

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.

3. Consideration of Minutes of the following Meetings:
 - (a) Minutes of Special Meeting held on 12th August, 1994.
 - (b) Minutes of Monthly Meeting held on the 22nd August, 1994.
4. To Note Minutes of Ballinasloe Area Committee Meeting held 16th August, 1994 and Loughrea Area, Committee Meeting held on the 9th September, 1994.
5. Disposal of Plot of land at Lemonfield, Oughterard to Irish Land Commission - Section 83 Notice dated 15th September, 1994 already circulated.
6. Carparking at Loughrea - Site Map enclosed showing proposed Carpark on O'Malley Site.
7. Declaration of Road to Public Road (List attached).
8. People Of the Year Awards.
9. Closure of Headford Waste Disposal Site.
10. Housing Programme, 1994.
11. Lackagh Museum and Heritage Centre - request for contribution.
12. Business submitted by the Chairman.
13. Business submitted by the County Manager.

COUNCILLORS NOTICES OF MOTIONS :

- Adjourned From Previous Meeting :

14 CLR. MICHAEL FAHY
- I will propose :

That Galway County Council improve visibility for traffic coming on to the National Primary Road from the Templemartin Co. Road adjacent C.I.E. Level Crossing and that marking also be provided at this junction.

15 CLR. MATT LOUGHNANE
- I will propose :

That the Council remove the bank of clay to the right of Frank Donaghues house at Rathgorgan, Athenry; thereby eliminating the concealed aspect of the entrance and obvious danger for all road users.

16 CLR. MATT LOUGHNANE
- I will propose :

That improvements be carried out at the Junction of Cemetery Road and the Athenry/Ballinasloe Road in the Village of Kiltulla (further details attached)

17 CLR. JARLATH MC DONAGH
- I will propose :

That Galway County Council implement scheme to alleviate serious flooding problems (details attached).

18 CLR. JARLATH MC DONAGH
- I will propose :

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.

COUNCILLORS NOTICES OF MOTIONS :

- Other Motions Received :

CLR. MICHAEL CUNNINGHAM

- I will propose :

19

Requesting Galway County Council to remove the Bank of Clay near the residence of Miko Gardiner on the opposite side of the road going from Furzy Park to Cregclare.

CLR. MICHAEL CUNNINGHAM

- I will propose :

20

Requesting Galway County Council to remove Bank of Clay near the residence of Sonny Gardiners House at Cregclare on the Road leading to Ardrahan, Passing Bays has been prepared and left and the bank of clay is now dangerous.

CLR. MICHAEL CUNNINGHAM

- I will propose :

21

Requesting Galway County Council to raise portion of the Coolfin Road, Ardrahan, which is subject to flooding, I refer to low parts such as Mrs. Monaghans house near the residence of Michael Fahy and Mahonys.

CLR. MICHAEL FAHY

- I will propose :

22

That Galway County Council include in A FAS Scheme for Gort wall repairs on the Ballylennon road, and Gallagher's Road - as these Co. Roads are beauty walks for people. Also these roads be included for lights, more seats and dustbins be provide on these roads.

CLR. MICHAEL FAHY

- I will propose :

23

That Galway County Council repair wall on County Road outside Martin Rock's at Castletaylor, Ardrahan which is very dangerous and could cause accidents.

CLR. MICHAEL FAHY

- I will propose :

24

That Galway County Council erect red striping on Walls at Entrance to Labane Village from the Ardrahan side of Village - as people in the night cannot see the entrance of this road any many are colliding against walls at this location with Motor Cars.

CLR. PATRICK FINNEGAN

- I will propose :

25

That repairs to the Sewerage System be carried out at (details supplied).

CLR. PATRICK FINNEGAN

- I will propose :

26

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

CLR. PATRICK FINNEGAN

- I will propose :

27

That repairs be carried to out to road - details given.

CLR. SEAMUS GAVIN

- I will propose :

28

That road works be carried out on the Section of the Gortacleva Road in Bushy Park which was omitted when roadworks were carried out last year. The section remains in an extremely poor condition and is dangerous as there are good sections on either side of the pot-holed section

CLR. SEAMUS GAVIN

- I will propose :

29

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. SEAMUS GAVIN

- I will propose :

30

That road repairs be carried out near Brown's House in Drimaveg, Moycullen. The damage has resulted from flooding and drainage difficulties.

CLR. MATT LOUGHNANE

- I will propose :

31

That access to open roadside drain be regularly maintained at specified location (details attached) in order to prevent the all year round road surface flooding.

CLR. MATT LOUGHNANE

- I will propose :

32

That flood waters (at specified location) be removed either by way of of piping or grading of road surface

CLR. MATT LOUGHNANE

- I will propose :

33

That Area Engineer investigate removal of bend (at specified location) by way of Community Development Scheme.

COUNCILLORS NOTICES OF MOTIONS :

- Other Motions Received :

34 CLR. PADRAIC MC CORMACK
- I will propose :

That the Pedestrian Traffic Lights at Claregalway be moved nearer to the Church to facilitate people crossing the road particularly old people.

35 CLR. PADRAIC MC CORMACK
- I will propose :

That a 30 mile speed limit be provided in tonagurrane Village, Corrandulla as this is a very dangerous stretch of road with a large number of houses and young people.

36 CLR. JARLATH MC DONAGH
- I will propose :

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

37 CLR. JARLATH MC DONAGH
- I will propose :

That Galway County Council carry out from forthcoming year's National Secondary Maintenance Money - work to improve vertical alignment on N.63 to prevent major accidents and fatalities at lethal location (details attached)

38 CLR. JARLATH MC DONAGH
- I will propose :

That Galway County Council have Claregalway Estate where there are 17 houses, signposted and a full unbroken white line put in place through the village in order to deter speeding motorists from overtaking cars despite the existence of a speed limit which is constantly being broken. May I also propose that the gulley adjacent to the filling station in the village be cleaned.

39 CLR. PADDY MC HUGH
- I will propose :

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

40 CLR. CONNIE NI FHATHARTA
- I will propose :

Go ndeanfaidh Comhairle Chontae na Gaillimhe bothar príomhsraide An Cheathru Rua a lineail (linte bana agus bui). Ta go leor oibre deanta ar an mbothar seo ach ta an lineail ag teastail.

41 CLR. CONNIE NI FHATHARTA
- I will propose :

Go gcuirfidh Comhairle Chontae an Gaillimhe dha solas idir S.N. An Tulach agus an Seipeal ar an Tulach Baile na hAbhann. Bíonn go leor tracht ar an mbothar seo agus baineann muintir na haite an-usaid as an dha ait seo.

42 CLR. CONNIE NI FHATHARTA
- I will propose :

Go ndeanfaidh Comhairle Chontae na Gaillimhe an dromchala ar an bothar taobh amuigh de teach Conor O Malley ag droichead Beal A'Daingean a scrudu. Bíonn go leor timpisti ar an chuid seo den bothar.

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

That repairs would be carried out to the Goulane Townland Road, near Clifden, Co. Galway which is in very bad repair.

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

That money would be provided for the building of extensions to Council Houses where this would alleviate serious overcrowding.

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

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

46 CLR. SEAN O'NEACTAIN
- I will propose :

That Galway County Council would take immediate action to improve this junction which is terribly dangerous to traffic using it on both entering and exiting from it (details given)

47 CLR. SEAN O'NEACTAIN
- I will propose :

That Galway County Council would repair the following road

as a matter of urgency - (details given).
CLR. SEAN O'NEACHTAIN
- I will propose :

48

The Galway County Council would repair the following road
as a matter of urgency - (details given)

CLR. MICHAEL O'NEILL
- I will propose :

49

That trees on the Main Street in Oughterard be trimmed
back as they are presently overhanging the street
footpaths.

