

## COMHAIRLE CHONTAE NA GAILLIMHE

### MINUTES OF SPECIAL MEETING OF GALWAY COUNTY COUNCIL HELD AT ARAS AN CHONTAE, ON MONDAY, 14<sup>TH</sup> FEBRUARY, 2005

#### CATHAOIRLEACH

Mayor W. Burke

#### ILATHAIR FRESIN

#### Baill:

Cllrs. S. Canney, S. Connaughton, C. Cannon, J. Conneely, D. Connolly, M. Connolly, Comh. S. O'Cuaig, Cllrs. J. Cuddy, M. Fahy, P. Feeney, F. Healy Eames, M. Hoade, P. Hynes, J. Joyce, C. Keaveney, S. Kyne, T. Mannion, J. McDonagh, T. McHugh, M. Mullins, M. Regan, T. Reilly, J. Tierney, S. Walsh, T. Walsh, T. Welby, B. Willers.

#### Oifigigh

P. Gallagher, County Manager, P. Ridge, J. Cullen, F. Gilmore, L. Gavin, Directors of Services, T. Murphy, A. Comer, D. Barrett, Senior Executive Officers, M. Dolly, Senior Engineer, J. O' Donnell, Executive Planner, M. McGrath, Senior Staff Officer, Bernie Donnellan, Staff Officer

Thosnaigh an cruinniu leis an paidir.

#### RESOLUTION OF SYMPATHY

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A Resolution of Sympathy was extended to the following: -

Mrs Mc Grath, C/o Mc Hugh's Pub, Castlegar, Co. Galway.  
Mrs. Bridie & Bill Lydon, Patch, Moylough, Co. Galway.  
Mr. Lar Kelly, Ochilmore, Lawrencetown, Ballinasloe, Co. Galway.  
The Carter Family, Laghtgannon, Roscahill, Co. Galway.

**CONSIDERATION OF THE MANAGER'S REPORT, PREPARED IN ACCORDANCE WITH THE PLANNING & DEVELOPMENT ACT 2000, AS AMENDED, ON THE SUBMISSIONS RECEIVED IN CONNECTION WITH THE MATERIAL ALTERATIONS AND AMENDMENTS TO THE DRAFT CLAREGALWAY LOCAL AREA PLAN**

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The Mayor invited Mr. O'Donnell to present the Manager's Report to the members. Mr. O'Donnell proceeded to read the submissions received, beginning with submission Dd6

**Submission Dd6**

**Submitted by:**  
John Geraghty,  
Claregalway,  
Co Galway.

**Issue:**

Various supportive arguments for MA10, zoning from proposed Recreation & Amenity to Residential.

**Summary:**

Mr. Geraghty who is the landowner of the site in question has put forward the following arguments in favour of the proposed Residential zoning of part of his lands.

1. MA10 will allow an opportunity to cede a substantial public riverside Recreation & Amenity area to Galway County Council. It is argued that this will provide a focused open space rather than leaving a wasteland in the Village Centre. This proposal has strong local support.
2. The riverside walkway will require development works to be carried out within the Zone of Archaeological Potential. The Claregalway Amenity group is in support of this usable riverside walkway.
3. There are no national monuments within the area of MA10.
4. An Archaeological Impact Assessment can be carried out prior to any development taking place on the zone MA10. Should archaeological material be shown to be present, either excavation or full preservation will be decided in consultation with the relevant authorities. Preservation in situ could be incorporated into green areas of the development proposal.
5. The architect could take full account of all elements of built heritage within the area. The design and layout of buildings could be distanced from any protected structures or proposed protected structures.

In terms of any potential impact on the indicative Flood Plain Area, Mr. Geraghty has set out the following arguments;

6. A Hydrology report has established scientific evidence that development within the area in question will not alter/ affect flow conveyance in the River Clare and thus will not exacerbate flooding either upstream or downstream of the site.
7. The proposed finished floor level and proposed safe development level at OD 10. (Malin) is in line with the Arches Hotel across the road and above most other developments in the area. This level is 600mm above the estimated 100 flood level and thus will safeguard the development from extreme floods for a 100-200 year return period.
8. Development on the site MA10 would allow for unrestricted access to the river for maintenance and future channel improvements. As a 30m riverside strip is provided for.
9. Development at MA10 provides for the drainage of future urban runoff from the proposed residential zones adjacent to the south of the site, by providing an enclosed channel to connect with the new 1500mm culvert on the Westside of the N17 adjacent to the Arches Hotel.

**Response:**

- It is suggested by Mr. Geraghty that he will cede a Recreation & Amenity area to Galway County Council in return for a Residential zoning in his lands. This concept of Planning gain or land trading is not acceptable to the officials of the Council. All recommendations shall be made in accordance with the proper planning and sustainable development of the area and not on a selective land ownership basis.
- The Council is aware that the proposed Riverside Amenity corridor traverses the zone of archaeological potential, Urban Design Objective UD8 aims to 'Create and improve connections to and along the river for amenity / recreation and tourism purposes, which have regard to the natural and built heritage of the area'.
- This area covers the eastern third of what was once the ecclesiastical island. (See Old OS Map; Appendix 3). It is just outside the SMR Zone of Archaeological potential but the whole island should have been included in the area of potential. The 30m archaeological buffer will affect part of this site.

Recommend that lands identified as MA10 are zoned Recreation & Amenity as was proposed in the Draft Claregalway Local Area Plan. The reasons are listed below.

- The site in question is considered to be entirely inappropriate for development purposes, by reasons of Archaeological and Heritage impact, Public Health risk, traffic hazard, inconsistency with County Development Plan settlement strategy and flood risk.
- **Archaeological and Heritage impact:** The site is directly abutting the Zone of Archaeological Potential. Evidence from a Postgraduate thesis suggests that there is a medieval Mill site located within the proposed residential zone. Very recent studies have revealed that this site has both provincial and national archaeological significance. A mill site is located within the proposed residential zone. As this site was once an Ecclesiastical river Island there is a high likelihood of Archaeological remains being found throughout the site.
- **Public Health risk:** This submission was referred to the Environment section and they are reluctant to grant any more additional discharge licences in Claregalway. Over and above this problem, it would be difficult to envisage how a private proprietary treatment system and associated percolation area could be permitted on this site. The proximity to the river Clare, the high aquifer vulnerability of

groundwaters, combined with the sites vulnerability to flooding would pose an unacceptable risk to pollution of surrounding waters and to public health in the area.

- **Traffic Hazard:** This submission was referred to the Roads section. A report states that owing to the position of the bridges, any new access point directly from the site in question onto the N17 would be unable to meet the sight line requirements set down under the County Plan. The proposed link road would be dependant on adjacent residential proposals to the south and would not appear to be an access option in the short term.
- **Settlement Strategy:** At present the zoning on the site is proposed as short term residential. