

the pumphouse which has now been rectified.

It is hoped to undertake improvement works in 1995 which will introduce additional safeguards for continuity of supply."

N.O.M. NO. 55 - SEWERAGE SCHEME - CLRS. T.

2731

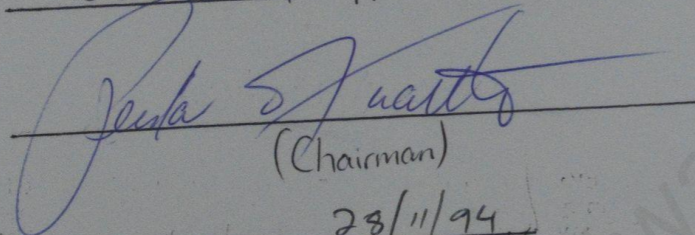
WALSH & T. HUSSEY

The following written reply was given to Councillors Walsh & Hussey:-

"Because of constraints on finance, and on Council Personnel, it will not be possible to commence preparatory work at Ballygar in the current year. However, it is hoped to undertake preparatory work on a number of village schemes, including Ballygar Sewerage Scheme, in 1995."

THE MEETING THEN ENDED

Submitted, Approved + Signed:



(Chairman)

28/11/94
(Date)

COMHAIRLE CHONTAE NA GAILLIMHE
(Galway County Council)

Oifig an Runai,
Arus an Chontae,
GAILLIMH.

18u la Deire Fomhair, 1994.

CHUIG GACH BALL DE'N CHOMHAIRLE/

A Chara,

Tarrtar ort leis seo bheith i lathair ag cruinniu Miosiuil de Chomhairle Chontae na Gaillimhe a thionolfar ins na Foirgnithe Chontae, Gaillimhe De Luain, an 24 u la Deire Fomhair, 1994, ag tosnu ar a 3.30 a chlog sa trathnona.

Mise, le meas,

T. O CAOMHANAIGH,
RUNAI

AGENDA

1. That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, as amended, Galway County Council require the County Manager to grant Outline Permission for the construction of a dwellinghouse with services in the townland of Frenchfort to Oliver Flanagan - Planning Ref. No. 71433.

J. McClearn M. Loughnane M. Regan M. Fahy
M. Cunningham.

2. Consideration of Minutes of the following Meetings:

(a) Minutes of Special Meeting held on 9th September, 1994.

(b) Minutes of Monthly Meeting held on the 26th September, 1994.

3. To Note Minutes of Galway Area Committee Meeting held on 26th August, 1994 and Tuam Area Committee Meeting held on 29th August, 1994.
4. Variation of Development Plan for Tuam Town and Environs.
5. Declaration of Road to be Public Road (List attached).
6. Sale of House at Doon, Roscahill to Eileen Higgins of Doon, Roscahill - Section 83 Notice dated 20th September, 1994 already circulated.
7. Amenity Grant Allocations 1994.
8. Non-National Road Proposals (E.U.) for 1995.
9. Community involvement in Road Schemes.
10. Differential Rents - Report Herewith.
11. Business submitted by the Chairman.
12. Business submitted by the County Manager.

COUNCILLORS NOTICES OF MOTIONS :

- Adjourned From Previous Meeting :

CLR. PATRICK FINNEGAN
- I will propose :

13

That footpath be repaired at this location (outside Danny Kelly's house, Ballygaddy Road, Tuam.

CLR. SEAMUS GAVIN
- I will propose :

14

That Galway County Council examine recent flooding problems on the Clydagh-Tooreeny Road (Moycullen) in an effort to avoid a re-occurrence. Local Residents have expressed annoyance on the matter

CLR. JARLATH MC DONAGH
- I will propose :

15

That Galway County Council carry out levelling of road at area where fatality occurred to make road safe and prevent further accidents at Cahertubber.

CLR. JARLATH MC DONAGH
- I will propose :

16

That Galway County Council carry out improvement works to ease the dangerous bend and to prohibit a further major accident occurring at Belville Crossroads, Athenry.

CLR. PADDY MC HUGH
- I will propose :

17

That I be informed when road markings etc., be carried out to location as previously agreed (details enclosed)

CLR. EAMONN O'CUIV
- I will propose :

18

I propose that the mapping of the Council Estate in Roundstone would be completed as soon as possible.

COUNCILLORS NOTICES OF MOTIONS :

- Other Motions Received :

19 CLR. TODDIE BYRNE
- I will propose :

That provision be made in the forthcoming Estimates for (a) two extra lights in Kinvara (b) improved street footpaths.

20 CLR. TODDIE BYRNE
- I will propose :

I will ask the County Engineer what action the County Council propose to take re derelict site in Kilchreest (formerly Telecom Eireann Site).

21 CLR. TODDIE BYRNE
- I will propose :

I will ask the County Engineer, as a matter of urgency, to have adequate road markings provided at the junction of the National Primary and National Secondary roads in Kilcolgan.

22 CLR. MICHAEL CUNNINGHAM
- I will propose :

That Galway County Council carry out repairs to the bridge at the residence of Cyril Kelly's house, Castledaly, which is in a very dangerous situation.

23 CLR. MICHAEL CUNNINGHAM
- I will propose :

That the Speed Limit Revisions for the County be finalised.

24 CLR. MICHAEL FAHY
- I will propose :

That Galway County Council continue to leave open Junction at N18 South of Oranmore Village, which is the only entrance to the Village South of Oranmore. I also request up-to-date progress on proposed Roundabout from National Roads Authority.

25 CLR. MICHAEL FAHY
- I will propose :

That FAS repair wall and remove Ash tree (details supplied).

26 CLR. MICHAEL FAHY
- I will propose :

That proposals for the Gort By-Pass be deferred until the year 2020 as there is no essential need for a By-Pass as Livestock Mart is being re-located outside of the town, and re-alignment of road for a few miles each of the town to improve N18 is all that is required to meet the needs and requirements of road traffic for at least the next 30 years.

27 CLR. SEAMUS GAVIN
- I will propose :

That road repairs are carried out on the Coismeaigmore and Polleeney Roads in Furbo.

28 CLR. SEAMUS GAVIN
- I will propose :

That repairs are carried out on the Knockshanbally Road, Moycullen.

29 CLR. SEAMUS GAVIN
- I will propose :

That repairs be carried out on the Slieveaneena Road which is presently in a very poor condition.

30 CLR. MATT LOUGHNANE
- I will propose :

That the Cemetary Gate at a specified location be replaced.

31 CLR. MATT LOUGHNANE
- I will propose :

That County Manager indicate the amounts of expenses paid to each Councillor last year in respect of Conferences.

32 CLR. PADRAIC MC CORMACK
- I will propose :

That the Council implement a Planting Scheme of shrubs and trees on the wide margin of the Gurrane South Road, Oranmore, from the Bridge to Martin Sheridan's house, because the amenity of that area was greatly affected by the construction of the overhead road there and this area is now overgrown and very untidy.

33 CLR. PADRAIC MC CORMACK
- I will propose :

That steps be taken to improve the view at Carnmore Cross, particularly on the road coming from Cashla.

34 CLR. PADRAIC MC CORMACK
- I will propose :

That Galway County Council take steps to alleviate the very dangerous sand hill on the approach to Martin Walsh's house at Park, Corrandulla. This is a very dangerous situation, also the road would need to be lowered.

35 CLR. JARLATH MC DONAGH
- I will propose :

That Galway County Council provide signs for Galway, Athenry and Monivea at Cartymore Cross, Athenry Area before the Summer Season commences.

CLR. JARLATH MC DONAGH
- I will propose :

That Galway County Council carry out a lowering and levelling of road edges on the highly dangerous N63 from Loughgeorge to Mountbellew so that people, particularly children can walk on this road in safety.

37 CLR. JARLATH MC DONAGH
- I will propose :

That Galway County Council have the road at Park, Corrandulla, widened and brought up to standard to enable the fire brigade access to the houses at the end of the road should the need arise.

CLR. PADDY MC HUGH
- I will propose :

That this Council give priority status to the N84 Galway Headford Road. (Details supplied)

39 CLR. PADDY MC HUGH
- I will propose :

That Galway County Council take action to clean up illegal dumping at Annagh East, Annaghdown and that a "No Dumping" sign be erected there.

40 CLR. PADDY MC HUGH
- I will propose :

That I be provided with the up to date information in relation to commencement of the works (details enclosed).

