

**N.O.M. NO. 50 - POTHOLES - 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**

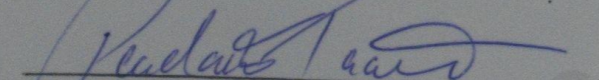
2602

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



**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 cruinniú Miosiuil de Chomhairle Chontae na Gaillimhe a thionólfar ins na Foirgnithe Chontae, Gaillimhe De Luain, an 22u la Lunasa, 1994, ag tosnu ar a 3.30 a chlog sa trathnóna.

Mise, le meas,

B. O'DUILL,  
RUNAI SEALADACH

**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 Full Planning Permission to erect fully serviced dwellinghouse at Kilcornan - Applicant - Peter Raftery, c/o Noel O'Brien & Associates, Mountbellew, Co. Galway - Planning Ref. No. 71053.  
  
M. Regan                      J. McClearn                      M. Fahy  
M. Cunningham              M. Loughnane.
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 decide to grant Outline Permission to construct a dwellinghouse and treatment system at Coole Demesne,

Gort, to Mr. Leo Brennan, c/o Gabriel Dolan, Parkroe, Craughwell, Co. Galway - Planning Ref. No. 71082.

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

3. Consideration of Minutes of the following Meetings:
  - (a) Minutes of Special Meeting held on the 4th July, 1994.
  - (b) Minutes of Special Meeting held on the 11th July, 1994.
  - (c) Minutes of Annual Meeting held on the 18th July, 1994.
  - (d) Minutes of Monthly Meeting held on the 25th July, 1994.
4. To Note Minutes of Loughrea Area Committee Meetings held on 17th May and 22nd July, 1994.
5. Surface Dressing - Caherlistrane (Report already circulated).
6. Afforestation (Report already circulated).
7. Western Approach Road - (Correspondence already circulated).
8. Pedestrian Crossing/School lights (Report already circulated).
9. Hedge Cutting.
10. To approve of Wage Increase under Clause 3 of PESP for General Operatives (Report enclosed).
11. To note correspondence from Irish Naturist Association (Copy attached).
12. Declaration of Road to Public Road (List attached).
13. To note Scheme - Community Involvement - Roadworks (Report to follow).
14. Speed Limits - (Report to follow).
15. To note correspondence from the Department of the Environment re Commemoration of The Famine.
16. People of the Year Awards - Correspondence attached.
17. Coastal Zone Management Conference.



18. Closure of Williamstown and Kilconnell Branch Libraries (Correspondence attached)
  19. To note correspondence from General Council of County Councils - Submission on Local Authority Financing and Funding.
  20. Business submitted by the Chairman.
  21. Business submitted by the County Manager.
- 

COUNCILLORS NOTICES OF MOTIONS :

- Adjourned From Previous Meeting :

CLR. MATT LOUGHNANE

- I will propose :

22. 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.



COUNCILLORS NOTICES OF MOTIONS :

- Other Motions Received :

CLR. JOE BURKE  
- I will propose :

23. That this County Council take serious steps to ensure that tenants, who urgently require extensions to their house and have waited for up to five years, have the extension built.

CLR. MICHAEL CUNNINGHAM  
- I will propose :

24. Junction at Furzpark, Ardrahan, Road leading to Ballyglass School. Requesting Galway County Council to widen that portion of the road or alternatively to put in passing bays.

CLR. MICHAEL CUNNINGHAM  
- I will propose :

25. Requesting Galway County Council to erect a Sign on the Bad Bend near Melvins House at Raheen, Gort. A Sign has been erected on the road leading to Gort but no sign has been erected on the Road to Kinvara on the same junction.

CLR. MICHAEL CUNNINGHAM  
- I will propose :

26. Requesting Galway County Council to improve visibility at Creggaclare Cross, Ardrahan coming from the residence of Michael Lysnkey and turn for Ardrahan hidden view.

CLR. MICHAEL FAHY  
- I will propose :

27. 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.

CLR. MICHAEL FAHY  
- I will propose :

28. That an employee in Galway County Council be made permanent (details attached)

CLR. MICHAEL FAHY  
- I will propose :

29. That Galway County Council now complete road works in Ardrahan Village Square with New Footpath from Whiriskeys to Moylans House, and also provide National Route Lighting and Tarmac Square at Ardrahan. It is more realistic and economical to complete works now.

