllr. Ni Fhatharta.

Deputy O'Cuiv stated this was a farcical situation where the County Development Plan encouraged the development of towns and tourist facilities. He understands that the Section 4 cannot go through as it would cause a health hazard. Leenane was a village which has declined rapidly with now only one teacher in the school. Development in the village was hindered by the lack of a sewerage system. The reason for the Section 4 was to highlight the present

situation and he proposed that Leenane be serviced by a group sewerage scheme.

The County Manager stated that it was important to develop towns and villages and that they need to have the infrastructure. The A/County Manager then informed the meeting that a preliminary report on a sewerage system for Leenane had been submitted to the Department and once they provide the necessary funds, costing £150,000, the scheme will be put in place. Deputy O'Cuiv added that a previous planning applicant provided his own sewerage system and that they could not wait for the council system. Cllr. Loughnane requested a date for submission of a sanitary services report and he was informed by the A/County Secretary that such a report would be submitted for the September/October meetings.

Cllr. Ryan then raised the issue of Planning charges and requested to know the basis on which they were set down. The County Manager informed him that a report on the charges will be submitted at the next meeting.

MATERIAL CONTRAVENTION OF THE COUNTY DEVELOPMENT PLAN - PLANNING APPLICATION NO. 70499 - GERRY McINERNEY

2399

The resolution as set out on the agenda was proposed by Cllr. Toddie Byrne and seconded by Cllr. Michael Cunningham.

Cllr. Byrne stated that this application was for Mr. Gerry McInerney who intended setting up a hurley manufacturing business with his brother. The building was already there and assimilated into the landscape.

The County Engineer submitted the following report.

DESCRIPTION: The proposal is for Permission for change of use of an agricultural shed to use as a workshop for hurley manufacture.

LOCATION: The site is located on a County Road in the townland of Rineen which overlooks Corranroo Bay near Kinvara and is in an area of Outstanding Scenic Amenity.

ZONING: The site is located in an area which is zoned Outstanding Scenic Amenity in the County Development Plan and prohibits development in this area other than development for the essential housing need category.

SERVICES: The site is located on a County Road No. 319 and is serviced by a Group Water Scheme.

An industrial permission would normally be refused in this restricted area but as the proposed development would be an indigenous industry employing two local people, the applicant and his brother, who both live in the adjacent dwellinghouse, and because it is proposed to locate the development within an existing building which has already been assimilated into the local landscape and will have no adverse environmental effect.

STATUTORY CONSIDERATION: A decision to grant permission cannot be made unless a resolution is passed by the members, requiring that such a decision be made in accordance with Section 26(3) of the 1963 Planning Act as substituted by Section 39(d) of the 1976 Planning Act, as amended by Section 45 of the Local Government Act 1991.

Public notice of the Council's intention to consider deciding to grant this Permission was given in the Irish Press on Friday, 22nd April, 1994 and the notice invited members of the public to submit representations or objections if they so wished. No representations or objections have been received to date.

If a resolution is passed requiring that a decision to grant permission be made, such a decision will issue, otherwise a decision to refuse permission must issue.

FOR: Councillors Brennan, Burke, Byrne, Callanan, Deputy Connaughton, O'Cuiv, Councillors Cunningham, Fahy, Finnegan, Finnerty, Gavin, Hussey, Loughnane, McClearn, Deputy McCormack, Senator McDonagh, Councillors McHugh, Mullins, Ni Fhatharta, O'Neill, O'Sullivan, O'Tuathail, Quinn, Regan, Ryan, Varley, Walsh - (27).

REVIEW OF THE COUNTY DEVELOPMENT PLAN.

2400

The Acting County Secretary referred to report which had previously been circulated to each Member of the Council setting out Draft Timetable for the Review of the County Development Plan. The County Manager stated that the revised plan should be simplified and made more user friendly, and that the submissions made by the Members would be dealt with in a report with the Draft Plan. It was agreed that a special meeting be held on the 11th July, 1994 and that a document on Afforestation and MMDS be circulated to the Members for that Meeting.