CLR. PADDY MC HUGH

41 CLR. CONNIE NI FHATHARTA
- I will propose :

Go ndeanfaidh Comhairle Chontae na Gaillimhe an bothar ar an casamh ag Tigh Bhreanain, Sruthan, An Cheathru Rua a leathnu. Ta go leor tracht ar an mbothar seo ach ta se deachair carranna a fheachail ag teacht ar an casamh seo. (Ta muintir na haite sasta talamh a thabhairt le haghaidh an bothar a leathnu).

42 CLR. CONNIE NI FHATHARTA
- I will propose :

Go ndeanfaidh Comhairle Chontae na Gaillimhe na boithre seo leanas i gceantar innealltoireacht Casla a dheisiu: (a) Sean Breathnach, Uasal, Camus Uachtar. (b) Mairtin O Neachtain, Uasal, Camus Iochtar. (c) Sean Mac Con Iomaire, Uasal, Camus Uachtar.

CLR. CONNIE NI FHATHARTA
- I will propose :

Go ndeanfaidh Comhairle Chontae na Gaillimhe an caideal ag linn snamha Rosmuc a dheisiu. Ta an Linn snamha seo an tabhacht do muintir Rosmuc.

44 CLR. EAMONN O'CUIV
- I will propose :

That new bulbs would be put in all the lights on the piers on Inishboffin Island that are now broken.

45 CLR. EAMONN O'CUIV
- I will propose :

That an application be made to the Department of the Environment on behalf of the town of Clifden that it would be one of the towns selected under the new "Grant to Local Authority for Environmental Improvement Works" such as the provision of attractive street furniture, urban landscaping and pedestrianisation in towns not included in the designated area scheme of renewal.

46 CLR. EAMONN O'CUIV
- I will propose :

That the provision of a Sewerage Scheme in Leenane would be proceeded with as soon as possible as the whole development of the village is being held up for the want of such a scheme.

COUNCILLORS NOTICES OF MOTIONS :

- Other Motions Received :

CLR. SEAN O'NEACHTAIN
- I will propose :

47 That Galway County Council would repair the following roads as a matter of urgency (details given)

CLR. SEAN O'NEACHTAIN
- I will propose :

48 That Galway County Council would repair the following roads as a matter of urgency (details given)

CLR. SEAN O'NEACHTAIN
- I will propose :

49 That Galway County Council would provide the latest information on the local Community Development Plan at this location (details given).

CLR. PAT O'SULLIVAN
- I will propose :

50 That the Tristane Road at Aughrim, Ballinasloe be declared a Public Road.

CLR. PAT O'SULLIVAN
- I will propose :

51 That a public light be erected near the telephone kiosk in Lawrencetown, across the road from Cogavins' shop.

CLR. PAT O'SULLIVAN
- I will propose :

52 That immediate works be carried out to the Derry Road at Lismany, Clontuskert.

CLR. TIARNAN WALSH
- I will propose :

CLR. TOM HUSSEY

53 That Galway County Council put signposts at appropriate locations on the N63 between Turloughmore and Mountbellew, indicating Ballygar

CLR. TIARNAN WALSH
- I will propose :

CLR. TOM HUSSEY

54 That Galway County Council ensure that the present inadequate water supply in Ballygar be improved and made satisfactory.

CLR. TIARNAN WALSH
- I will propose :

CLR. TOM HUSSEY

55

That Galway County Council take the necessary steps and prepare a preliminary report on Ballygar Sewerage system.

**MINUTES OF SPECIAL MEETING OF GALWAY COUNTY
COUNCIL HELD AT THE COUNTY BUILDINGS, GALWAY
ON FRIDAY, 14TH OCTOBER, 1994**

IN THE CHAIR: Councillor P. O'Tuathail.

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

Officials:- Messrs. D. O'Donoghue, County
Manager, D. Nelson, Asst. Co.
Manager, T. O'Donoghue, Law Agent,
L. Kavanagh & B. Callagy, S.E.E.s,
T. Coughlan & J. McGovern A.O.s,
T. Connell, S.S.O., G. Conway,
M. O'Halloran, C.T. and T.
Kavanagh, County Secretary.

The Opening Prayer was recited.

CONGRATULATIONS

2663

On the proposition of Councillor Cunningham, the Members congratulated the Staff of Galway County Council who were on the team which won the All-Ireland Local Authority Golfing Competition recently.

RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY

2664

MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING APPLICATION

NO. 71433 - APPLICANT - OLIVER FLANAGAN

Councillor Hussey proposed that this Resolution be deferred to the next meeting and this was agreed.

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MINUTES OF SPECIAL MEETING HELD ON 14/10/94

RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY

2665

MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING APPLICATION

NO. 70806 - APPLICANT - JOHN WALSH

The Resolution set out on the agenda was proposed by Councillor Cunningham and seconded by Councillor Fahy.

Mr. Liam Kavanagh, S.E.E., Planning Control submitted the following Report which had been circulated to each Member of the Council:-

"LOCATION:

The site is located in the townland of Stradbally North and is on the County road which is the first turn right just past the National School as one leaves the village of Clarinbridge travelling south.

PLANNING HISTORY:

There are no previous applications on this site.

PLANNING CONSIDERATIONS:

The site is located within the Galway City Environs as set out 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 the policies 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 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 one no. existing dwellinghouse and 1 no. permitted dwellinghouse on adjacent contiguous sites. In addition, there are 12 no. houses between the site and the main road.

RECOMMENDATION:

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

The site proposed to be developed is located within

the environs of Galway City as set out in Map No. 7A of the County Development Plan where it is the policy of the Planning Authority to exercise strict development control and the proposed development would, in conjunction with adjacent existing and permitted development, constitute and excessive density and concentration of non essential housing which would be contrary to Chapters 7.1(vi), 7.2.6 and 7.2.8(i) of the County Development Plan which seek to restrict such development".

No debate on the resolution took place.

A vote taken for or against the Resolution resulted as follows:-

FOR: Councillors Byrne, Callanan,
Deputies Connaughton, O'Cuiv,
Councillors Cunningham, Fahy,
Finnegan, Hussey, Mannion,
Deputy McCormack, Senator
McDonagh, Councillors Ni
Fhatharta, O'Neachtain,
O'Sullivan, O'Tuathail, Quinn,
Regan, Ryan and Walsh.
(19)

AGAINST: NIL

ABSTENSION: Councillor Gavin.

The Chairman declared the Resolution lost as the number voting in favour was less than the number required to pass the Resolution.

RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY 2666
MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING APPLICATION
NO. 71536 - APPLICANT - NOEL MCDONAGH

The Secretary stated that further information had been requested from the Applicant in this case and it was agreed to defer the Resolution until after the information is received.

SECTION 4 RESOLUTIONS

2667

The Secretary stated that Reports from the Law Agent had been circulated on this matter and discussions had taken place at various meetings.

Deputy McCormack stated that it was time to clear the air on the aspect of planning issues and Section 4's. There was a lack of consistency in the interpretation of the County Development Plan leading to different interpretations between members and officials. He expressed his concern at the way some applicants were dealt with in the Planning Office. Some he stated were treated with contempt. Referring to one case, he stated that the applicant applied for planning permission for a house and there were no representations from any Councillor. At the end of the planning process, permission was refused because the house design was not traditional to the area. He can reapply but this is costly and frustrating for the individual concerned. The Deputy referred to another example where a person was asked by way of further information to dig trial holes. This cost him up to £300. The planning application was then refused permission because the site was too near a corner. The relevant planning number was 67041. In a case in Craughwell the owner was informed that he could not alter his premises in any manner and as a result the building was sold. The new owner carried out alterations and got planning permission for it. Deputy McCormack then spoke about the input of public representatives in the planning process. He felt that in the present plan much of its interpretation was not in accordance with the members intentions. He stated that there seemed to be a lot of misinterpretation of the plan and now the Law Agent tells us that the councillors know nothing about planning and states that we cannot even make a case for a Section 4. He said the same thing applies to An Bord Pleanala whereby a public representative must now pay a fee with a submission about a planning appeal. He stated that the role and power of the public representatives was being eroded. On querying this point with the Board, he was informed that this was a legal provision set down on the Planning Acts. He felt the councillor knew more about the locality and local people than anyone else. The service being given by the Planning office was not good enough he stated.