CLR. MICHAEL FAHY

CLR. SEAMUS GAVIN  
- I will propose :

30. That the concealed exit sign at Kylebroughlawn Road, Moycullen be put in place. This was promised two years ago.

CLR. SEAMUS GAVIN  
- I will propose :

31. That badly needed repairs are carried out on the Oldtown-Knockranny Road (Moycullen) The Knockranny section of the road is in an extremely poor condition. Drainage is requested to remove the damage being done by surface flooding.

CLR. SEAMUS GAVIN  
- I will propose :

32. The County Council has accepted the need for Pedestrian Crossing signals in Moycullen Village. Local residents have sought such signals for a long time and are anxious to know when they can be provided. The Village is getting increasingly busy with many elderly and young people trying to cross the road daily.

CLR. MATT LOUGHNANE  
- I will propose :

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

CLR. MATT LOUGHNANE  
- I will propose :

34. That hedge and grass margin trimming be carried out at the locations mentioned in attached note.

CLR. JARLATH MC DONAGH  
- I will propose :

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



CLR. JARLATH MC DONAGH E. Varley and P. McHugh  
- I will propose :

36. We wish to propose that Galway County Council carry out restoration and surface dressing on road adjacent to Cloughanover Cemetery, and also provide signpost for Cloughanover Cemetery.

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.

CLR. PADDY MC HUGH  
- I will propose :

38. That Galway County Council carry out hedge cutting in the North Galway Area as a matter of urgency.

CLR. PADDY MC HUGH  
- I will propose :

39. That road repairs be carried out to road (details enclosed).

CLR. CONNIE NI FHATHARTA  
- I will propose :

That Comhairle Chontae na Gaillimhe supply a Lifebelt and Sign at Tra an Doilin Pier, An Cheathru Rua.

CLR. CONNIE NI FHATHARTA  
- I will propose :

41. That Comhairle Chontae na Gaillimhe erect a Safety Barrier at the dangerous bend at Maimin, Lettermore.

CLR. CONNIE NI FHATHARTA  
- I will propose :

42. That Comhairle Chontae na Gaillimhe line (white line and yellow line) the main Regional Road at Derroe, Baile na hAbhann in the interest of safety.

CLR. EAMONN O'CUIV  
- I will propose :

43. That the 30 mile speed limit which was granted for the Cross-roads at Maam Cross would be erected as soon as possible.

CLR. EAMONN O'CUIV  
- I will propose :

44. That remedial works be carried out to the bridge on the Cashel road between Cashel Community Centre and Cashel Cross. This bridge is in very poor condition and has recently deteriorated.

CLR. EAMONN O'CUIV  
- I will propose :

45. That Galway County Council would provide funding for works identified by the Engineers of the Department of the Marine for Derryinver Pier in Renvyle, Co. Galway in the works programme for 1995.

CLR. SEAN O'NEACHTAIN  
- I will propose :

46. That Galway County Council take immediate action to upgrade and improve the Spiddal Sewage Scheme. This scheme is antiquated being a 1930 Scheme trying to cope with the pressure of modern day usage. This Summer the spectacle of raw sewage gushing from the outlet onto Spiddal Beach was disgraceful.

CLR. SEAN O'NEACHTAIN  
- I will propose :

47. Go gcuirfeadh Comhairle Chontae na Gaillimhe barr rheabhas laithreach ar Bhothar an Tuar Beag sa Spideál. Bainneann an bothar seo le ceantair innealltoireachta Chasla.

CLR. SEAN O'NEACHTAIN  
- I will propose :

48. God gcuirfeadh Comhairle Condae na Gaillimhe an t-aeolas maidir leis an staid is deanai a bhfuil tri choras uisce ar tri Oileann Arainn, Inish Oirr, Inis Meain agus Inis Mor maidir le iarrtas chuig an Roinn Comhshaoil ar fail.

CLR. MICHAEL O'NEILL  
- I will propose :

49. That two "No Unauthorised Parking" Signs be erected at Recess Church.



CLR. MICHAEL O'NEILL  
- I will propose :

50. That potholes on the Ardnasilla-Ard Road, Oughterard be filled and that this road be included for re-surfacing in the 1995 Roads Programme.

CLR. MICHAEL O'NEILL  
- I will propose :

51. Repairs begun in early Spring on the Ardnagreevagh and Greenmount Roads be completed as both roads are now in a dangerous condition.