CLR. MICHAEL O'NEILL
- I will propose :

50

That the Claddaghduff Water Supply be extended West
towards Aughrisbeg for a distance of approximately 500
metres.

CLR. MICHAEL O'NEILL
- I will propose :

That Potholes on the Gowlane road, Clifden be filled and
that the road be included for resurfacing in the 1995
Roads Programme.

CLR. KATHLEEN QUINN
- I will propose :

52

That a full Library Service be installed in Mountbellew -
information supplied.

COMHAIRLE CHONTAE NA GAILLIMHE
(Galway County Council)

Oifig an Runai,
Arus an Chontae,
GAILLIMH.

6u la Mean 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 9u la
Mean Fomhair, 1994, ag tosnu ar a 3.00 a chlog sa trathnona.

Mise, le meas,

T. O'CAOMHANAIGH
RUNAI

SUPPLEMENTARY AGENDA

7. **Advance Notice** - Planning Permission No. 70735 - Cathal Quinn, Claregalway, erection of dwellinghouse and septic tank - Senator J. McDonagh.

**MINUTES OF SPECIAL MEETING OF GALWAY COUNTY
COUNCIL HELD AT THE COUNTY BUILDINGS, GALWAY
ON FRIDAY, 9th SEPTEMBER, 1994**

IN THE CHAIR: Councillor P. O'Tuathail.

Members:

Councillors J. Brennan, J. Burke
W. 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, S. O'Neachtain,
P. O'Sullivan, K. Quinn,
M. Regan, M. Ryan, E. Varley
and T. Walsh.

Officials:-

Messrs. D. O'Donoghue, County
Manager, P. Flood, County Engineer,
D. Nelson, Asst. Co. Manager,
L. Kavanagh & R. Killeen, S.E.E.,
E. Lusby, Finance Officer, T.
Connell, C. Wallace, S.S.O.'s,
M. O'Halloran, C.T. and T.
Kavanagh, County Secretary.

The Opening Prayer was recited.

WELCOME FOR ASSISTANT COUNTY MANAGER

2603

Chuir an Cathaoirleach agus na Comhairleoiri failte roimh an Bainisteoir Chontae Cunta, Mr. Declan Nelson, a bhí ag freastail ar a chead Crinnniu den Chomhairle.

Ghabh an t-Uasal Nelson buiochas don Cathaoirleach agus na Comhairleoiri.

RESOLUTION UNDER SECTION 4 OF THE CITY & COUNTY

2604

MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING

APPLICATION NO. 71085 - APPLICANT - EIBHLIN NI

FHEINNE

The motion was proposed by Cllr. O'Neachtain and seconded by Cllr. Ni Fhatharta.

The County Engineer in presenting his report stated that this stretch of road was the most accident rated in the county and a report prepared by An Foras Forbartha had highlighted this aspect. There were a great number of right-turning movements on this road and the proposed development would create additional traffic hazards.

LOCATION:

The site is located on the Galway/Spiddal Road, two miles east of Spiddal.

PLANNING HISTORY:

PR. No. 16698 - Outline Permission refused for two houses on the 30/5/74 by the Planning Authority and the Minister. Applicant: John Feeney.

PR. No. 24003 - Outline Permission refused for two houses by the Planning Authority on the 25/4/77. Applicant: John Feeney.

PR. No. 69582 - Permission refused for one house by the Planning Authority in December 1993. Applicant: Eibhlin Ni Fheinne.

PLANNING CONSIDERATIONS:

The site is located on the seaside of the Galway Spiddal Road which is zoned as "Outstanding Scenic Amenity" in the County Development Plan. The Plan also indicates views of Special Amenity Value along this section of road. Chapter 9 of the Development Plan states that it is the policy of the Planning Authority to prohibit development in this area other than development in the "essential housing need" category, and to strictly control any development which would seriously obstruct or detract from the views and prospects.

The Plan also states that special consideration will be given to development which is in the "essential housing need" category but which would otherwise be unacceptable for visual amenity reasons, but that alternative locations on family lands will be examined.

Chapter 8 and Table 8B of the Development Plan restricts development along this Regional Route to the "essential housing need" categories where an alternative vehicular access is not available onto another roadway from family lands.

In this case, it is considered that a house located on this site would seriously injure the visual amenity of the area and would detract from the panoramic view of Galway Bay and the Aran Islands which is available from the public road and which the

Plan seeks to preserve.

There are extensive family lands north of the Galway/Spiddal road with frontage onto minor roads where sites would be acceptable to the Planning Authority. There have been at least five grants of planning permission on family lands north of the Regional Route.

RECOMMENDATION:

Refusal is recommended as follows: -

1. "The proposed development would endanger public safety by reason of a traffic hazard because the site is located on a heavily trafficked regional 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 in an area of Outstanding Scenic Amenity (seaside of R336) where views of Special Amenity Value are listed in the County Development Plan. It is the policy of the Planning Authority to prohibit development in areas of Outstanding Scenic Amenity other than development in the essential housing need category. It is also the policy of the Planning Authority to strictly control development in views of Special Amenity Value which would obstruct or detract from these views and prospects".

Cllr. O'Neachtain stated that there is a case here for this application. He added that he would set out the points as were stated in the County Development Plan. He wished to make comments on the proposal and address the County Engineer's reasons for refusal of the planning permission. He agrees with the County Engineer that the road is abysmal. The R336 is a disgrace as a Regional Road, he continued. However, at the very position it is proposed to construct this house, there is a very clear line of view for traffic coming from the site. The junction of this site onto the main road has a very clear view for a considerable distance, much greater than any other sites along this road. He believes that the site distance envisaged is in excess; it is over 300 metres for traffic coming from the Spiddal side. He further added that site distance from the Galway side is quite adequate coming within the specified site distance of 230 metres. He believes that the site distance envisaged here is much better than other sites on the road. He actually measured the site distance and found it to be more than adequate as specified in R.T.181. He stated that the applicant proposes to build a car park area in front of the site where already a footpath exists. He further added that this measurement of site distance was quite adequate for this particular site and was satisfied that the danger involved was not great at

this location. Cllr. O'Neachtain referring to Reason No. 2 for the refusal of planning permission stated that the location of the site is not in an area of Outstanding Scenic Amenity but it is in an area of High Amenity. He further continued that because of the slanting nature of the land, this house would not be seen from the public road. The Councillor then outlined the various measurements regarding its location in respect of the site and the road concluding that a person at road level would be level with the ridge height of the house and would in fact overlook the house as one looked towards Galway Bay. He felt that the two points for refusal should be reconsidered and stated that the level of the house would not interfere with the scenic amenities of the area.

He further added that there were three other houses built beside this site but understands that this fact cannot be taken into consideration. However, if three houses got planning permission, then this house should also as it is in the same location. The Councillor then drew attention to the land along the minor road. It was outlined in the planning application that these lands to the north are not admissible sites and cannot be built upon as there is no roadway or facilities for water or adequate electricity. He felt that these points should be taken into consideration but were often neglected in an essential housing need case. He further added that other family lands often cannot be taken into account. The applicants father in this instance had apportioned the land to other members of the family and this was the only site now available. The other sites which are not suitable should be examined by a ground inspection. Even if sites were available, anyone coming onto the main road would be doing so at a blind corner and would therefore be a more dangerous traffic hazard. The Councillor stated that he realised that this road was more dangerous than any other road in the County. He asked that the Council take serious consideration of this application and stated that he could not understand how this application would be refused.

Cllr. Joe Burke requested to know if this application came under a second family dwelling and wished to know would the Law Agent for the County Council be present at future meetings. He referred to Cllr. O'Neachtain's presentation as excellent but wished to know as the Law Agent represented Management, could he not also advise the Members in Section 4 cases. He felt that if this was not a valid Section 4, then Cllr. O'Neachtain should be told so and allowed to rectify the situation.