Cllr. O'Neachtain stated that there was a misconception about Section 4's with the general public. He was told that people in the area are aware that certain houses are passed by Section 4 and others granted in the normal way. The Section 4 resolution is the prerogative of the Councillor. The reason there are so many resolutions is because of the County Development Plan and the rigidity. The Councillor then referred to the fact that all of Connemara is an area of Outstanding Scenic Amenity or an area of High Amenity. This to an ordinary person is too restrictive, the Councillor added and is the reason for these Section 4's. He felt that there has to be an allowance for local development and that this must be addressed in the next County Development

Plan. He stated that development can take place without damaging the local area. He stated that the Councillor's understanding of his own area was as good if not better than planners and that the members had a perogative right to use Section 4's. He then stated that the requirement to get two-thirds of the members to vote in favour of a resolution was too restrictive and that this aspect should be looked at. Needing 22 out of 30 as the case in Galway County Council was too high to pass a resolution. He felt that the previous procedures should now be reverted to and that the democracy of the particular act should be looked at. He stated that he could quote an application in his area that was granted planning permission which decision he cannot understand. He suggested that where there is an amenity area and development has already occurred in this particular area, an infill of development should be allowed for 2nd family dwellings. The Councillor further added that the County Development Plan should not restrict local people in their area and that Section 4 resolutions were a right of Councillors. He further stated that there should be more awareness of local people and that the restrictions on local planning should be removed.

Deputy O'Cuiv stated that he found the staff in the Planning Office and right up to the County Manager willing and available to talk about planning files and to discuss planning matters. He stated that the planning officer spends alot of time out on site and he cannot be in his office all of the time. There were a number of misconceptions with the general public regarding Section 4's he added, and felt that the law and the planning system should be outlined to the members so that they would be better informed. He understands that if one lodges a planning application, the authority must deal with the planning application lodged and that they must adjudicate on the application as per the documents. He felt that the prior consultation process should be encouraged and he welcomed the opening of advice centres at Carraroe and Clifden. He stated that the members have to clarify in their own minds the issues that the Law Agent indicated the last day which required expertise such as road safety. He would like to get clarification as to what their powers are with regard to National Primary Routes. He stated that it was in the public interest that development along such routes should be restricted. Referring to an Bord Pleanala and the fee payable for submission, he stated that this was debated at Dail level and it was felt that if a fee was not requested, public representatives would be inundated with the public requesting representations to be made to the Bord on their behalf. He stated that he finds the Planning Officials more than willing to explain their decision on a planning application and to go into it in great detail. You may or may not agree with the decision or reason for decisions but the explanation is given

rationally. He wished to put on record that he gets a fair hearing from the officials of the planning department. He then added that a great effort must be made in putting a new County Dvelopment Plan in place.

Cllr. Hussey stated that it was difficult to listen to long debates on Section 4's and felt that too much time was being given to this topic. If the County Development Plan was so flawed, then it was time to change that plan. He stated that officials are being blamed for their interpretation of the plan and stated that the members should remove any anomalies and make it easy for people to understand. This discussion he stated should take place under the Review of the County Developmet Plan and asked that it get underway as soon as possible. He stated that he can see the review of the County Development Plan being pushed aside because of other matters coming up for discussion such as the Estimates. He requested that the Plan be reviewed, the changes made and that the new plan be adopted. He added that he found the officials of the Planning Department to be very co-operative.

Cllr. Gavin stated that he listened to the Section 4 debates and had learned quite a lot on how Section 4's are operated. He added that people believe that Section 4's can be superior to planning. He found at the last meeting that it was not allowable to introduce new information when debating a Section 4. The Councillor added that planning was not taking into account the social needs in this area and that the members were taking a bashing on Section 4's. He felt that the Manager had to implement the plan as it stood and also stressed that the members expectations of the County Plan were too high. The Councillor added that it was our duty to protect and preserve the county and to pass on our good environment to future generations. He agrees that far too much time has been spent on discussing Section 4 Motions and that there should be no further Section 4's put forward unless there is a real need for a particular case. He then mentioned the change of attitude of some Councillors who had previously been vigorously opposed to the Section 4 motion. When the County Development Plan is being reviewed, the Council should decide exactly what they want in the plan.

Cllr. Willie Burke stated that he was fundamentally opposed to Section 4's and that the Council will live to regret the passing of such motions. He stated that there were too many Section 4's relating to planning in the county and that he hoped the Section 4 method would be abolished. The Councillor questioned the point of having a County Development Plan if it is continually broken. The Local Authority had specialist staff in employment to assess a planning application and he could not see why the Council should override their decision on the

application. He further added that if the applicant isn't happy with the decision issued by the Local Authority, then there was an Appeal Board there, an independent body to look at the application again. He stated that he does not see the need for Section 4's.

Cllr. Byrne stated that Section 4's were not the norm in this Council. He stated that 8 out of 10 applications go the normal route of planning and a very small percentage of applications reach the Section 4 stage. He had been a Councillor since 1967 and this was the first time he had seen Councillors talk down to other Councillors. He stated that the Section 4 weapon is very valuable and should be preserved and had proved to work many times. Perhaps at times, he added, it had been used a bit too liberal. On the other hand they should learn from all the discussions over the past number of months relating to the legal side of Section 4's. You would think that it was this side of the house that was responsible for all Section 4's over the past years, he further added.

Deputy Connaughton stated that a word of warning should be given to the Councillors that if they continue to discuss nothing else but planning matters, they will be sending out a signal to the people in County Galway that they have no responsibilities other than planning issues. He added that on the next meeting the members should avoid planning and discuss other matters such as the Leader Project, FAS and so on and that the minutes of the previous planning meeting should not be discussed. Anything remotely concerning planning should not be put on the Agenda other than essential Section 4's.

The County Manager addressed points raised by the members and referred to the staff in the Planning Office. He stated that their commitment and integrity was over and beyond the call of duty. Staff members would often be working into late at night to complete their workload. He added that the planners cannot be in the office all the time, they must go out on inspections when dealing with planning applications. He would like to be in a position to give more staff to the Section but it was not possible. His core objective was to give the best possible service to the public and to provide this quality of service, the Council had extended the information advice centres to both Carraroe and Ballinasloe. He would encourage the public to use these centres which would result in planning applications being dealt with more quickly. As time goes by, the Council will review the progress of the advice centres.

In relation to the County Development Plan the members must fix a date for the first meeting on the

review. The Manager added that public participation in the review of the County Development Plan was essential. The staff will go around the county to towns and villages explaining the provisions of the plan and encouraging the public to take an active participation in the process of drawing up a new County Development Plan. The Manager then added that a seminar could be held for members to explain the provisions of the planning legislation.

DIFFERENTIAL RENTS

2668

With the permission of the Chairman, Councillor Callanan raised this item saying that the revised differential rent scheme was causing hardship in many cases and suggested ways of improving it. The Secretary stated that this matter would be on the Agenda for the next meeting together with a report.

DATE FOR ESTIMATES MEETING

2669

On the proposition of Councillor Mannion, seconded by Councillor Ryan it was agreed to hold the Estimates Meeting on Monday, 14th November at 3.30 p.m.

DATES FOR MEETINGS

2670

REVIEW OF DEVELOPMENT PLAN

It was agreed that a meeting of the Council in Committee be held at 3 p.m. on Friday, 4th November 1994 to consider review of County Development Plan. The County Manager said that some chapters of the Review Document were now ready and these would be circulated before the meeting.

ISLANDS COMMITTEE

It was agreed that a meeting of the Islands Committee be held at 11 a.m. on Friday, 4th November 1994.

AREA MEETINGS

Deputy McCormack said that the date arranged for the meeting of the Galway Electoral Area on the 6th October was unsuitable. Senator McDonagh said it was unsuitable for him also. Councillor O Neachtain said that the date had been fixed at the last Area Meeting

and venue has been booked.

CONFERENCES

2671

HOUSING CONFERENCE IN HARROGATE

On the proposition of Councillor Mannion, seconded by Councillor Ryan it was agreed to substitute the names of Councillor Walsh and Councillor Varley for Councillors Ryan and Byrne respectively.

BORD NA GAELIGE CONFERENCE IN GWEEDORE - 30/9/94

On the proposition of Councillor Mannion, seconded by Councillor Ryan it was agreed to substitute the name of Councillor Byrne for Councillor Mannion.

On the proposition of Councillor Hussey, seconded by Councillor Callanan the attendance of Councillors McClearn and Regan on a deputation to the Department of Tourism on the 5/5/1994 in relation to Lough Derg was approved.

LOCAL IMPROVEMENT SCHEMES

2672

A report on Local Improvement Schemes was circulated to each Member with the Agenda. The Report showed that the number of applications on hands was 196 and these were going back to 1991. The Report also showed the number of schemes completed each year since 1990 and the grant received from the Department each year.

The Members agreed that these schemes were very beneficial to the County and provided a good return for the expenditure and local contributions involved. The schemes were in line with the Minister's philosophy whereby local people made a contribution in order to get work done. However there was now a waiting list of 4 - 5 years and this would soon extend to 8 years having regard to the allocation of £180,000 for 1994. The Members made a strong case for an increased allocation and Deputy McCormack proposed that the Minister be asked to increase the allocation to £500,000. This was seconded by Senator McDonagh. Cuidigh Teachta O'Cuiv leis an moladh sin, ach d'uir se gur ceart deontas cuig cead mile punt a fhail gach blian ar feadh cuig blian, agus gur ceart deontas speisialta a fhail dos na h-oileain.

A special contribution was required for the Islands in view of the fact that there were few or no public

roads on the Islands. It was also suggested that the work might be done under contract and that a flat percentage contribution might be more suitable.

HOUSE RECONSTRUCTION GRANTS

2673

On the proposition of Councillor Regan, seconded by Councillor Callanan it was agreed to request the Minister for the Environment to re-introduce House Reconstruction Grants.

AFFORESTATION

2674

This question was discussed by the Council at the meeting on the 11th July 1994 when the Members asked Mr. Callagy to prepare further report incorporating their views. Mr. Callagy's further report dated July 1994 was circulated to each Member.

The Members complimented Mr. Callagy on his report. However most Members felt that the suggested threshold of 20 hectares was still too high and Councillor Regan proposed that it should be reduced to 5 hectares. After further discussion it was agreed on the proposition of Councillor Callanan, seconded by Councillor Regan that the threshold in the report be changed to 8 hectares.

During the discussion Members asked if the recommendations could be included in the revised Development Plan. Reference was also made to the damage caused to public roads during felling and that good land should not be planted. There was general agreement that initially afforested areas should not be replanted where they cause damage to the environment i.e. obstructing scenic views, interfering with spawning beds etc. It was agreed that the report as amended be forwarded to the Department.

NOTICES OF MOTION - CLR. S. O'NEACHTAIN

2675

It was agreed that these Motions be deferred to the Planning Meeting on 4th November.

RESOLUTIONS OF SYMPATHY

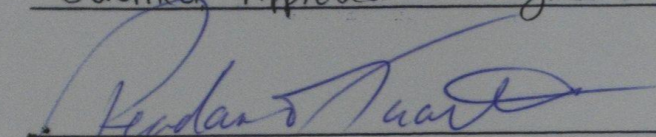
2676

A Resolution of Sympathy was passed with the following:-

The Collins Family, Lisheenheilte, Glenamaddy.
Mrs. Furey, Corrandulla, Co. Galway.
Fr. Joseph Kelly, P.P., St. Mary's, Ardrahan.
Fr. Ned Kelly, Director of Galway Marriage Bureau,
Clarenbridge.
Mrs. Nora Costelloe, Ballydonnellan, Spiddal.

THE MEETING THEN ENDED

Submitted Approved + Signed:


(Chairman)

28/11/94
(Date)

COMHAIRLE CHONTAE NA GAILLIMHE

(Galway County Council)

Oifig an Runai,
Arus an Chontae,
GAILLIMH.

7u la Deire Fomhair, 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 h-Aoine, an 14u la Deire Fomhair, 1994, ag tosnu ar a 3.00 a chlog sa trathnona.

Mise, le meas,

T. O'CAOMHANAIGH
RUNAI

AGENDA

1. That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955 as amended, Galway County Council require the County Manager to grant Outline Permission for the construction of a dwellinghouse with services in the townland of Frenchfort to Oliver Flanagan - Planning Ref. No. 71433.

M. Loughnane
M. Regan

M. Fahy
J. McClearn.

M. Cunningham

2. That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955 as amended, Galway County Council require the County Manager to grant Full Planning Permission to construct Dwelling-house and Septic Tank at Stradbally North, Clarenbridge to Mr. John Walsh - Planning Ref. No. 70806.

M. Loughnane M. Fahy M. Regan
T. Byrne M. Cunningham.

3. That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955 as amended, Galway County Council require the County Manager to grant Outline Permission to construct dwellinghouse and septic tank at Palmerstown, Athenry to Noel McDonagh - Planning Ref. No. 71536

M. Loughnane. M. Fahy M. Regan
T. Byrne M. Cunningham.

4. Section 4 Resolutions - Report previously circulated.
5. Fix date for Estimates Meeting.
6. Review of the County Development Plan - Fix Date for Initial Meeting In Committee.
7. Report on Local Improvement Schemes.
8. Afforestation - Report circulated previously

COUNCILLORS NOTICES OF MOTION.

COUNCILLOR SEAN O'NEAHTAIN - I would like to discuss:-

9. That the words "Farmholders Family" under 9.2.3 titled Essential Housing Need would be deleted and would be replaced by "Landowners Family" in the Review of the Development Plan.
10. That the word "suitable" would be inserted before the sentence beginning "alternative locations on family lands" in the same Paragraph 9.2.3.

MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD AT THE COUNTY BUILDINGS, GALWAY ON MONDAY, 26th SEPTEMBER, 1994.

IN THE CHAIR:- Councillor P. O'Tuathail.

ALSO PRESENT:

Members:

Councillors J. Brennan, J. Burke, 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, M. Mullins, C. Ni Fhatharta, M. O'Neill, P. O'Sullivan, K. Quinn, M. Regan, M. Ryan, E. Varley and T. Walsh.

Officials:

Messrs. D. O'Donoghue, County Manager, D. Nelson, Assistant County Manager, P. Flood, County Engineer, P. Blighe, A/S.E.E., T. O'Donoghue, Law Agent, E. Lusby, Finance Officer, B. Doyle, J. McGovern, Administrative Officers, T. Connell, C. Wallace, T. Murphy, S.S.O.'s, T. Kavanagh, County Secretary and B. Ginnelly, C.T.

The Opening Prayer was recited.

RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY
MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING APPLICATION
NO. 70993 - APPLICANT - JOSEPH HICKEY 2608

The motion was proposed by Cllr. McClearn and seconded by Deputy Connaughton.

The County Engineer submitted the following report with respect to the Section 4 motion.

LOCATION:

The site is located on Dunkellin Terrace in the town of Portumna.

PLANNING HISTORY:

There are no previous applications on this site.

PLANNING CONSIDERATIONS:

The applicant is the owner of two adjoining dwellings on Dunkellin Terrace. One dwelling is in need of renovation and the other which is substantially extended to the rear is subdivided into (a) shop on ground floor with living accommodation on the first floor and (b) the extended area to the rear is partially rented and the remainder is occupied by the applicant and his aging aunt.

The applicant states that he is getting married in July 1995 and needs a new house. He proposes to demolish the mid-terrace house (in need of renovation) and erect a substantially sized house in the rear garden of the adjoining extended dwelling which is to be retained. The space provided as a result of the demolition of the dwelling shall be used for access to the new dwelling.

The policy of the Planning Authority is to restrict this type of development as it contravenes the requirements of Chapter 11 of the County Development Plan. This proposal would result in the erosion of the existing streetscape, would be out of character with the adjoining buildings and would seriously injure the amenities or depreciate the value of property in the vicinity.

RECOMMENDATION:

Refusal is recommended for the following reasons: -

1. "The proposed development of a dwellinghouse which would have no independent frontage onto the public road and which would be located in the rear garden of an existing extended house overlooking the rear of existing adjoining properties would seriously injure the amenities or depreciate the value of property in the vicinity and would tend towards the disorderly development of this site by reason of inadequate rear amenity space and would thereby be contrary to the proper planning and development of the area".

2. "The proposal to demolish the existing mid-terrace house would contravene the requirements of Chapter 11.1.3 of the County Development Plan as this proposal would be out of character with the existing streetscape, by reason that it would detract from the style and residential layout of the street and would break the established horizontal lines in the facade of the street".

Cllr. McClearn stated that the applicant had inherited the house from his aunt. The other house mentioned in the report is not available to him at the moment. It will become available to him in the future. The house proposed to be demolished is 12ft. in width and 43ft. in length. Because of an existing right of way, it is not possible to develop the existing house further and because of the width, it is not possible to erect an ordinary type house. Also, the proposal involves the building of a new house to the rear. He stated that the application involved the replacing of one house with another. Referring to the report from the County Engineer which states that to demolish the house would be out of character, he stated that further up from this proposed development there already exists an opening in the terracing. The proposal therefore would not set a precedent. It would in fact be in keeping with what is already there. There were no objections to this application and he suggested that it was better to have a dwelling at the proposed location rather than livestock sheds which had existed up to now. He stated that the proposal was a replacement of one house with another and that an existing right of way restricted the applicant. It would be far better to

have a dwellinghouse here rather than livestock sheds. The Councillor stated that the report does not clearly set out that the second house is not available to the applicant.

Deputy Connaughton supported Cllr. McClearn. If the applicant doesn't get planning permission, he will have no option but to vacate the existing house and it will therefore become derelict. This was a very important point, he stressed, as a derelict house would be visually obtrusive. The County Engineer stated that he accepted the site was small. There was no indication in the planning application of the right of way. The formal application states that he is the owner of the site. The Council was not aware that he did not own the house. It was the Council's proposal to keep the terrace intact. The proposal would overlook neighbouring gardens.

Deputy Connaughton stated that if the house is semi-derelict, refusing planning permission will not help the situation. The County Engineer responded that if backlands development principle is conceded this will lead to setting a precedent. Cllr. Ryan stated that assuming the applicant did not make the application, how would the council look at the extension to the house. The County Engineer stated that the right of way restricts this proposal. Cllr. McClearn stated that the house on the left has a right of way. The second house mentioned in the report is not available to the applicant at the moment. To demolish the house would be in keeping with existing terrace. Deputy McCormack requested to know if the sheds for livestock would be less desirable than a house. He questioned what was wrong with breaking horizontal lines referred to in the County Engineer's report. He then referred to houses at Gort. The proposal would not lead to disorderly development. When the houses were built 200 years ago, they were planned with long back gardens so that vegetables could be grown, now we are in a different time, the plans should be changed to reflect today's activities. The County Engineer stated that if disorderly development existed pre-planning, the planning acts were brought in to correct this situation. He then pointed out that the application may be illegal if the applicant does not own the site. In the application form, he claims that he is the owner of the site.

Cllr. McClearn replied that he never said that the applicant didn't own the site. He said he had

inherited the house but it was not available to him at present and that the question of the application being illegal does not arise here.

The vote taken for or against the Resolution resulted as follows:-

FOR: Councillors J. Burke, Byrne, Callanan, Deputies Connaughton, O'Cuiv, Councillors Cunningham, Fahy, Finnegan, Finnerty, Gavin, Hussey, Loughnane, Mannion, McClearn, Deputy McCormack, Senator McDonagh, Councillors Mullins, Ni Fhatharta, O'Neill, O'Sullivan, O'Tuathail, Quinn, Regan, Ryan, Varley and Walsh. (26)

AGAINST: Councillor J. Brennan

ABSTAINED: Councillor P. McHugh

The Chairman declared the Resolution carried.

MATERIAL CONTRAVENTION OF THE COUNTY 2609
PLAN RELATING TO APPLICATION FOR ERECTION OF 9 DWELLINGHOUSES AND ASSOCIATED SERVICES AT KILLALOONTY, TUAM - PLANNING REF. NO. 70899

The following report dated 20th September 1994 from Mr. P. Blighe, Acting Senior Executive Engineer Planning was submitted, the statutory requirements in relation to publication of notice etc. having been complied with.

"DESCRIPTION: The proposal is for the construction of 9 no. dwellinghouses.

LOCATION: The site is located in the townland of Killaloonty which is off the N.17 in the town of Tuam.

ZONING: The site is located in an area of land which is zoned for residential use in the current Tuam Town Plan, Map No. 6 but is also located on the line of a

road reservation.

SERVICES: The site is located between the 30 m.p.h. and the 40 m.p.h. on the Galway road and it is proposed to connect the services to the public sewer and watermain.

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 on 4th August, 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.

The latest date for a decision on this application is the 29th September, 1994."

It was proposed by Councillor Finnegan and seconded by Deputy Connaughton:

"That having considered the Planning Application made by Rathscanlon Builders Ltd. for permission for erection of 9 no. dwellinghouses at Killaloonty, Tuam, Planning Register No. 70899 and having considered the report of the County Engineer on the matter, Galway County Council in accordance with the provisions of Section 26(3) of the Local Government (Planning and Development) Act, 1963, as amended by Section 39.(d) of the Local Government (Planning and Development) Act, 1976, as amended by Section 45 of the Local Government Act, 1991, hereby require that a decision to grant permission be made in the case of this application."

A vote taken on the proposal resulted as follows:-

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

AGAINST: NIL

The Chairman declared the proposal carried.

MINUTES

2610

The meeting then went on to discuss the minutes of the 12th August, 1994. Deputy McCormack referred to the minutes and the legal advice received with respect to P. O'Halloran. He stated the refusal of this Section 4 was annoying him and felt that the Councillors were being treated with contempt. He added that the legal adviser had said that no member contradicted the County Engineers report but the minutes clearly showed otherwise.

Cllr. J. Burke requested clarification as to the contradiction in minutes. Deputy McCormack stated that he did not understand the situation. The legal advice stated in O'Halloran's case that nothing was debated that contradicted the County Engineer's report. The Law Agent advised the meeting that the members are adjudicators in a Section 4. They are not experts. The County Engineer is the expert on the traffic hazard matter. The Council members are supposed to be independent, impartial and not arguing the case for the applicant. He stated that new material cannot be introduced when debating a Section 4. You cannot be a prosecutor and a judge at the same time. Deputy McCormack stated that he researched the matter thoroughly and did not introduce new material. He used material in the debate that was presented to him. He did not put himself up as an expert, but only pleaded the case on proper planning and development. He stated that he

was a long term public representative and would not be rubbished by anyone. The Chairman stated that the Law Agent had told the Councillors how the legal system worked in respect to Section 4's. If the members wanted to change the system, they would have to change the planning laws. Cllr. Byrne stated that it was right for the Councillors to be able to put down Section 4's on behalf of clients. It was a duty on public representatives to respond to the public. The members must be allowed to make a case for a Section 4 that they sign for, he added. He did not agree with the term expert. He felt that Section 4's was a right given to council members. A further point he added was that the very fact that some Section 4's were conceded to shows that the Councillors were right.

Cllr. Walsh stated that he found the matter very worrying and unpleasant. It implies that we are not qualified to make any remarks. He stated that Council members have an understanding and knowledge of areas and it was unfortunate that this situation had come about adding that he was not satisfied with the answers given.

Deputy O'Cuiv stated that the Law Agent had raised interesting questions on Section 4's. On Section 4's Councillors gave reasons why applications should be granted and took part in the debate. After this the vote was taken and the matter then entered into the judicial process. He agrees that expert advice is needed on traffic and public health. With respect to subjective views, he stated that some matters are lay opinions. Cllr. Joe Burke requested to know what legal right was given to Councillors. He stated that the Oireachtas gave this power to the members. With respect to the concept about experts, he stated that the members adopted the plan so there must be some right given to members to interpret the plan. Some of the legal advice was derisory towards the Councillors. The whole argument is about the County Development Plan and requested to know if the legal adviser is merely advising the management. Cllr. Finnegan stated that everything the Law Agent had said had been repeated before in the Council Chamber. He rarely proposed Section 4's. He said some Section 4's are passed, some refused and he wondered if there were inconsistencies. Deputy Connaughton stated that there was nothing new in the Law Agent's advice. He always understood that Section 4's would be taken on their merits. There had to be a different slant on the subject. He stated that no two experts agree on

one thing and requested to know if experts must be brought in by the Council members.

Cllr. O'Sullivan requested the Law Agent to define what an expert was in relation to planning. Cllr. Brennan stated he was unhappy about the debate. He agreed with Deputy Connaughton about subjectivity of planning decisions. The tone of the debate might indicate that there was no confidence in the officials. He stated that he did not want to see the downgrading of the Council. He felt that Councillors can give subjective views on Section 4's. Each had a responsibility and that members should stand by the Executive. He stated that the members get utmost co-operation from officials and that the County Engineer and the County Manager have to make difficult decisions. Cllr. McClearn stated that Councillors cannot be blamed for reacting. The members were told that they were not experts. Senator McDonagh referred to the past when Section 4's were being implemented and to the present situation where they were being refused and stated that there was an inconsistency. The Law Agent stated that Galway County Council were in the High Court on two occasions as a result of the non implementation of Section 4's. He has been advising for years on Section 4's. He stated that he was an adviser to the Council and also an adviser to the members. Subjective view he stated was a difficult topic. With respect to the question on experts, he stated that the matter was debated in the High Court and Supreme Court as regards traffic hazard and it was found that the existence of this hazard had to be proven by an expert. A number of cases had been decided since and he was familiar with the results. In relation to traffic hazard, the County Engineer is the expert. He advised the members that there was a possibility of surcharge where a Section 4 was granted against technical advice. Referring to the Kenny Case decided involving the Corporation, the Judge stated that the Section 4's were not appropriate to planning. In the same case, he added, the question of conditions came up. He advised the members that if there is no condition in the motion, then a condition cannot be added to the motion. It is up to the applicant to submit the expert advice. Certain development cannot be granted planning permission and there was some development which was borderline. Practically all Section 4's were unlikely to be granted. The Law Agent stated that it was unfair to the general public who comply with the County Development Plan and then see Section 4's

being granted. He advised the Members that he has been consistent in his advice to the Council down through the years. The Law Agent stated that the difference between proposing a motion and arguing for it is a thin line. Where a Section 4 has to be considered, silence is a non consideration. He then advised that the bringing in of additional information during the debate was fatal to a Section 4.

Deputy McCormack stated that the applicant Mr. O'Halloran didn't rely on the Section 4. He highlighted in his report his research into the case. The Deputy added that the minutes of the meeting stated what happened but the Law Agent did not refer to this. The Law Agent replied that he normally states that there was no evidence to contradict the County Engineer's report where applicable and that there may have been a typing error in this particular instance. Deputy Connaughton stated that it was not the members function to supply expert advice. The Law Agent added that the applicant must also have the relevant information with his application. Additional information should not be brought in at a Council meeting by the members. If one brings in an Engineer to a Section 4 debate, then an objector would be restrained from making any comment on the information put forward. One must be fair and must be seen to be fair. Deputy Connaughton requested to know if the County Engineers say was final. Deputy O'Cuiv stated that when the members are told that there are problems with the planning application, the applicant should then be allowed to put in the extra information. He wished to know if there was a time limit for the submission. The Law Agent replied that the regulations state how an application must be dealt with.

The Secretary pointed out that there was an error in Minute No. 2540 Page 4, in that Councillor W. Burke was shown as having voted in favour of Section 4, Planning Reference No. 70289 whereas this should have read Councillor Brennan and not Councillor W. Burke. Subject to this correction the Minutes of Special Meeting of the Council held on 12th August 1994 were approved on the proposition of Councillor Finnegan, seconded by Deputy Connaughton and signed by the Chairman.

Cllr. Fahy referred to the minutes of the monthly meeting held on 22nd August, 1994. He stated that he

opposed the adoption of these minutes. Referring to the Section 4 for Leo Brennan, Planning Reference No. 71082, he advised the meeting that there was a family housing need in this case and that it was left to him to get this message across to the Council. He stated that he had never told lies to the Council and that the applicant was returning from England. The County Engineer stated that when a report is circulated on a Section 4 Planning Application, the information is taken from the documentation lodged with the Planning Application. The County Engineer advised the Councillor that the bringing in of new information into a Council meeting was not acceptable and that the Law Agent had clarified this point. The application must be dealt with in a quasi-judicial manner.

On the proposition of Councillor O'Sullivan, seconded by Councillor Callanan the Minutes of Monthly Meeting of the Council held on 22nd August 1994 were approved and signed by the Chairman.

In relation to Minute No. 2555 Councillor Walsh asked if there was any progress in relation to the Williamstown Sewerage Scheme. The Secretary stated that the Council's Consultants were still trying to devise a scheme which would bring the cost within the £500,000 approved by the Minister and that a report should be available soon. Councillor Finnegan asked that in any adjustments to the scheme that the whole village and the school remain included. Councillor Loughnane referred to Minute No. 2556 and asked for an up-date in relation to the Loughrea By-Pass. The County Engineer replied that progress was slow in relation to the design of the Loughrea By-Pass in view of the fact that the National Road Authority had indicated that the funding would be provided for the Eastern Approach Road and the Staff were working on that. He said that a report would be available for the next Area Meeting. In reply to Deputy McCormack the County Engineer said that the matter of Oranmore Junction would be on the Agenda for the next Area Meeting also.

The Minutes of Ballinasloe Area Meeting held on 15th August 1994 and Loughrea Area Committee Meeting held on 9th September 1994 were noted. Referring to the Minutes of the Ballinasloe Area Meeting Councillor Brennan asked that extra funds be made available in

the coming years Estimates for roadworks in the Ballinasloe area.

CONFERENCES

2611

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 Regan, Byrne and Ryan attend the "NHTPC" Seminar in Harrogate International Centre; that Councillors Quinn, Walsh and Varley attend the Waste Disposal Seminar in Sherkin Island, Cork; and that Councillors Callanan, Finnerty and Senator McDonagh attend La Touch Seminar in Greystones. Details of the Estimated Cost of attendance of these Conferences had been circulated to each Member of the Council.

DISPOSAL OF PLOT OF LAND AT LEMONFIELD.

2612

DOUGHTERARD TO IRISH LAND COMMISSION

On the proposition of Councillor Finnerty, seconded by Deputy McCormack the Council approved of disposal of plot of land at Lemonfield, Doughterard to Irish Land Commission in accordance with Notice dated 15th September 1994 under Section 83 of the Local Government Act 1946 which had been circulated to each Member.

PROVISION OF CARPARKS AT LOUGHREA

2613

The Secretary referred to Report dated 29th August 1994 which had been circulated to each Member together with accompanying maps including a map showing outlined in red the property to be transferred to the County Council in connection with the proposed carpark at the O'Malley site, Main Street, Loughrea. He said that the Loughrea Members would be familiar with the proposals. There was a serious shortage of carparking in Loughrea which resulted in major traffic problems. The Council had been trying to do something about it and in recent years acquired land adjoining the existing Barrack Street carpark, but failed to secure funding for its development. However, as a result of approaches to the Minister of the Environment, the Minister is now

prepared to give a grant of £150,000 as part of a package involving a total expenditure of £300,000 for three carparks in Loughrea, the carparks being located at Main Street, Barrack Street and the Fairgreen. The offer of Grant by the Minister is subject to the County Council, Town Commissioners and Chamber of Commerce each agreeing to provide a sum of £50,000 towards the development. He said that details in relation to the carparks were set out in the report and in relation to the O'Malley site he said the proposal was that a fully developed carpark comprising 78 car spaces would be provided to Galway County Council for the sum of £190,000. He said that the Loughrea Town Commissioners and the Chamber of Commerce had already agreed to contribute £50,000 each. He said the Council was satisfied that the package was a good one and would solve the parking problems in Loughrea for some time into the future and recommended the project to the Council.

Councillor Regan said he was delighted that the provision of carparks in Loughrea was finally being resolved and he complimented Minister Smith on making a grant available. He proposed that the package be approved and that the Council contribute the £50,000 towards it. This proposal was seconded by Councillor McClearn who complimented the County Manager for bringing the project towards a conclusion. He also complimented the people of Loughrea for their contribution and insisted that the Fairgreen development would be subject to further discussions.

Councillor Cunningham also welcomed the development saying that it augured well for the development of the town. Councillor Loughnane also welcomed the development and paid tribute to the Loughrea Town Commissioners for their generous contributions. He said that the buildings marked "B" and "C" were being given to the Loughrea Heritage Trust and the Council and the Town Commissioners should have a major say in their future development. He also referred to a current Planning Application No. 71812 which included development of the airspace over the roadway into the carpark.

The Secretary clarified that the land being transferred to the Council in the case of the O'Malley site was as outlined in Red on the map and that included the airspace over the roadway into the carpark and there would be no encroachment on the Council's property. He acknowledged that a Planning Application had been received but did not wish to

comment further on it. The County Manager said that the overall package was a good one and an important infrastructural development for Loughrea and he complimented the different Organisations for their co-operation and funding. He said that at the end of the day the Purchasers of the O'Malley property would still have a deficit and he said there was credit due to the people who had put the money up-front for the development of the town. He said that the Council would be promoting Loughrea Town for Heritage Status and he would come back to the Council regarding the question of the membership etc. of any Trust that would be set up. Councillor Mullins also supported the proposal and complimented all involved. The proposal was approved by the Council.

CONGRATULATIONS

2614

On the proposal of Councillor Mullins, the Council congratulated the Galway Junior Camogie Team on winning the All-Ireland Junior Camogie Final and he paid tribute to Mr. T. Ward, Team Manager and Officials. All the Members supported.