**MINUTES OF SPECIAL MEETING OF GALWAY COUNTY  
COUNCIL HELD AT THE COUNTY BUILDINGS, GALWAY  
ON FRIDAY, 12th AUGUST, 1994.**

**IN THE CHAIR:**

Councillor P. O'Tuathail

**Members:**

Councillors J. Brennan, J. Burke  
T. Byrne, J. Callanan, Deputies  
P. Connaughton, E. O Cuiv, M.  
Cunningham, M. Fahy, P. Finnegan,  
S. Gavin, T. Hussey, M. Loughnane,  
J. Mannion, J. McClearn, Deputy  
P. McCormack, Councillors  
P. McHugh, M. Mullins, C. Ni  
Fhatharta, S. O'Neachtain, K.  
Quinn, M. Ryan, E. Varley  
and T. Walsh.

**Officials:-**

Messrs. D. O'Donoghue, County  
Manager, P. Flood, County Engineer,  
E. Lusby, Acting Asst. Co. Manager,  
L. Kavanagh, S.E.E., (Planning),  
C. Delaney, Acting S.O., and B.  
Doyle, Acting County Secretary.

The Opening Prayer was recited.

**RESOLUTION UNDER SECTION 4 OF THE CITY AND COUNTY  
MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING REF. NO.  
70289 - APPLICANT - MR. PAT O'HALLORAN.**

2540

The motion was proposed by Deputy McCormack and seconded by Cllr Seamus Gavin. Deputy McCormack asked that the County Engineer outline his report to the meeting. The County Engineer went down through his report which had been circulated previously to the members of the Council.

**LOCATION:**

The proposal is located just south of the old Roscahill post office fronting onto the main Galway to Oughterard road on its western side.

**PLANNING HISTORY:**

PR 34734 - Permission granted on 31/3/80 for



retention of dwellinghouse in the townland of Rosscahill East.  
Applicant: Eamon Murray.

PR 40057 - Permission refused for erection of dwellinghouse to the west on 17/9/81.  
Applicant: Terence Murphy.

**PLANNING CONSIDERATIONS:**

The site is located on the N.59 National Secondary Traffic Route where it is the policy of the Planning Authority, as expressed in chapter 8, Table 8B of the County Development Plan, to restrict development in the interests of traffic safety. This policy has been adopted in every County Development Plan since the institution of the National Route system almost 24 years ago and has been upheld by An Bord Pleanála. The policy is based on the direct relationship between accident occurrences and roadside development on major traffic routes as established by a number of surveys in Ireland and abroad. An Foras Forbartha also carried out studies which confirmed that the traffic carrying capacity of a route is reduced as the number of new developments along the road increased.

In this case, the applicant has made the case that the pitch and putt course was to benefit tourism in the area and that consequently it was necessary to locate it on the major tourism route in Connemara. He also revised his access junction to give maximum visibility to traffic emerging from the site.

It is not, however, accepted by the Planning Department that tourism facilities such as this need to be located on a National Route where the maximum speed limit applies. In relation to the access, the Roads Design Section of the County Council have examined the proposal and regard it as inadequate in providing safe sight distance for such a location.

**RECOMMENDATION:**

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

1. The proposed development would endanger public safety by reason of traffic hazard because the site is located on a National Secondary Route where the maximum speed limit applies and at a point which has inadequate sight distance, and the traffic generated by the development would interfere with the safety and free flow of traffic along the Route.
2. The proposed development would be contrary to the policy of the Planning Authority as stated in the County Development Plan re Class II Control roads which requires that only commercial development with

special fully substantiated claims for location on such routes be considered. It is not considered that a pitch and putt course must necessarily be located on this Route.