Cllr. O'Neachtain asked if the Law Agent considered the Section 4 to be valid and if he considered that the County Development Plan was adhered to.

Deputy O'Cuiv stated that one should look at Reason No. 2 for refusal. This is an area of High Scenic Amenity and not an area of Outstanding Scenic Amenity. He accepts that it is a road with special views but understands that the roof level would not obstruct the view. He stated that the proposal to come onto this main road would be much safer than a proposal coming off a county road. With respect to alternative lands, he further added that alot of family lands do not come into question because they are unsuitable or are not available. This present site has difficulties he is aware of from the County Council but felt that the visual view aspect could be overcome in this particular case.

The County Engineer addressed the points raised by the Council Members. With respect to site distance, he stated that his report did not refer to this point. The report stated that the opening of an access would cause a traffic hazard.

With respect to the designation of the area, this site is in an area where there are outstanding scenic views shown clearly on the map and that he accepted that the area south of the site as being designated an area of Outstanding Scenic Amenity. He could not accept the point of overlooking of the house. The proposed house would be on the sea side and would be visible from the road. He stated that there are sites on the realigned portion of the road which the County Council would consider as alternative sites. There was a recognised access at this location. He further added that there was no dispute as to a second family dwelling claim and does not agree that the other lands owned by the father are remote. The fact that the father distributes the land does not indicate that planning permission will be granted or that they are entitled to get planning permission. He stated that there must be a limit put on openings onto this road and that it was significant that the M50 Dual Carriageway in Dublin where there are no exits allowed onto this particular road, no accidents have occurred as a result. He further added that on this regional road, there was a high percentage of volume of heavy goods. It was felt that alternative family lands with suitable sites were available to the applicant and he again reiterated that the view from the road will be obstructed by this house adding that it was a tourist area where special views exist.

Cllr. O'Neachtain stated that the County Engineer was not familiar with the site. If driving or walking along this route, you would see nothing but the bushes. On the same site level, there are three existing houses and he requested to know if another house would affect the amenity. In his opinion, it would not. At the present moment, tourists cannot see the sea shore because it is blocked by these bushes. With respect to the other sites mentioned by

the County Engineer, the applicants brother has ownership of these sites. He stated that this was the only site that the applicant has under the allocation of lands by her father. Referring to the Rundale System of land ownership, he stated that all the land was scattered. The father had assumed on giving the site that planning permission would be obtained. He felt that the lands to the north coming onto the Regional Road would in fact be more dangerous and stated that the traffic hazard is a fact of life on this road because of the condition of the road. He also added that local people should not be victimised because of the state of the road and that in this present case there was adequate site distance available. He then requested to know if the points made were adequate to make the application valid and legal. Previously he was advised that he did not adhere to the provisions of the County Development Plan.

The County Engineer in replying to the Councillor stated that there was no intention to victimise anyone. The Council were carrying out the provisions of the County Development Plan and in the interests of the proper planning and development of the area. The County Engineer added that Liam Kavanagh and himself had visited the site and studied it in great detail. They were satisfied that the site would be an obstruction of the views in the area. He stated that he did not agree that traffic hazard was a fact of life and yet another house on this route would add to the traffic hazard of the road.

Cllr. Joe Burke then requested a reply to his earlier questions to which Mr. Tom Kavanagh, County Secretary replied that the first point of his question had already been answered by the County Engineer.

Mr. Tom O'Donoghue, Law Agent stated that it was the function of the Members to make the decision. Before the Manager signs the order he can first refer it to the Law Agent for advice. The Law Agent then must consider if the Members exceeded their legal duties. It would be improper and illegal for him to advise the Members on the present application. When dealing with a Section 4 the Council Members take on the function of the Manger and must deal with the application. He could not interject in the debate on a Section 4 and it would be illegal for him to make any comment whatsoever, to which Cllr. Joe Burke requested if the discussion that had taken place on the Section 4 invalidated the present application. He felt that they were entitled to legal advice. The Law Agent then informed the Members that he could not give legal advice on this Section 4 until the decision is made by the Members.

Cllr. O'Neachtain stated that he did not ask the Law Agent if the Section 4 was valid. He wished to know if anything had been said to invalidate the Section 4

and did not want to put the Law Agent in a predicament.

Cllr. Tiarnan Walsh stated that the Manager had the advantage of legal advice, where as Council Members had no legal advice. There is no advantage to the Council Member in this case.

Cllr. McHugh stated that the proper time to seek legal advice was not when discussing a Section 4.

Deputy O'Cuiv stated on a general question, could the Law Agent confirm that when a Section 4 is passed, if points made were relevant or irrelevant. He requested to know if it would make a difference if applicant went onto the main road through a site owned by her sister who has an existing access.

Deputy Connaughton requested to know, insofar as Section 4's are concerned generally, does it make a difference if there is a division of votes in passing a Section 4.

The Law Agent advised him that under the provision of Section 4 it must be taken before any other business of a meeting. If the debate deviates from a Section 4, this may invalidate the Section 4.

A vote was then taken 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 McHugh, Mullins, Ni Fhatharta, O'Neachtain, O'Sullivan, O'Tuathail, Quinn, Regan, Ryan, Varley and Walsh. (27).
Nil

AGAINST:

ABSTAINED: Councillor W. Burke.

The Chairman declared the Resolution carried.

Cllr. Finnegan stated that with respect to Section 4 debates, they should be dealt with properly. Cllr. Callanan stated that once a Section 4 debate begins the vote should be taken after ten minutes. Deputy Connaughton requested replies to his previous question regarding the division of votes for a Section 4. The Law Agent, Mr. O'Donoghue in replying to Deputy Connaughton stated that the answer was no. He does not look at who and what way Councillors vote on a section 4. Cllr. Loughnane requested to know where a housing need existed but was not stated on paper and the housing need was then brought up by the members at a meeting if this was in order. The Law

members at a meeting if this was in order. The Law Agent stated that the Councillors should not do this. It was not their function. It would be improper if planning permission were granted on foot of information supplied at Council meetings. The Council members are not entitled to act for the applicant when dealing with a Section 4.

LEADER II - NOMINATION OF GALWAY COUNTY COUNCIL REPRESENTATIVE TO THE GALWAY RURAL DEVELOPMENT COMPANY

2605

On the proposition of Councillor Mannion, seconded by Councillor Ryan, it was agreed to nominate Councillor Joe Burke as the Council's Representative to the Galway Rural Development Company.

VOTE OF CONGRATUALIONS

2606

On the proposition of Councillor Hussey, the Members passed a Vote of Congratulations to the Taoiseach for all his work in connection with the Peace Process and hoped that all the Parties will take part in the new Forum for peace. The Leaders of the Opposition Parties and all Political Leaders were also complemented for their support.

On the proposition of the Cathaoirleach, a Vote of Congratulations was passed to the Galway Minor Hurling Team on winning the All-Ireland Minor Final.

VOTE OF SYMPATHY

2607

Adjournment

Senator Jarlath McDonagh proposed a Vote of Sympathy to the Wife and Family of former Councillor, Paddy Ruane who died recently. He said that Mr. Ruane had been a member of the Council for a long number of years and was a most outstanding Public Representative. He had also been very active in the G.A.A. over the years and he would be a great loss. Deputy McCormack seconded the Vote of Sympathy and spoke of Paddy Ruane's great work for the area he represented. He also proposed that the Meeting adjourn as a mark of respect. All the Members joined in the expression of sympathy. Mr. T. Kavanagh, County Secretary on behalf of the Manager and Staff joined in the expression of sympathy to the Ruane Family.