ADVANCE NOTICE - PLANNING APPLICATION NO. 70718
APPLICANT: HENRY WHYTE

2401

Deputy O'Cuiv stated that this application is a

re-application which was previously before the Council as a Section 4 resolution. It was suggested that there would be a Material Contravention. Mr. Whyte bought this land years ago for Connemara ponies. The road frontage had been sold before this time. The house proposed is to be in the middle of 27 acres. He stated that the rule of 100ft. road frontage was reasonable but that it should not apply here. There should be a method of getting over cases where this requirement cannot be met. Cllr. Burke then stated that this aspect should be addressed in the County Development Plan context. Deputy O'Cuiv then added that this was a once off situation where a good rule did not apply. Cllr. Connie Ni Fhatharta stated that Mr. Whyte had an interest in connemara ponies and was willing to build a road into his house and to freeze all other land surrounding the said house. Deputy O'Cuiv suggested that if the house could be relocated in the middle of the site, could the applicant be contacted if this development would be of assistance of him. Cllr. Burke stated that it would be only reasonable that Mr. Whyte be replied to on this matter concerning the siting of the house in the middle of the site. Deputy Connaughton then stated that a reply should be given to applications which are being dealt with in Advance Notice. The County Manager replied that any points raised by Councillors would be noted on the file and considered by the Manager when making a decision. Deputy O'Cuiv added that there was a discussion about a material contravention in the previous application. The impression was that it would be a reasonable and good case for giving planning permission here and the material contravention would be the technical way of doing this. Mr. Kavanagh, Acting Assistant County Manager stated that Advance Notice was not commented on. Notes are made and put on file. Deputy McCormack pointed out that the only way this application could be dealt with was by way of material contravention. The Manager pointed out that he did not intend to consider applications at the Council meeting. It would prejudice his decision in relation to the proper planning and development of the area.

ADVANCE NOTICE - PLANNING APPLICATION NO. 71101
APPLICANT: PATRICK CULLINANE

2402

Cllr. McDonagh stated that Mr. Cullinane wanted to build a house beside his mothers home. He would use the one entrance and was prepared to sign an affidavit that the old house would not be used and if necessary knocked down after the mothers death. He cannot afford to build a road connecting a county road to his proposed site. It is proposed to use one common entrance. The proposed house is a replacement house. The old house will be knocked down or closed. He believes that the applicant is genuine.

ADVANCE NOTICE - PLANNING APPLICATION NO. 70735
APPLICANT: CAEAL QUINN

2403

Cllr. McDonagh stated that there was a housing need in this situation. Here was a married man living in rented accommodation. It would involve the creation of a short road into the site. The refusal of permission would result in the young couple leaving the area. There were no other family lands and the father was giving the couple this site. Cllr. McDonagh added that the applicant was prepared to accept an enurement clause as a condition on the permission and that they were a genuine case and was within the County Plan provisions. He stated that the Plan was not cast in stone. Cllr. McHugh supported Senator McDonagh and stated that the plan should allow some flexibility where genuine cases and genuine needs exist.

ANNUAL MEETING

2404

It was proposed by Councillor Finnerty, seconded by Councillor Fahy, and agreed, that the Annual Meeting of the Council be held on the 18th July, 1994.

OVERDRAFT ACCOMMODATION

2405

It was proposed by Councillor Mullins, seconded by Councillor Cunningham and agreed, that the Council approve Overdraft Accommodation in the sum of £3 M for six months ending 31/12/94.

CAPITAL WORKS.

2406

It was proposed by Councillor J. Brennan, seconded by Councillor P. O'Tuathail, and agreed, that the Council approve the Capital Works Programme in accordance with Notice under Section 2(7) of the 1955 City and County Management (Amendment) Act, as amended by Article 136 of the Local Government (Planning and Development) Regulations 1994, dated 8th June, 1994 which had been circulated to each Member prior to the Meeting.

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) REGULATIONS 1994.

2407

The Council noted the contents of Report on the Local Government (Planning and Development) Regulations 1994 which had been circulated to each Member prior to the Meeting.

It was agreed that the Department of the Environment be informed of the Council's disappointment due to the fact that Afforestation was not referred to in the regulations.

LOUGH CORRIE

2408

Councillor M. Fahy submitted documentation to the

County Secretary regarding a proposal to abstract water from Lough Corrib.

SURFACE DRESSING

2409

It was agreed that a report be prepared in relation to surface dressing at Caherlistrane.

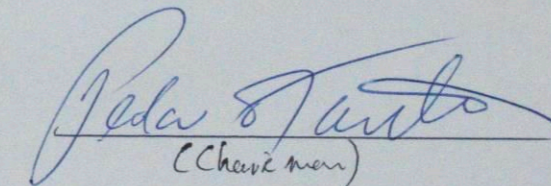
HEDGE CUTTING

2410

Councillor Cunningham was informed by the County Engineer that the Department of the Environment have requested Local Authorities to desist from hedge cutting during the nesting season.

THE MEETING THEN CONCLUDED.

SUBMITTED, APPROVED & CONFIRMED


(Chairman)

25/6/94
(Date)

COMHAIRLE CHONTAE NA GAILLIMHE
(Galway County Council)

Oifig an Runai,
Arus an Chontae,
GAILLIMH.

7u la Meitheamh, 1994.

CHUIG GACH BALL DE'N CHOMHAIRLE/

A Chara,

Iarrtar ort leis seo bheith i lathair ag cruinniu speisialta de Chomhairle Chontae na Gaillimhe a thionolfar ins na Mean Scoil Naomh Padraig, Sraid Baile Atha Cliath, Tuaim, (C.B.S), ar De Luain, an 13u la Meitheamh, 1994, ag tosnu ar a 3.30 a chlog sa trathnona.