Deputy McCormack referring to the County Engineer's report noted that the two previous planning applications on this site were for the erection of dwellinghouses. He pointed out that this application was not for housing. Deputy McCormack referred to Page 82, Table 8(b) of the County Development Plan with regard to developments that can occur on National Secondary roads. He indicated that there was a clear case to be considered in this instance. He referred also to Page 84, Paragraph 8.2.6 'Off-Road Parking with regard to commercial and industrial development. He pointed out that the parking for the development would be provided on site to comply with the requirements of the Development Plan and that provision would be made to enable vehicles to turn, manoeuvre, load or unload within the site curtilage. Deputy McCormack also pointed out that on Page 88 of the Development Plan, Golf Courses were included and the current application was not too far removed from such an application of use to protect and conserve areas of passive and active recreation amenity. The Deputy also referred to Page 92 of the County Development Plan under the heading of "Beneficial Tourism Development". He indicated that adequate screening was available to assimilate the development into the landscape. Referring to the map circulated with the notice for the Section 4, the Deputy indicated that Folio's 47 and 48 would be made available to Mr. O'Halloran to remove backwards the boundary fence. This will allow any requirements with regard to site distance be complied with.

Cllr. Gavin indicated that his considerations might not strictly come under the term of planning but merely from the social aspect of things. Mr. O'Halloran has been made redundant from Digital. He indicated that this was a young man who was making every effort to comply with the Development Plan; this was not a built up area and he was in effect providing a service. If he did not receive planning permission he would have to emigrate from the area. He knew of another planning application currently before the Council in this area for Jason O'Shaughnessy. He is seeking permission for a shop and indications are that he will be refused permission. Referring to the reason for refusal No. 2, Cllr. Gavin felt that the planning application was for commercial development. He felt no permissions were being granted to encourage rural development. He asked that the planning application be looked at favourably. Cllr. Brennan noted the letter from the National Roads Authority. He noted that the applicant was in a position to provide a revised access and site distance which would facilitate users of the pitch and putt facility. Cllr. Brennan



indicated that he felt that the development was commercial. Cllr. Brennan asked what the meaning of "what is specially fully substantiated claims for location on such routes be considered". He asked that the planning application be considered sympathetically. Cllr. Joe Burke also enquired what is behind the suggested reason for refusal "special fully substantiated claims for location on such routes be considered". He felt that to refuse this application would go against the policy of the Council to promote development in rural areas. The County Engineer indicated that the reason for refusal did not apply on National Primary Routes, only on National Secondary Routes. He gave an example of a planning application for a filling station on a long stretch of roadway. He also indicated that industrial development at an entrance to a town would be also another area that could come in for consideration. He felt that the application before the Council for a pitch and putt course was not necessary at this location. He pointed out that the Council had to make a decision based on the proper planning and development of the area. Deputy McCormack felt that the whole matter was down to interpretation of Table 8(B) Class II. Deputy McCormack indicated that the location of the development on a tourist route makes commercial sense. He referred again to Page 91(ii) of the County Development Plan as related to Beneficial Tourism Development and pointed out that screening would be provided to assimilate the development into the landscape.

Cllr. Gavin indicated that there was no other site available to Mr. O'Halloran to carry out his proposed development.

A Vote taken for or against the resolution resulted as follows:

**FOR:** Councillors J. Burke, W. Burke, Byrne Callanan, Deputies Connaughton, O'Cuiv Councillors Cunningham, Fahy, Finnegan, Gavin, Hussey, Loughnane, Mannion McClearn, Deputy McCormack, Councillors McHugh, Mullins, NiFhatharta, O'Neachtain, O'Tuathail, Quinn, Ryan, Varley, and Walsh. (24)

**AGAINST:** Nil.

**RESOLUTION UNDER SECTION 4 OF THE CITY AND COUNTY  
MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING REF. NO.  
71053 - MR. PETER RAFTERY.**

The Members agreed to defer the consideration of the Section 4 to the Monthly Meeting to be held on the 22nd August, 1994.

**RESOLUTION UNDER SECTION 4 OF THE CITY AND COUNTY  
MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING REF.  
NO. 70906 - APPLICANT - KEVIN FLAHERTY.**

Mhol and Teachta O'Cuiv agus d'aontaigh an Comhairleoir Ni Fhatharta leis an Run. D'iarr an Teachta O Cuiv ar an Innealtair Contae achoimre da thuarascail a thabhairt don Cruinniu.

The County Engineer outlined the planning considerations and his recommendation as set out hereunder.

**LOCATION:**

The site is located on a private unsurfaced road 200 metres from the public road, 1/3 mile from Carraroé village.

**PLANNING HISTORY:**

- PR 64315 - Outline permission refused 30/8/91 to Maura and William Ernest Gillam for house and septic tank.
- PR 69340 - Permission refused 12/10/93 to Mr. Kevin Flaherty for house and septic tank.
- PR 69974 - Permission refused 26/1/94 to Caoimhin O'Flaharta for house and septic tank.