DECLARATION OF ROADS TO BE PUBLIC ROADS

2615

On the proposition of Councillor Ryan, seconded by Councillor Finnerty the following road was declared a Public Road, the necessary statutory requirements having being complied with.

<u>Engineering Area</u>	<u>Description</u>
Milltown	Road commencing at junction with Co. Road 291 and extending north for a distance of 463 metres in the Townland of Cloonadarragh.

PEOPLE OF THE YEAR AWARDS

2616

The Secretary referred to the Council's nominations for the People of the Year Awards. He said that at the Meeting on the 22nd August three people were proposed: Minister Maire Geoghegan-Quinn, Dr. O'Conghaile and John O'Mahony, but there was only a record of one of these having been seconded i.e. Dr. O'Conghaile. The Secretary advised the meeting that

nominations are limited to one per organisation. Councillor McHugh seconded Minister Maire Geoghegan-Quinn saying that he had done so at the last meeting. Councillor McClearn proposed that John Hume be nominated and this was seconded by Councillor Finnerty.

Following discussion it was agreed that the following nominations be submitted: Minister Maire Geoghegan-Quinn, John Hume and Dr. P O'Conghaile.

CLOSING OF HEADFORD WASTE DISPOSAL SITE

2617

Mr. Nelson, Assistant County Manager referred to report which was circulated regarding the closure of Headford Dump which was now full. He said that the Council was in the course of preparing a Waste Strategy which would be brought before the Council before the end of the year. Councillor Varley thanked the Council and the Caretaker for looking after the dump over the years. Councillor Ryan complained that dumps which were being closed were not being replaced. The County Manager explained that the whole question of dumps, waste disposal, recycling, waste minimisation etc. would be covered in the proposed strategy document.

HOUSING PROGRAMME 1994

2618

Report of Assistant County Manager giving details of the balance of the Housing Programme for 1994 was submitted. Dúirt an Teachta O'Cuiv agus Comhairleoir Ni Fhatharta go raibh dioma orthu mar gheall ar an moill ata leis an Sceim Tithíochta Charna. Duradar go mba choir tithe singil a thogail i gConnamara muna mbeadh an Sceim reidh i gCarna. Duradar go raibh fadhb mor tithíochta i gConamara agus go raibh se an thabhachtach na se tithe a thogail i mbliana.

Deputy McCormack supported saying that many applicants indicated that they had sites available and he also mentioned the availability of land near Ballynahown. Mr. Nelson explained the cause of the delay in the transfer of the land at Carna and said that the cost plan for the scheme had only been approved by the Department very recently. If the scheme did not start this year it would start early next year. The report was approved on the proposition of Senator McDonagh, seconded by Councillor Mannion.

A number of Members referred to the recent increase in housing rents and it was agreed that this item be put on the Agenda for the next Meeting.

LACKAGH MUSEUM AND HERITAGE CENTRE

2619

Senator McDonagh said that the Lackagh Museum and Heritage Centre had been put in place by local people with little or no state aid. It was attracting large numbers of visitors and had received national recognition. Four people were employed there. He proposed that a grant of £1,000 be made available and this was seconded by Deputy McCormack. Councillor McHugh supported the proposal but said that the Council should have an overall policy covering the giving of grant aid for such projects. The Secretary stated that there was no provision in the 1994 Estimates for the proposed contribution and said that at a previous meeting the Members had objected to proposals of this nature being put forward after the adoption of the Estimates. It was agreed that the proposed contribution be considered in conjunction with the 1995 Estimates.

MOTOR TAX REFUNDS

2620

Rinne an Comhairleoir Ní Fhatharta tagairt do chas in a raibh moill ar aisioc chain ghluaistean. D'iarr si go mbeadh an aisioc deanta go luath.

LOCAL IMPROVEMENT SCHEMES

2621

Duirt on Teachta O'Cuiv gur ceart tuarascail a chur go dtí an Aire Comhshaoil ag lorg airgead le chois do Local Improvement Schemes.

Deputy O'Cuiv said that the need for funding for Local Improvement Schemes was not as great in other counties as in County Galway where there was a long waiting list. He asked that a report be submitted to the Minister seeking extra funding and explaining why it was needed. Deputy McCormack asked that the need for Local Improvement Schemes on the Islands be included. It was agreed that a report be available for the next monthly meeting.

BUSINESS SUBMITTED BY THE COUNTY MANAGER

2622

The County Manager said that he was arranging for the I.P.A. to make a presentation to the Council at the October Monthly Meeting in relation to the National Plan and operational programmes. It was agreed that the meeting would take place at 2.30 p.m. and that if there were Section 4's to be dealt with, a special meeting would be called at 4.00 p.m. for that purpose.

The County Manager advised the meeting that the Department of the Environment had approved an increased grant of £200,000 for the Carna Screeb Road under the Improvement Works on Non-National Roads 1994.

The County Manager informed the meeting that the Council had submitted an Urban Renewal Scheme for Tuam Town to the Minister for the Environment. The Scheme had the approval of the Tuam Town Commissioners and Chamber of Commerce.

The County Manager advised the Members that an item would be on the Agenda for the October Planning Meeting in relation to dates for considering the Review of the County Development Plan.

SYMPATHY

2623

A Resolution of Sympathy was passed with the following:-

Aine & Martin O Griofa, Doire Fhearta, An Ceathru Rua, Co. na Gaillimhe.
Kevin Costello, Barna, Glenamaddy, Co. Galway.
Mrs Meta Bradley, Brackernagh, Ballinasloe.
Michael Whyte, Cloonmahara, Williamstown.

COUNCILLORS NOTICES OF MOTION.

N.O.M. NO. 14 - ROAD - CLR. M. FAHY 2624

The following written reply was given to Councillor Fahy:-

"The carrying out of works at the above locations is dependant on funds being made available by the National Roads Authority. No such funds were made available in the current year."

N.O.M. NO. 15 - CLAY BANK - CLR. M. LOUGHNANE 2625

The following written reply was given to Councillor Loughnane:-

"The carrying out of the above works is not recommended as it would allow traffic to move close to the entrances along this road. However, a bush located on the bank will be removed."

N.O.M. NO. 16 - ROAD - CLR. M. LOUGHNANE 2626

The following written reply was given to Councillor Loughnane:-

"The estimated cost of carrying out works at above location is £3,500. However, there are no funds available for this work in the current year."

N.O.M. NO. 17 - FLOODING - SEN. J. MCDONAGH 2627

The following written reply was given to Senator McDonagh:-

"The estimated cost of carrying out the above works is £4,000. However, there are no funds available for this work in the current year."

N.O.M. NO. 18 - ROAD - SEN. J. MCDONAGH 2628

The following written reply was given to Senator McDonagh:-

"This matter is being investigated by our Design Team and a reply will issue as soon as possible."

N.O.M. NO. 19 - BANK OF CLAY - CLR. M. CUNNINGHAM 2629

The following written reply was given to Councillor Cunningham:-

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

N.O.M. NO. 20 - BANK OF CLAY - CLR. M. CUNNINGHAM 2630

The following written reply was given to Councillor Cunningham:-

"Works are presently in progress at the above location."

N.O.M. NO. 21 - ROAD - CLR. M. CUNNINGHAM 2631

The following written reply was given to Councillor Cunningham:-

"It was not possible to include the above location in the 1994 Road Works Programme due to lack of funds. However, this location will be considered in the preparation of the 1995 Estimates."

N.O.M. NO. 22 - WALLS, LIGHTS, SEATS & DUSTBINS - CLR. M. FAHY 2632

The following written reply was given to Councillor Fahy:-

"This matter is being examined at present with a view to having the works carried out during 1995."

N.O.M. NO. 23 - WALL - CLR. M. FAHY 2633

The following written reply was given to Councillor Fahy:-

"The wall in front of Mr. Rock's property is privately owned, and the carrying out of repairs to same is a matter for the landowner."

N.O.M. NO. 24 - SIGNS - CLR. M. FAHY 2634

The following written reply was given to Councillor Fahy:-

"It is hoped to erect reflectors shortly at the entrance to Labane village from the N.18."

N.O.M. NO. 25 - SEWERAGE - CLR. P. FINNEGAN 2635

The following written reply was given to Councillor Finnegan:-

"This is a private connection to a public sewer and the land owner is responsible for the maintenance of same."

N.O.M. NO. 26 - FOOTPATH - CLR. P. FINNEGAN 2636

The following written reply was given to Councillor Finnegan:-

"This matter is being investigated and it is hoped to have a reply available for the next meeting."