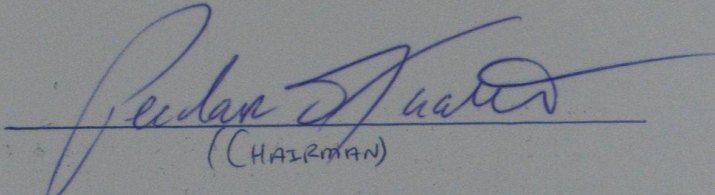
Resolutions of Sympathy were also adopted with the

following:-

Mr. Thomas McGuinness, Corbane, New Inn, Ballinasloe,
Margaret Farragher, Glinsk, Ballymoe, Co. Galway,
Miceail C. Breanach, Ennis Road, Gort, Co. Galway,
Mary Finnernan, Cloonlyon, Ballygar, Co. Galway,
Jos Boswell, Mackney, Ballinasloe, Co. Galway,
Mrs. Emma O'Connaill, Ballymore Road, Craughwell.

The Meeting then adjourned as a mark of respect.

SUBMITTED, APPROVED + CONFIRMED


(CHAIRMAN)

24/10/94

(DATE)

COMHAIRLE CHONTAE NA GAILLIMHE

(Galway County Council)

Oifig an Runai,
Arus an Chontae,
GAILLIMH.

Su la Mean 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 9u la
Mean 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 cead pleanala chun teach conaithe agus dabhach searachais a thogail do Eibhlin Ni Fheinne Pairc, An Spideal - Uimhir Pleanala 71085

S. O Neachtain
P. McHugh.

P. McCormack

S. Gavin

2. Section 4 Resolutions, Material Contraventions and Enurement Clauses - documentation already circulated).
3. **Advance Notice** - Outline Permission for erection of dwellinghouse and septic tank in the Townland of Rindifin, Gort for Mr. Martin Mullins - Planning Ref. No. 70895 - Clr. Michael Fahy.
4. Carparking at Loughrea (Report enclosed).
5. LEADER II - Nomination of Galway County Council representative to the Galway Rural Development Co.
6. Afforestation - documentation already circulated.

MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD AT THE COUNTY BUILDINGS, GALWAY ON MONDAY, 22nd AUGUST, 1994.

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

ALSO PRESENT:

Members:

Councillors J. Burke, W. Burke, T. Byrne, Deputies P. Connaughton, E. O Cuiv, Councillors M. Cunningham, M. Fahy, M. Finnerty, S. Gavin, M. Loughnane, J. Mannion, J. McClearn, Deputy P. McCormack, Councillors P. McHugh, 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, P. Flood, County Engineer, T. Kavanagh, Acting Assistant County Manager, L. Kavanagh, R. Killeen, B. Callagy S.E.E's, J. McGovern, Acting Finance Officer; C. Wallace, T. Connell, S.S.O's and B. Doyle, Acting County Secretary.

The Opening Prayer was recited.

VOTE OF CONGRATULATIONS

A Vote of Congratulations proposed by the Chairman and seconded by Deputy McCormack was passed to the Galway Minor Football Team on successfully reaching this year's All Ireland Minor Football Final.

RESOLUTION UNDER SECTION 4 OF THE CITY AND COUNTY 2552

MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING REF.

NO. 71053 - APPLICANT - MR. PETER RAFTERY.

The Motion was proposed by Councillor Michael Regan, seconded by Councillor Michael Cunningham. The County Engineer submitted the following Planning Report.

LOCATION:

The site of the proposed dwellinghouse is in the townland of Kilcornan on a county road approximately one mile from the National Primary N18 Galway to Gort road.

PLANNING HISTORY:

There have been no previous applications on this site.

PLANNING CONSIDERATIONS:

The site is located in a rural area where it is the policy of the Planning Authority as stated in the County Development Plan, Chapter 7 & Table 7A that all sites for dwellinghouses must have a minimum road frontage of 30 metres (100 ft.). The proposed development would be contrary to this requirement as the site has a frontage of less than 7 metres.

RECOMMENDATION:

Refusal is recommended in this case for the following reason:

"The proposed development would be contrary to the current County Development Plan, Chapter 7 and Table 7A which requires a minimum of 30 metres (100 ft.) road frontage which is not available in this case as the site has a frontage of less than 7 metres".

Cllr. Regan stated that the site is a full 2 acres in size and that the house would be sited 70 metres back from the road margin. The site was surrounded by trees and the proposed house would not be seen from the road. He then questioned the status of the road and stated it was not shown on all ordnance survey

maps. With respect to the applicant, he stated that he was living in Galway and was married with a number of children. There was no house beside this site he added. The County Engineer pointed out that the road in question was a County road which leads to the County Council water works. Deputy Connaughton stated that he supported Cllr. Regan's comments. He was not on site but he was aware that the applicant could not get 100 feet road frontage. However, he would allow the rest of the land to be frozen. He stated that there was a real housing need in this case. Cllr. McClearn further added that this situation has arisen before. You are only talking about parking space and if the applicant has parking space on the site, would this overcome the frontage requirement. The County Engineer submitted that a housing need was not claimed by the applicant and that the need stated by the members would not come under the County Development Plan requirements. Cllr. Loughnane asked if it would be acceptable to submit details of the need now at the Council meeting. Mr. Kavanagh, the Acting Assistant County Manager stated that this was not the best way to consider a planning application, the applicant himself should submit all details to the Planning Office. Deputy Connaughton added that there was a housing need in this case but accepted the submission of the County Engineer that the need did not come under the requirements of the County Plan. A vote was then taken.

FOR:- Councillors Byrne, Callanan, Deputies Connaughton, O'Cuiv, Cunningham, Fahy, Finnerty, Gavin, Loughnane, Mannion, McClearn, Deputy McCormack, Councillors McHugh, Mullins, NiFhatharta, O'Neachtain, O'Neill, O'Sullivan, O'Tuathail, Quinn, Regan, Ryan, and Walsh. (23).

AGAINST:- Nil.

ABSTAIN: Councillor J. Burke. (1)

The Chairman declared the resolution carried.

**RESOLUTION UNDER SECTION 4 OF THE CITY AND COUNTY
MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING REF.**

2553

NO. 71082 - APPLICANT - MR. LEO BRENNAN.

The motion was proposed by Cllr. Michael Fahy and seconded by Cllr. Michael Cunningham. The County Engineer submitted the following report:

LOCATION:

The site is located on the County road leading to Coole Park and is approximately 1/3 mile from the National Primary N18 Galway to Gort road.

PLANNING HISTORY:

PR 11752 - Outline permission granted on 14/2/73 by the Minister on appeal, Mr. John Cahill applicant, for four (4) houses on large sites measuring approximately 5 acres each and stated as being for the farmholders family.

PR 14293 - Approval granted on 13/8/73, Mr. John Cahill applicant.

PR 57916 - Permission refused on 7/7/89, Mr. H. Raphael Counihan applicant, for a house on the present site.

PR 67719 - Permission refused on 14/1/93, Mr. Leo Brennan applicant, for a house on the present site.

PR 68762 - Outline permission refused on 19/7/93, Mr. Leo Brennan applicant, for a house on the present site.

PLANNING CONSIDERATIONS:

The site is located in a rural area where it is the policy of the Planning Authority as stated in the County Development Plan, Chapter 7 and Table 7A, that all sites for dwellinghouses must have a minimum area of 0.2 hectares (0.5 acre) and a minimum road

frontage of 30 metres (100 ft.). The proposed development would be contrary to both of these requirements as the site area is 0.142 hectares with road frontage of 26 metres.