**PLANNING CONSIDERATIONS:**

The site is located in an area of Outstanding Scenic Amenity as designated in the current County Development Plan, Chapter 9 and Map No. 9A where it is the policy of the Planning Authority to restrict development to the category of "essential housing need" which does not apply in this case as the applicant has made no claim for housing need.

The site is unsuitable for the disposal of septic



tank effluent as a trial hole inspection on 15th June, 1994 showed that the groundwater level was within 18 inches of the surface and the proposed development would be likely to give rise to a public health hazard.

**RECOMMENDATION:**

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

1. The proposed development is located in an area of Outstanding Scenic Amenity where it is the stated policy of the Planning Authority to restrict development to cases of essential housing need. No such need exists in this case and the proposed development would be contrary to the provisions of the County Development Plan and to the proper planning and development of the area.
2. The proposed development would be prejudicial to public health as a trial hole inspection revealed the site to be unsuitable for the reception and disposal of septic tank effluent.

Deputy O Cuiv indicated that the planning history showed that there were three refusals for permission on this particular site. However, it was only in the case of the Planning Application under consideration that the problem with the septic tank and the suitability of the site for a septic tank had been raised. Deputy O Cuiv indicated that the main issue here was the question of the area of outstanding scenic amenity and the fact that this application did not come under the essential housing need categories as defined in the County Development Plan. For work purposes Carraroe suits the applicant. He pointed out that there was a title problem with regard to the land that was owned by the applicant's father in Rossaveal and that the applicant's wife's family had no land in Carraroe. The alternative of obtaining land within the speed limit area of Carraroe was impossible owing to the price of land. Deputy O Cuiv further pointed out that there was some 5,000 persons resident in this area. The second point he made was that all of Carraroe was zoned Outstanding Scenic Amenity. Deputy O Cuiv also queried the fact that the Septic Tank requirements had now come about despite the fact that for the three previous applications on the site no mention had been made of same. Councillor O'Neachtian felt having regard to the Development Plan and the area of outstanding scenic amenity in question that an essential housing need exists. Councillor Ni Fhatharta supporting Deputy O Cuiv was critical of the Septic Tank condition at this juncture.

Councillor Joe Burke asked why a report on the ground

water conditions was not done for the previous applications. He felt that the Council must look at individual sites. He asked the question as to whether this development would interfere with the beauty of Connemara. Councillor Brennan asked if essential housing need was established would the septic tank requirements stop development in this instance. Deputy McCormack indicated that all of Carraroe was an area of outstanding scenic amenity. Deputy O Cuiv asked the County Manager if the matter of the septic tank could be resolved what his attitude would be to an application outside the speed limit. The couple would have a serious problem as to where they would live given the price of land in the Carraroe area within the speed limit.

The County Manager indicated to the Council that 4 out of 5 applications received were approved by the Council. He indicated that every Section 4 passed by the Council weakens the Development Plan. He indicated to the Council that at the September Monthly Meeting they would fix dates for consideration of the preparation of the Development Plan. The County Manager indicated that An Bord Pleanala had refused Section 4's passed by the Council in the past. He indicated that the granting of planning permission was a quasi-judicial function. It was essential that the Council's Development Plan and the Planning System obtain public acceptance in the County. Councillor J. Burke indicated that the definition of essential housing need in the Development Plan was too narrow.

The County Manager indicated that applications must be considered in accordance with the provisions of the Development Plan. Councillor O'Neachtian indicated that the use of Section 4's was a means of interpreting the Development Plan. He felt that there was ambiguity in the Plan and that the Plan was not written in stone. The County Manager acknowledged the right of the Council to lodge Section 4's.

Councillor Toddie Byrne indicated that the Council were trying to satisfy people. The matter of blanket zoning would have to be revised. He felt it was ironic that the areas that had experienced the worst emigration in the Country over the past 200 years now were the most sought after areas for planning permission. Deputy McCormack indicated that if the septic tank requirement is there, there is no point in passing the Section 4. Councillor Gavin indicated that there was no flexibility in the Development Plan. Councillor J. Burke felt that there was a change with regard to the Section 4's passed by the Council. In 1993 he felt that up to 66% of Section 4's were passed on foot of resolutions of the Council. However, in 1994 this figure had been reduced to approximately 33%. Deputy O Cuiv indicated that unless the Septic Tank issue was



answered there was no point in proceeding with the Section 4.