Mise, le meas,

T. O COCHLAN
RUNAI SEALADACH

A G E N D A

1. "That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, Galway County Council require the County Manager to grant permission to erect a serviced dwellinghouse at Ballynacregga to Tommy Kyne - Planning Ref. No. 70061

J. McDonagh P. McHugh E. Varley S. O'Neachtain
S. Gavin. P. McCormack.

2. "That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, Galway County Council require the County Manager to grant full Planning Permission for a dwellinghouse and Septic Tank to Mr. & Mrs. John Keane, Stradbally North, Clarenbridge, Co. Galway - Planning Ref. No. 70814

M. Cunningham M. Fahy M. Regan T. Byrne.
J. McClearn

3. "That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, Galway County Council require the County Manager to grant permission for a dwellinghouse and Septic Tank to Mr. Paddy Walsh at Rosscahill West, Co. Galway - Planning Ref. No. 70182

S. Gavin S. O'Neachtain P. McCormack
E. Varley P. McHugh.

4. "That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, Galway County Council require the County Manager to grant full planning permission for erection of serviced dwellinghouse at Inchiquinn to John Moran, Planning Ref. No. 70265

J. McDonagh S. O'Neachtain P. McCormack
E. Varley.

5. "That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, Galway County Council require the County Manager to grant outline permission to James O'Toole, in the Townland of Clifden Demesne for the construction of a dwellinghouse and septic tank - Planning Ref. No. 70467

E. O'Cuiv C. Ni Fhatharta P. O'Tuathail
J. Mannion.

6. "That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, Galway County Council require the County Manager to grant permission for change of use to Restaurant, Extension to rear and elevational changes to existing two storey store in the Townland of Leenane - Planning Ref. No. 69332.

E. O Cuiv C. Ni Fhatharta P. O'Tuathail
J. Mannion.

7. Material Contravention of the County Development Plan relating to Application for Permission for change of use of an agricultural shed to use as a workshop for hurley manufacture in the Townland of Rineen - Mr. Gerry McInerney - Planning Ref. No. 70499.

8. Review of the County Development Plan.

9. Advance Notice - Planning Application No. 70718 - Applicant - Mr. Henry Whyte submitted by Councillor O'Neachtain.

10. Advance Notice - Planning Application No. 71101 - Applicant Patrick Cullinane, Caheravoola, submitted by Senator McDonagh.
11. Advance Notice - Planning Application No. 70735 - Applicant - Cathal Quinn, Cregboy, submitted by Senator McDonagh.
12. To fix date for Annual Meeting.
13. To approve Overdraft Accommodation of £3,000,000 for half year ending 31/12/'94.
14. Notice under Section 2(7) of the 1955 City and County Management (Amendment) Act, as amended by Article 136 of the Local Government (Planning and Development) Regulations, 1994 (Report to follow).
15. Local Government (Planning and Development) Regulations 1994 (Report to follow).

**MINUTES OF MONTHLY MEETING OF GALWAY
COUNTY COUNCIL HELD AT THE COUNTY
BUILDINGS, GALWAY ON MONDAY, 23rd MAY, 1994.**

IN THE CHAIR:- Councillor J. Burke.

ALSO PRESENT:

Members:

Councillor J. Brennan, T. Byrne
J. Callanan, Deputies P.
Connaughton, E. O Cuiv
Councillors M. Cunningham, M.
Fahy, P. Finnegan, M. Finnerty,
S. Gavin, T. Hussey, M.
Loughnane, J. Mannion, J.
McClearn, Deputy P. McCormack,
Senator. J. McDonagh, Councillors
P. McHugh, C. Ni Fhatharta, S.
O'Neachtain, M. O'Neill, P.
O'Sullivan, P. O'Tuathail, K.
Quinn, M. Regan, M. Ryan,
E. Varley and T. Walsh.

Officials: Messrs. D. O'Donoghue, County
Manager, P. Flood, County
Engineer, T. Kavanagh, Acting
Assistant County Manager, E.
Lusby Finance Officer, L.
Kavanagh, S.E.E., C. Wallace
T. Connell, S.S.O.'s, and
T. Coughlan, Acting County
Secretary.

The Opening Prayer was recited.

**RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY
MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING
APPLICATION NO. 70369 - APPLICANT - MR. P.K. RYAN.**

2335

This Section 4 Resolution was withdrawn.

MINUTES

2336

On the proposition of Councillor Ryan, seconded by Councillor Finnegan, the Minutes of Special Meeting of Galway County Council held on the 11th April, 1994 were approved and signed by the Chairman.