The site is located on the entrance road to Coole Park which is an area of recreational amenity and of cultural and historical significance. There has been a substantial investment of public funds in the development of the Forest Park and in the provision of tourism facilities reflecting the areas cultural and historical importance. The proposed development, in conjunction with existing and permitted developments, would seriously devalue the investment of public funds in the area by contributing to a suburban type ribbon development which would be wholly out of character in this rural amenity area.

RECOMMENDATION:

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

"The proposed development, together with existing and permitted development on adjacent sites, would constitute an excessive concentration of housing development of suburban character in the rural environs of Gort town adjacent to Coole Park and would be contrary to the provisions of Chapter 7 of the County Development Plan which prohibits such grants of houses in the interest of visual amenity and rural character of such areas".

The County Engineer further added that a great amount of public money had been spent on widening this road. Cllr. Fahy in referring to the last meeting stated there was an essential housing need in this case. He added that the Councillors were fully confident that with the time given to the officials they would reconsider their recommendation. Mr. Brennan had to go to England to find employment. He now wanted to come back to live in this country. The Councillor felt that it would be a disgrace to turn down planning permission and that the dwellinghouse would be suitable here in this vacant site. The proposed house would blend in with the other houses. The County Engineer then stated that this Section 4 was not deferred at the request of the staff but was deferred by the members of the Council to this present meeting and that no discussion has taken place at the last meeting. Cllr. Fahy contradicted this view point. The County Engineer further added

that housing need was not an issue in this particular planning application and that the officials had nothing further to add to the report. Cllr. Fahy again stated that a housing need existed in this particular case.

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

FOR:- Councillors Byrne, Callanan, Deputies Connaughton, O'Cuiv, Councillors Cunningham, Fahy, Finnerty, Gavin, Loughnane, Mannion, McClearn, Deputy McCormack, Councillors McHugh, Mullins, NiFhatharta, O'Neachtain, O'Neill, O'Sullivan, O'Tuathail, Quinn, Regan, Ryan, and Walsh (23)

AGAINST:- Nil

ABSTAIN:- Councillor J. Burke (1)

The Chairman declared the resolution carried.

SECTION 4's

The Chairman allowed a discussion on Section 4's.

Deputy McCormack indicated that he had received a copy of the Decision and the Legal Advice given by the Law Agent in connection with Planning Ref. No. 70289 for Mr. P. O'Halloran. While he had received Legal Advice he had not received a Report of the Meeting that was submitted to the Law Agent to allow him consider his advice. It was disturbing to read the Legal Advice. The Legal Advice suggested that the traffic hazard question brought up by the County Engineer was not addressed. Deputy McCormack indicated that he had quoted eight Pages in the Development Plan to point out reasons how the Application could be considered. He asked how he could explain to Mr. O'Halloran his inability to present his representations. Deputy McCormack also queried the point that if 29 Councillors talked in favour of a Section 4 Motion that all it needed was one person to maliciously say something to knock the said Section 4. He indicated that he was prepared to seek his own legal advice on the Section 4 issue, but that while the Manager's costs would be met by the Council, he would have to pay his own legal costs. He asked to get a copy of the Minute of the Meeting

2554

submitted to the Law Agent. Councillor Gavin indicated that in connection with the P. O'Halloran case he did not say that Mr. O'Halloran would emigrate. He was referring to Jason O'Shaughnessy another applicant for permission for a shop in this area. He acknowledged that he may have put his foot in it. He felt that the points made were relevant to the issue being considered. He indicated that he felt he did not know enough to discuss the matter of Section 4's. He asked that the Legal Officer be present to advise the Council in this regard. Councillor J. Burke indicated that he had always voted against Section 4's and asked how does the County Manager decide which Section 4's to pass on to the Law Agent. He felt that the County Manager was being selective with Section 4's being put forward for Legal Advice. Councillor Burke indicated that his Legal Advice indicated that the County Manager was not entitled to refuse Section 4's. Councillor Burke indicated that it was his intention to appeal Planning Ref. No. 70568 which was passed by Section 4 and subsequently refused by the County Manager. If the appeal to An Bord Pleanala was unsuccessful, the matter would then be taken to the High Court. He asked that Councillors be given independent legal advice. He indicated that the legal reports and reports of the County Engineer use the County Development Plan to refuse planning permission. He indicated that this was forcing the County Council to adopt a Development Plan with greater flexibility.

Councillor Ryan queried the legal advice given in the case of Mr. P. O'Halloran and the fact that no Member contradicted the County Engineer's statements. He felt that Deputy McCormack had pointed out clearly his case for this proposal. Councillor O'Neachtain in adding to the discussion indicated that he had not yet received the legal advice in connection with a planning refusal for Mr. Whyte. The right to pass Section 4's was being taken away on the basis of legal advice being received by the County Manager. He felt this impinged on the role of the Council. Any comment made could jeopardise the passing of the Section 4. He asked that the legal advice come before the Council as soon as possible. Elected representatives should have the right to submit Section 4's. He pointed out again that the Development Plan was not written in stone and that there was flexibility within the Plan. He cited the case of site frontage which had been the subject of a number of refusals in the recent past. He felt that

the Officials were not flexible. Councillor McHugh indicated that this discussion would be appropriate for Meetings set aside for the Review of the County Development Plan. This matter was not on the Agenda, but in actual fact had been discussed at the last three Council Meetings. He indicated that Councillors were not stopped from putting in Section 4's.

The County Manager said he acknowledged the right of Councillors to lodge Section 4's. He indicated that the Law was quite specific. There were only two reasons that permission could be granted and that was in accordance with the proper and development of the area and with regard to the provisions of the Development Plan. The law was quite clear also that the Councillors cannot bring matters outside planning into consideration. With regard to procedure he indicated that Section 4's were always referred to the Law Agent for advice. The actual procedure with regard to submitting and discussing Section 4 was in the hands of the Council. He had no problem with regard to implementing valid Section 4's.

Deputy McCormack raised again the question concerning his request for a copy of the Minute that went to the Legal Adviser in the case of O'Halloran. He indicated that when the Local Government Act, 1991 was going through the Dail it was considered that where a majority of Members spoke in favour of the Motion it was sufficient to pass a valid Section 4.

Deputy McCormack referred to the Task Force which was headed by the former County Manager and which he was involved himself to set up businesses in Galway on foot of the collapse of Digital. People were advised by the Task Force to set up in business where they could not get other employment. This seemed nonsensical on the basis of the refusal of planning permission in this particular instance.

The County Manager indicated that he would supply the account of the discussion concerning the O'Halloran Section 4 to Deputy McCormack. The County Manager also indicated that 87% of Applications submitted to the Council were granted. He felt that the Section 4's while contentious were hiding this fact. The County Manager reiterated again that he implements all Section 4's that are legally passed by the Council.

Councillor Burke enquired whether the legal advice

given was always given to refuse applications. The County Manager indicated that this was not right. Councillor O'Neachtain, seconded by Councillor Gavin proposed that the Law Agent attend meetings of the Council. The Chairman indicated that the Law Agent was to attend the September Planning Meeting which will be held on the 9th September, this matter could be raised at that time.

MINUTES

2555

On the proposition of Councillor Finnerty, seconded by Councillor Ryan, the Minutes of Special Meeting held on the 4th July, 1994 were approved and signed by the Chairman, subject to the following.

Councillor Tiernan Walsh referred to Min. No. 2467. He indicated that he had referred in his submission on this Planning Application to a number of items that were not mentioned in the minute. These were as follows:-

1. With regard to the Clubhouse there was no change externally to house grounds or exit only internal changes.
2. Exact same entrance to the road.
3. Ample carparking."

Mr. T. Kavanagh, Acting Assistant County Manager asked that as agreed previously that where Members speaking on any Section 4 read out of a document that same would be left to the County Secretary so that the matter could be recorded accurately in the Minutes.