The County Manager indicated to the Council that if the septic tank issue could be resolved that the planning application would receive favourable consideration. This was noted by the Members

**RESOLUTION UNDER SECTION 4 OF THE CITY AND COUNTY 2543**

**MANAGEMENT (AMENDMENT) ACT, 1955 - PLANNING REF.**

**NO. 71082 - APPLICATION - MR. LEO BRENNAN.**

The Resolution was proposed by Councillor Fahy, and seconded by Councillor Cunningham.

Councillor Fahy asked that the County Engineer present his report to the Council.

The County Engineer outlined the planning history of the site in question. He also set out the planning considerations and recommendations as follows:-

**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:

1. 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.

Clr. Fahy acknowledged the history of the site; there was a housing need and felt the application was in accordance with the Development Plan. Councillor Byrne indicated that a house was being constructed on adjacent site. After a brief discussion, Councillor Fahy agreed to adjourn consideration of the Section 4 Motion to the Monthly Meeting of the County Council to be held on the 22nd August, 1994.

**KILCONNELL WATER SUPPLY**

2544

Councillor Callanan congratulated the staff involved in assisting the provision of water supply to Kilconnell during the holiday period. Councillor Mullins also thanked the Mid-West Group Water Scheme for allowing an alternative supply in this instance, and again thanked the Council Officials in this



regard. The County Manager noted the comments of the Members.

**ADVANCE NOTICE - PLANNING REF. NO. 71173 - APPLICANT** 2545

**MR. THOMAS HYNES.**

In the absence of Councillor Michael Finnerty, Councillor Mullins outlined the background to the Advance Notice. He was disappointed at the recommendation from the County Engineer in this instance to refuse the application for the retention of two advertising signs describing Hynes Bar/B&B and Hostel at Aughrim. He indicated that the traders felt let down and reminded the Council that the acceptance of the By-Pass in Aughrim and other areas without any friction should not be forgotten. If the Council were trying to convince other communities that By-Passes are necessary, the traders may be forced to rethink their support for such projects, if the Council could not give some flexibility with regard to directional signs. He also pointed out that the signposting to the Interpretative Centre in Aughrim was very poor. Deputy Connaughton also felt that the Finger Post Sign as this location was not sufficient. He felt that the public were fed up, particularly the business people with regard to the Council's attitude towards them and the provision of signs. He indicated that on such a stretch of roadway a Finger Post sign was not sufficient to give people adequate time to consider the possibility of stopping.

Councillor Callanan also supported the application to allow the signs be retained at this location.

The County Manager indicated that signage was a problem throughout the County. He agreed to look at the possibility of providing a sign showing the services that are available in Aughrim and other villages. Councillor Joe Burke felt that given the timescale involved in the current application that there was no need for the applicant to apply for retention, as the Council cannot make him remove same. Councillor Ryan indicated that Galway County Council were very restrictive in this regard compared to surrounding counties. Councillor Byrne made the point that there were very attractive signs provided by the Office of Public Works to Coole Park, and asked whether signs of this nature would be allowed in this instance. Councillor Callanan asked if the report in the Connacht Tribune indicating that the object of the Ballinasloe Development Plan was to move people into the Town was accurate and if this was the case he would strongly object to same. The County Manager agreed to circulate the Ballinasloe Development Plan to the Councillors from the Ballinasloe Area.

**ADVANCE NOTICE - PLANNING REF. NO. 70895 - APPLICANT** 2546

**MR. MARTIN MULLINS.**

Councillor Fahy outlined the background to this application. He made the following points:-

1. That there was an essential housing need in this instance.
2. That the entrance in this particular application would be onto a private road. He was prepared to use his N.O.M. money to have the road upgraded and taken over by the Council.
3. With regard to recommendation No. 4 of the County Engineer's Report he indicated that the applicants would now make as much land as possible available to comply with the requirements in this instance. He indicated that he would have the application placed on the Agenda as Advance Notice at the September Planning Meeting.

**NATIONAL ROADS AUTHORITY**

2547

The Members noted the correspondence received from the National Roads Authority in respect of developments on National Roads.