N.O.M. NO. 27 - ROAD - CLR. P. FINNEGAN 2637

The following written reply was given to Councillor Finnegan:-

"Routine maintenance was recently carried out at the above location."

N.O.M. NO. 28 - ROAD - CLR. S. GAVIN 2638

The following written reply was given to Councillor Gavin:-

"Routine maintenance will be carried out at the above

location in the near future."

N.O.M. NO. 29 - FLOODING - CLR. S. GAVIN 2639

The following written reply was given to Councillor Gavin:-

"This matter is being examined at present and you will be informed of developments in due course."

N.O.M. NO. 30 - ROAD - CLR. S. GAVIN 2640

The following written reply was given to Councillor Gavin:-

"This is a matter for the land owner as the damage referred to is on the driveway leading to Browns house."

N.O.M. NO. 31 - ROADSIDE DRAIN - CLR. M. LOUGHNANE 2641

The following written reply was given to Councillor Loughnane:-

"The above drain will be cleaned, a soak-pit and gulley will also be provided subject to the land owner's agreement."

N.O.M. NO. 32 - FLOODING - CLR. M. LOUGHNANE 2642

The following written reply was given to Councillor Loughnane :-

"The estimated cost of carrying out the above works is £5,000. However, there are no funds available for same in the current year."

N.O.M. NO. 33 - ROAD - CLR. M. LOUGHNANE 2643

The following written reply was given to Councillor Loughnane:-

"The above work is not suitable for inclusion under

the Community Development Scheme as it involves nearly all machinery work.

However, the land owner may wish to have this work carried out himself under the 1995 Local Involvement in Road Works Scheme. I enclose herewith application form and details for your information and assistance."

N.O.M. NO. 34 - TRAFFIC LIGHTS - DEP. P. MC CORMACK 2644

The following written reply was given to Deputy Mc Cormack:-

"It is the intention of Galway County Council to move the Pedestrian Crossing nearer the Church. However, we are unable to do so at present due to a pending Court case."

N.O.M. NO. 35 - SPEED LIMIT - DEP. P. MC CORMACK 2645

The following written reply was given to Deputy Mc Cormack:-

"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. 36 - ROAD - SEN. J. MCDONAGH 2646

The following written reply was given to Senator McDonagh:-

"This matter is being investigated by our Design Team at present and a further reply will issue in due course."

N.O.M. NO. 37 - ROAD - SEN. J. MCDONAGH 2647

The following written reply was given to Senator McDonagh:-

"The above works involves realignment and must be

done to full design standards. It is also dependant on a specific grant being made available by the National Roads Authority. No funds were made available in the current year."

N.O.M. NO. 38 - ROAD MARKINGS - SEN. J. MCDONAGH 2648

The following written reply was given to Senator McDonagh:-

"The above housing estate is not in charge of the Council. It is not possible to carry out any works in Claregalway village at present due to a pending Court case."

N.O.M. NO. 39 - ROAD MARKINGS - CLR. P. MC HUGH 2649

The following written reply was given to Councillor Mc Hugh:-

"This matter is being investigated at present and a reply will be available for the next meeting."

N.O.M. NO. 40 - BOTHAR - AN COMH. C. NI FHATHARTA 2650

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

"Caithfear an bothar seo a thearail ar dtús. Ni bheidh muid indhon e seo a dheanamh i mbliana mar ni raibh a ndothain airgid againn le haghaidh an bothar seo a chur sa chlar meastachan na mboithre 1994.

Beidh muid ag scrudu an cas seo nuair a bheidh muid ag cur an clar 1995 le cheile."

N.O.M. NO. 41 - SOLAS - AN COMH. C. NI FHATHARTA 2651

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

"Ni raibh muid indhon an lathair thuas luaite a chur sa chlar Soilse Poibli 1994 toisc easpa airgid.

Beidh muid ag scrudu an cas seo nuair a bheidh muid

ag cur an clar le haghaidh 1995 le cheile."

N.O.M. NO. 42 - BOTHAR - AN COMH. C. NI FHATHARTA 2652

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

"Measann an Comhairle Condae nach bhfuil aon rud mi cheart leis an dromchla ag an lathar thuasluaite.

Bionn daoine ag tomaint ro threan ag an lathar seo agus ni bhionn siad indhon an corneal a thogail da bharr sin, agus measann an Comhairle Condae gurb e seo is cuis leis an chuid is mo de na timpisti."

N.O.M. NO. 43 - ROAD - DEP. E. O'CUIV 2653

The following written reply was given to Deputy O'Cuiv:-

"Routine maintenance will be carried out at the above location later on in the year when the Road Works Programme is complete."

N.O.M. NO. 44 - HOUSE - DEP. E. O'CUIV 2654

The following written reply was given to Deputy O'Cuiv:-

"The Council has received 50 applications from tenants who wish to extend their dwellings for the provision of one or two bedrooms. It is estimated that the average cost of providing such an extension would be £4,000 and accordingly, the Council would need £200,000 to clear the present backlog. Application was made to the Department of the Environment for the necessary funding. This has not been forthcoming to-date."

N.O.M. NO. 45 - HOUSING - DEP. E. O'CUIV 2655

The following written reply was given to Deputy O'Cuiv:-

"This matter is being investigated and a further

report will be submitted as soon as possible."

N.O.M. NO. 46 - ROAD - CLR. S. O'NEACHTAIN 2656

The following written reply was given to Councillor O'Neachtain:-

"The above works would require major funding. However, there are no funds available for the carrying out of same in the current year."

N.O.M. NO. 47 - ROAD - CLR. S. O'NEACHTAIN 2657

The following written reply was given to Councillor O'Neachtain:-

"Repairs were recently carried out to the section of Sheanafhreachoe-Saorsinn road which was included in the Road Works Programme."

N.O.M. NO. 48 - ROAD - CLR. S. O'NEACHTAIN 2658

The following written reply was given to Councillor O'Neachtain:-

"Repairs were recently carried out to the section of Porridge-Ardnasillagh road which was included in the Road Works Programme."

N.O.M. NO. 49 - TREES - CLR. M. O'NEILL 2659

The following written reply was given to Councillor O'Neill:-

"The above trees are located on property belonging to the Church of Ireland and the trimming of same is a matter for the Church Authorities. The Council will be contacting them regarding the matter in the near future."

N.O.M. NO. 50 - WATER SUPPLY - CLR. M. O'NEILL 2660

The following written reply was given to Councillor O'Neill:-

"It is proposed to shortly commence discussions with the Department of the Environment regarding the allocation of funds for the upgrading and extension of the Claddaghduff/Cleggan Water Supply Scheme."

N.O.M. NO. 51 - ROAD - CLR. M. O'NEILL 2661

The following written reply was given to Councillor O'Neill:-

"Routine maintenance will be carried out at the above location later on in the year when the Road Works Programme is complete."

N.O.M. NO. 52 - LIBRARY - CLR. K. QUINN 2662

The following written reply was given to Councillor Quinn:-

"Galway County Council is at present conducting a review of the County Library Service, and a Development Plan will be prepared following this Review. Your request will be considered in the preparation of the Library Development Plan."

THIS CONCLUDED THE BUSINESS OF THE MEETING.

SUBMITTED, APPROVED, SIGNED

John O'Leary
(CHAIRMAN)

24/10/94
(DATE)

COMHAIRLE CHONTAE NA GAILLIMHE
(Galway County Council)

Oifig and Runai,
Arus an Chontae,
GAILLIMHE.

20u la Mean Fomhair, 1994.

CHUIG GACH BALL DE'N CHOMHAIRLE/

A Chara,

Iarrtar ort leis seo bheith i lathair ag cruinniú Miosiuil de Chomhairle Chontae na Gaillimhe a thionolfar ins na Foirgnithe Chontae, Gaillimhe De Luain, an 26 u lá Mean Fomhair, 1994, ag tosnu ar a 3.30 a chlog sa tráthnóna.

Mise, le meas,

T. O CAOMHANAIGH,
RUNAI

AGENDA

1. That in accordance with Section 4 of the City and County Management (Amendment) Act, 1955, as amended, Galway County Council require the County Manager to decide to grant permission to demolish dwellinghouse and construct new dwellinghouse to Joseph Hickey, Dunkellin Terrace, Portumna - Planning Ref. No. 70993.

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

2. Material Contravention of the County Development Plan relating to application for proposed erection of 9 dwellinghouses and associated services at Killaloonty, Tuam - Planning Ref. No. 70899.