Referring also to the same Minute, Councillor P. McHugh indicated that Councillor Hussey had also contributed to the discussion on the Section 4 and that a point that he had made was not recorded in the Minutes - he asked that same be recorded as follows:-

"that planning permission be given as traffic passing Rugby Club up to five times heavier than this application."

Deputy Connaughton also mentioned that he had also discussed this application at the meeting and had proposed the possible provision of a safety net along

the road to prevent golf balls getting onto the National Primary Route at this location.

Referring to Minute No. 2470 Councillor Gavin noted that the question of Enurement Clauses would be dealt with by the Law Agent when he attends the September Planning Meeting.

On the proposition of Councillor P. O'Sullivan, seconded by Councillor Finnerty, the Minutes of Special Meeting held on the 11th July, 1994 were approved and signed by the Chairman.

On the proposal of Councillor Byrne, seconded by Councillor O'Sullivan, the Minutes of the Annual Meeting held on the 18th July, 1994 were approved and signed by the Chairman.

On the proposition of Councillor O'Neachtain, seconded by Councillor Quinn, the Minutes of the Special Meeting of Galway County Council held on the 18th July, 1994 were approved and signed by the Chairman.

On the proposition of Councillor Gavin, seconded by Councillor Tiernan Walsh, the Minutes of the Monthly Meeting held on the 25th July, 1994 were approved and signed by the Chairman.

In response to a query received from Councillor Tiernan Walsh, the Acting County Secretary read a letter from the Department of Environment regarding Williamstown Sewerage Scheme. The letter indicated that the Minister for the Environment was willing to fund the development of a Sewerage Treatment and Collection System for the Village on the basis the Maximum Grant from the Department will not exceed £500,000. Mr. T. Kavanagh, Acting Assistant County Manager indicated that the Council's Technical Advisers had been asked to look at the proposal for Williamstown with a view to coming up with a scheme to comply with the requirements of the Department of the Environment and the funds being made available. He felt that a report on this matter would be available in approximately two weeks time for the consideration of the Council.

Councillor Toddie Byrne raised the question of the travellers who were camped at Saleen Point, Rinville Park. The Acting County Secretary informed the Council of the current position with regard to prosecutions for trespass that Galway County Council

had commenced in this area. The Acting County Secretary also pointed out that there were now 42 temporary dwellings on the site. Further information received indicate that 10 vehicles left on the 21st August, 1994. Deputy McCormack enquired when there was only a few travellers left on the site late in 1993 as to why a barrier was not erected at that stage.

Councillor Ryan referring to Minute No. 2507 asked whether the County Manager could grant an additional licence for refuse collection. The County Manager indicated that this matter would be examined.

Councillor K. Quinn indicated that dumping was now out of hand in the County and that she will be endeavouring to ask the Council to find extra funds to employ Litter Wardens.

Councillor McHugh noted that as a result of his representations in connection with Carrowbrowne Halting Site that work was carried out to tidy up this area. He asked what the Corporation Policy would be with regard to this area in the future. The County Manager had indicated that he had met with Mr. J. Gavin, City Manager, and he indicated that the Corporation were currently reviewing their procedures in this area.

The County Manager indicated that the Council will examine all matters concerning refuse collection when consideration was being given to the formulation of a strategy for waste management. He felt that there would be a joint approach between Galway County Council and Galway Corporation.

MINUTES OF LOUGHREA AREA MEETINGS.

2556

The Minutes of the Loughrea Area Meetings held on the 17th May, 1994 and the 22nd July, 1994 were noted by the Members. Councillor Loughnane noted that when consideration was being given at the Meetings concerning the Loughrea By Pass that the plans were not available. He asked that these plans be made available as the Councillors are anxious to have an input.

SURFACE DRESSING - CAHERLISTRANE.

2557

The Members noted the report already circulated. Deputy McCormack supported by Councillor McHugh outlined the case to be made for improvement in this particular area. The County Engineer outlined the Insurance requirements in connection with works on public roads with regard to signposting. He indicated the cost of surface dressing was in the region of £1 per sq. metre. The financial constraints on the Council meant that they were not in a position to carry out improvements in all cases where remedial action is needed.

AFFORESTATION

2558

It was agreed to defer this matter to the September Planning Meeting.

In response to Councillor Loughnane's request for an inspection of the Loughrea By Pass Plans, the County Engineer indicated that Mr. Frank Gilmore was on leave and as soon as he returned he will endeavour to have the plans available for an early Meeting of Loughrea Councillors.

WESTERN APPROACH ROAD

2559

Councillor O'Neachtain referring to the correspondence that had been circulated from the Department of the Environment that there were no funds available for Land Use Transportation Study, asked whether the new road as envisaged would come under the National Roads Authority. Deputy McCormack supported the case for immediate funds to be made available for the Galway Western Approach Road. He felt that there was no need for the Transportation Study. He raised this matter by means of Dail Questions and was told that funds would have to come out of the Council's own allocation. He felt what was needed was the designation of the road as a National Primary Route. Despite the money being spent there was little improvement on the road in question. He indicated that Galway Corporation were retaining corridors on foot of planning permissions. He proposed that the Western Approach Road be

declared a National Primary Road for this purpose. The County Engineer in reply indicated that the Land Use Transportation Study would cost approximately £250,000. It was the key to the greater Galway traffic problems over the next 20 years. In 1978 the Eastern Approach Road and the By Pass of Oranmore had alleviated part of the problem with traffic coming from the East. The European Union require plans/reports if questions of funding are to be considered. He pointed out also that the Tuam Road was heavily overloaded from a traffic point of view. He indicated that the R 336 cannot be upgraded. The only solution was a new road. He pointed out in response to Deputy McCormack that the work that the Corporation were dealing with related only to local traffic. The overall project at £9. M. was not a particularly large project in the context of roadworks currently being undertaken in the Country. It needs a specific allocation. The replacement of the road is not within the ambit of the National Roads Authority. He indicated that after the completion of the Land Use Transportation Study consideration could be given to the reclassification of roads. Deputy McCormack indicated that if the Council have to wait for the completion of the Land Use Transportation Study it would be two years before an application could be made for the road. He felt that there was an urgent case to be made now for National Primary Road Status for the new road. This was seconded by Councillor O'Neachtain and agreed by the Members.

PEDESTRIAN CROSSING/SCHOOL LIGHTS

2560

Gabh an Comhairleoir O'Neachtain buiochas leis an gComhairle Chontae as ucht na soilse gealanacha a chur suas ag na Forbacha.

Councillor Callanan felt that the provision of flashing lights should also be considered for Kilrickle.

Councillor Gavin asked that consideration be given to flashing lights at St. Annes School, Roscahill. He indicated that the Management of the School felt that these were required and asked whether a contribution would be acceptable from this group. He also enquired whether Notice of Motion Money could be spent on this proposal.

Councillor Mullins raised the matter of the Primary and Vocational Schools in New Inn and the fact that there was no School Sign in the Village. The County Engineer undertook to review this matter.

Councillor Quinn asked that consideration be also given to the provision of flashing lights at Glinsk School.

Councillor Michael Fahy referred to Kiltiernan National School where lights/signs were also required.

Dúirt an Comhairleoir Ní Fhatharta go raibh soilse gealanocha ag teastail o scoileanna eile ar an R.336. Ceap si go mba ceart don Comhairle Chóntae iarracht a dheanamh gleas amhain de soilse gealanacha a chur ar fail i ngach ceanntair innealtoireachta gach blian.

Councillor McClearn referring back to the report circulated to the Members indicated that there was no finance available for this type of work.