**PLANNING REF. NO. 70718 - APPLICANT - HENRY WHITE** 2548

Dúirt an Comhairleoir O'Neachtain nar bhfuair se an tuarascail i dtaobh an Run a bhi ar an gClár roimhe seo. He asked that the legal advice received from the Law Agent be passed to the Council. He felt that this was a legitimate case where planning permission should have been granted. He noted the 100 ft. requirement of site frontage in the Development Plan, however, he felt in this particular case the Council should have been in a position to have some flexibility and grant permission. He queried how the Law Agent could give a decision when he had not listened to the discussion at the Meeting. Deputy McCormack felt that there was nothing in the Minutes to show that the Council did not take into account the proper planning and development of the area while they were considering this particular Section 4 Notice.

The County Manager indicated that there were two criteria on which decisions were based on whether



to grant or refuse planning permissions, they were the proper planning and development of the area and also that the proposed development was in accordance with the County Development Plan. With regard to the advice of the Law Agent, the Law Agent would receive an account of the Meeting, the application that was being considered by the Council, and the technical reports available to him. The County Manager made the Order and that he could not substitute the Council's Report for the technical reports available to him. He indicated that he would have a report on Section 4's for the next Meeting of the Council. Councillor O'Neachtain pointed out that the Minutes were not adopted before the decision was issued by the Planning Authority. He queried who had picked the 100ft. requirement for frontage. He felt that lesser areas could be considered. He felt that Councillors were not getting fair play. Deputy McCormack pointed out that the changes incorporated in the Local Government Act of 1991 were introduced so that Councillors while considering the proper planning and development of an area could also consider other areas which were not related to planning issues, this was the spirit of the change under the 1991 Act. The County Manager indicated that a copy of the Legal Advice on the White case would be circulated to the Council. Councillor O'Neachtain indicated that there was a difficulty of meeting with the Planning Officer. The County Manager indicated that he hoped to encourage prior consultation and that the Clinics already set up in Derrynea and Ballinasloe would be a start in this area. He pointed out again that he can only consider the proper planning and development of the area and that the Councillors cannot substitute their own report for the Technical Reports of the Council.

Councillor Finnegan asked that a report be prepared in connection with Section 4's for the next Council Meeting. The County Manager confirmed that Section 4's would be on the Agenda for the next Planning Meeting.

With regard to a point made by Councillor Byrne concerning accommodation, he indicated that he would be coming back to the Council with regard to the N.B.A's proposals for the County Buildings in the very near future.

**ITEMS NO. 9 & 10 ON AGENDA.**

2549

It was agreed to defer Notice of Motion No.'s 9 and 10 to the Development Plan Meeting of the Council.

Councillor O'Neachtain felt that there should be an emphasis on the Gaeltacht in the Development Plan,

and that a study comparing areas in Wales which would have similar problems should be examined. He asked that the Council would liaise with An Comhchoiste don Ghaeilge, Udaras na Gaeltachta agus Roinn na Gaeltachta during the course of the preparation of the Development Plan.

Councillor Gavin referring to the letter received from the National Roads Authority felt that a central body who would not necessarily know the circumstances of given applications and the circumstances on the ground were not in a position to issue directives as to who and who should not get planning permissions.

Councillor Quinn asked that the County Engineer take action against the Ragworth which was prevalent for miles along the Tuam Road.

**SYMPATHY.**

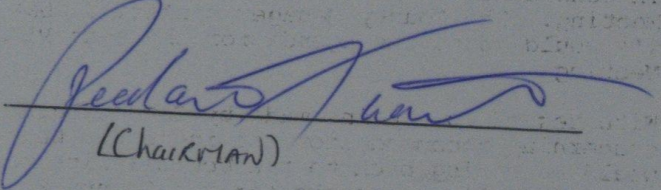
2550

A Resolution of Sympathy was passed with the following:-

Mr. John and Mrs. Mary O'Reilly, Gort a Chaladh, Moycullen.  
Maire Bn Ui Mhorain, Oilean Rosa, An Cheathru Rua.  
Mr. and Mrs. Andy Redington, Inishmactreer, Cross, Cong.  
Mrs. Nora Melvin, Garracloone, Craughwell, Co. Galway

**THIS CONCLUDED THE BUSINESS OF THE MEETING**

Submitted, Approved & Confirmed

  
(Chairman)

26/9/94

(Date)