The County Manager referring to the report that was circulated indicated that where warrants exist and if there were any savings made in the Road Maintenance Budgets that there would be no objection to financing flashing lights or pedestrian crossings. He suggested that the possible provision of one pedestrian crossing and two sets of flashing lights in each financial year be considered at Estimates time. The County Engineer indicated that he would make recommendations on the locations based on the necessary warrant. If there were any groups that were willing to provide funds the County Council would erect flashing lights. The main demand was on non-national roads. He also indicated that Notice of Motion money could not be spent on National Routes.

HEDGE CUTTING

2561

Councillor K. Quinn felt that it would be appropriate if the FAS Schemes operated by Galway County Council carry out Hedge Cutting which was required urgently throughout the Country. Councillor McHugh indicated that this matter was now urgent. The County Engineer outlined the responsibility of owner/occupiers under the Road Traffic Acts concerning hedges and drainage on roads. Councillor McClearn indicated that the

costs of hedge cutting would be less if private people were employed and allowed to carry out the work outside normal working hours. Councillor McHugh referring to the Tuam Area said that if there was money available now or if it was envisaged that money would be available later in the year that the hedges should be cut now. The County Engineer indicated that the men were only back from three weeks holidays and that the most urgent requirement was that road grant money be spent.

Councillor McClearn suggested that the Council look at the spending under this heading on a mileage basis rather than per hour. Councillor Mullins asked whether the Council sought tenders for hedge cutting. The County Engineer indicated that tenders were sought. Councillor McClearn suggested also that a price for a particular job be sought. Deputy McCormack indicated that he felt it was appropriate that FAS Schemes should be used for hedge cutting purposes. Councillor O'Neachtain enquired whether the new Community Schemes would be suitable. Councillor O'Sullivan also felt that the Council should do more work concerning edging of roads where ditches and soil were encroaching on to the metal part of the roadway.

WAGE INCREASE UNDER CLAUSE 3 OF THE PROGRAMME FOR ECONOMIC AND SOCIAL PROGRESS.

2562

On the proposal of Councillor Mullins, seconded by Councillor Callanan it was agreed to approve the Wage Increase in accordance with Clause 3 of the PESP for General Operatives.

CORRESPONDENCE FROM IRISH NATURIST ASSOCIATION

2563

Councillor Gavin indicated that this matter had been discussed previously on the Radio. He did not consider it as a high priority. After a brief discussion it was agreed to mark the correspondence noted.

DECLARATION OF ROAD TO BE PUBLIC

2564

On the proposal of Councillor O'Neachtain, seconded by Councillor NiFhatharta it was agreed that Galway County Council declare the road as described hereunder to be a Public Road.

<u>Engineering Area</u>	<u>Description.</u>
Costelloe	Extension to existing County Road commencing at Junction with Reg. Rd. R336 and extending north as appropriate for a distance of 160 metres in the Townland of Cre Dubh, Bothuna Thiar.

COMMUNITY INVOLVEMENT - ROADWORKS

2565

The County Manager outlined the Scheme and the Application Form that had been submitted to the Members. On the proposal of Councillor Mannion, seconded by Councillor O'Neachtain, the Members approved the scheme for Community Involvement on Roads.

SPEED LIMITS.

2566

The County Manager outlined the procedures that now had to be followed concerning the adoption of Speed Limits. He indicated that as and from the 22nd July, 1994 all Speed Limit requirements on National Roads had to be sent to the National Road Authority for their approval. It was no longer necessary to send By-Laws or Speed Limit Changes to the Minister for the Environment for his approval. When the National Roads Authority had finalised their requirements with regard to Speed Limits sent to them, the County Council would be required to pass By Laws for the entire County at that point. These would include the ones that have already been passed by the Members in 1993. It was agreed also that the further review of speed limits which was sent to the Councillors on the 19th July, 1994 would be considered by the Area

Committees of the Council.

COMMEMORATION OF THE FAMINE

2567

The Members noted the correspondence received from the Department of the Environment. It was agreed to refer correspondence to the Area Meetings of the Council.

PEOPLE OF THE YEAR AWARDS

2568

Councillor M. Fahy proposed that Deputy Maire Geoghegan-Quinn be nominated. There was no seconder for this proposal. Councillor Gavin proposed and Deputy McCormack seconded that Dr. P. O'Conghaile of The Galway Hospice be nominated. This was agreed. Councillor Gavin also proposed that Mr. John O'Mahony be nominated. There was no seconder for this proposal. The Chairman pointed out that each Member could make their own nomination.

COASTAL ZONE MANAGEMENT CONFERENCES:

2569

It was agreed that Councillors Sean O'Neachtain, T. Byrne, J. McClearn attend this Conference which had been previously ratified by the Finance Committee of the Council. Details of the Estimated Cost of attendance at the Conference had been circulated to each Member of the Council.

It was agreed that Councillors J. Mannion, M. Mullins and P. O'Sullivan attend a meeting concerning Euro Funding in Bray which had been previously ratified by the Finance Committee of the Council. Details of the Estimated Cost of attendance at the Conference had been circulated to each Member of the Council.

It was further noted that Councillor John Mannion substituted for Councillor Michael Ryan at the Social Study Conference in Kilkenny.

CLOSURE OF WILLIAMSTOWN AND KILCONNELL BRANCH 2570

LIBRARIES.

The Members noted the correspondence. In response to a query from Councillor Mullins, the Acting County Secretary informed him that both Part-time Librarians were retiring. He indicated that there were only 4 Adult Members in Williamstown. It was felt that the Mobile Library Service might actually improve the usage of the service in these areas.

CORRESPONDENCE FROM GENERAL COUNCIL OF COUNTY 2571

COUNCILS - SUBMISSION ON LOCAL AUTHORITY

FINANCING AND FUNDING.

It was agreed to refer this matter to the Finance Committee of Galway County Council for further consideration.

BUSINESS SUBMITTED BY THE COUNTY MANAGER 2572

The Department of the Environment indicated that a sum of £150,000 will be allocated to Galway County Council in respect of Car Parks at Barrack and Main Street, Loughrea. The funds will be made available on receipt of information from the Council that matching funding would be made available from Loughrea Town Commissioners, Galway County Council and Loughrea Chamber of Commerce.

The County Manager also indicated that the Department of the Environment had given sanction to advertise for Tenders for a Site Investigation Contract for Gort Regional Water Supply Scheme. This project would cost approximately £150,00 and will enable the Contract Documents to be finalised for this scheme.

The County Manager pointed out that the Department of Justice had notified Galway County Council that funds would be available to complete some maintenance work on the following Courthouses:-

(a)	Portumna Courthouse	--	£4,700
(b)	Oughterard "	--	£10,800
(c)	Headford "	--	£31,000

This money was additional to the monies provided already in the current year for Courthouses in Gort and Loughrea. The County Manager pointed out that monies had to be expended in the current financial year.

Councillor P. O'Sullivan asked whether the Council had received any communication from the Department of the Environment in connection with the Clontuskert Group Water Scheme. The Acting Assistant County Manager indicated that a response had been received from the Department of the Environment and he outlined the up to date position on same.

SYMPATHY 2573

A Resolution of Sympathy was passed with the following:-

Mrs. P. Dolphin, Aughrim, Ballinasloe, Co. Galway.
Ms. Teresa Mannion, Carramore, Aughrim, Ballinasloe.

COUNCILLORS NOTICES OF MOTION.

N.O.M. NO. 22 - CLAY BANK - CLR. M. LOUGHNANE 2574

The following written reply was given to Councillor Loughnane.

N.O.M. NO. 24 - HOUSING - CLR. J. BURKE 2575

The following written reply was given to Councillor Burke.

"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. 24 - ROAD - CLR. M. CUNNINGHAM 2576

The following written reply was given to Councillor Cunningham.

"There are no funds available in the current year to carry out the above works."

N.O.M. NO. 25 - SIGN - CLR. M. CUNNINGHAM 2577

The following written reply was given to Councillor Cunningham.

"A sign will be erected at the above location as soon as possible."

N.O.M. NO. 26 - ROAD - CLR. M. CUNNINGHAM 2578

The following written reply was given to Councillor Cunningham.

"It is hoped to have a clay bank removed at the above location later on in the year when the Road Grant works are completed."

N.O.M. NO. 27 - ROAD - CLR. M. FAHY 2579

The following written reply was given to Councillor Fahy.

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

N.O.M. NO. 29 - ROAD - CLR. M. FAHY 2580

The following written reply was given to Councillor Fahy.

"It is Galway County Council's intention to construct the footpaths and surface restoration in Ardrahan Village Square in 1994 and the works are currently underway. Traffic Route Lighting will also be installed this year."

N.O.M. NO. 30 - SIGN - CLR. S. GAVIN 2581

The following written reply was given to Councillor Gavin.

"A sign will be erected at the above location during the current year."

N.O.M. NO. 31 - ROAD - CLR. S. GAVIN 2582

The following written reply was given to Councillor Gavin.

Routine maintenance will be carried out at the above location as soon as possible."

N.O.M. NO. 32 - PEDESTRIAN CROSSING SIGNALS - CLR. S. GAVIN 2583

The following written reply was given to Councillor Gavin.

"A warrant exists for the provision of a Pedestrian Crossing at Moycullen Village. However, the provision of same is dependant on funds being made available by the NRA.

No funds were provided in 1994. However, the Council will be including this location in the 1995 submissions to that authority."

N.O.M. NO. 33 - ROAD - CLR. M. LOUGHNANE 2584

The following written reply was given to Councillor

Loughnane.

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

N.O.M. NO. 34 - HEDGES - CLR. M. LOUGHNANE. 2585

The following written reply was given to Councillor Loughnane.

"The above works will be carried out under the 1994 Hedge Cutting Programme."

N.O.M. NO. 35 - FLOODING - SEN. J. McDONAGH 2586

The following written reply was given to Senator McDonagh.

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

N.O.M. NO. 36 - ROAD - SEN. J. McDONAGH, COUNCILLORS 2587

P. McHUGH AND E. VARLEY.

The following written reply was given to Senator McDonagh.

"It was not possible to include the above location under the 1994 Road Works Programme due to lack of funds, however, routine maintenance will be carried out in order of priority and as resources permit. There are no funds available for the provision of sign post at this location."

N.O.M. NO. 37 - ROAD - SEN. J. McDONAGH 2588

The following written reply was given to Senator McDonagh.

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

N.O.M. NO. 38 - HEDGES - CLR. P. McHUGH 2589

The following written reply was given to Councillor McHugh.

"Limited hedge cutting was carried out in the North Galway Area earlier this year. Further hedge cutting will be carried out later on in the year funds permitting."

N.O.M. NO. 39 - ROAD - CLR. P. McHUGH. 2590

The following written reply was given to Councillor McHugh.

"Routine maintenance will be carried out at the above location as soon as possible."

N.O.M. NO. 40 - LIFEBELT & SIGN - CLR. C. NIFHATHARTA 2591

The following written reply was given to Councillor NiFhatharta

"This location is being examined at present and a lifebelt will be provided if required."

N.O.M. NO. 41 - SAFETY BARRIER - CLR. C. NIFHATHARTA 2592

The following written reply was given to Councillor Ni Fhatharta.

"Advance warning signs were recently erected at the above location. There are no funds available in the current year for the provision of a safety barrier."

N.O.M. NO. 42 - ROAD MARKINGS - CLR. C. NIFHATHARTA 2593

The following written reply was given to Councillor Ni Fhatharta.

"There are no funds available in the current year for the provision of white and yellow lines at above location. However, this location will be included in the 1995 Road Works Programme."

N.O.M. NO. 43 - SPEED LIMIT - DEPUTY E. O CUIV

2594

The following written reply was given to Deputy O Cuiv.

"This proposal was passed at Speed Limits Review at meeting on 29/3/'93. The consent of the NRA to this proposal has now been requested."

N.O.M. NO. 44 - BRIDGE WORKS - DEP. E. O CUIV.

2595

The following written reply was given to Deputy O Cuiv.

"Parapet walls at above location will be repaired towards the end of the year when the Road Grants programme is complete."

N.O.M. NO. 45 - PIER - DEP. E. O CUIV

2596

The following written reply was given to Deputy O Cuiv.

"The Department of the Marine are seeking a contribution of £32,500, from the Council for the upgrading of facilities at Derryinver Pier. No provision was made for this work in the 1994 estimates. However, the matter will be considered in the preparation of the 1995 estimates."

N.O.M. NO. 46 - SEWERAGE SCHEME - CLR. S. O'NEACHTAIN

2597

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

"The Outfall Pipe from Spiddal Sewerage has recently become blocked causing a surcharge at one of the outfall manholes. The problem was caused by cooking oil/grease solidifying in the outfall pipe.

A survey is currently being carried out in Spiddal with a view to identifying the source of this problem and further action will be taken with a view to alleviating the problem.

N.O.M. NO. 47 - BHOTHAR - AN COMH S. O'NEACHTAIN

2598

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

"Nil muid indhan an obair seo a dheanamh i mbliana mar nil an bothar seo sa chlar oibreacha bothar 1994.

Bheidh muid ag cuir iarratas chuig Roinn na Gaeltachta go gairid ag lorg deontas ionas go mbeidh muid indhan an obair a dheanamh i mbliana."

N.O.M. NO. 48 - CHORAS UISCE - AN COMH. S. O'NEACHTAIN

2599

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

"Ta orm a chuir in iul duit go bhfuil reamh thuairisc le h-aghaidh coras uisce Inis Oir agus Inis Meain curtha thuig an Roinn Comhshaoil.

Ta an Comhairle Chontae ag deanamh scrudu ar cas sceim grupa Inismean chun fheiceal an feidir leis an Comhairle chontae an sceim seo a thogail ar laimh.

Ta cead faighte againn on Roinn Comhshaoil doicimeaidi conraidh a ullmhu i gcoir sceim uisce Inis Mor, cuid a haon A. Beidh muid indhan taiscumar breise a chur ar fail agus trialacha a dheanamh i gcoir foinsé breise sa phairt seo don sceim.

Ta suil againn go mbeidh muid ag cuir na doicimeidi conradh thuig an Roinn Comhshaoil roimh mí Meán Fomhar, 1994.

N.O.M. NO. 49 - SIGNS - CLR. M. O'NEILL

2600

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

"Signs will be provided at the above location as soon as possible."

N.O.M. NO. 50 - POTHLES - CLR. M. O'NEILL

2601

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

"Routine maintenance will be carried out at the above location as soon as possible.

This road will be considered along with others in the preparation of the 1995 Road Works Programme."

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

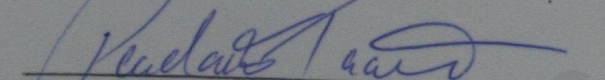
2602

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 Grant works are complete."

THIS CONCLUDED THE BUSINESS OF THE MEETING.

Submitted, APPROVED & CONFIRMED



(CHAIRMAN)

26/9/94

(DATE)

COMHAIRLE CHONTAE NA GAILLIMHE

(Galway County Council)

Oifig an Runai,
Arus an Chontae,
GAILLIMHE.

16 u la Lunana, 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 22u la Lunasa, 1994, ag tosnu ar a 3.30 a chlog sa trathnona.

Mise, le meas,

B. O'DUILL,
RUNAI SEALADACH

SUPPLEMENTARY AGENDA

3. (e) Consideration of Minutes of Special Meeting held on 18th July, 1994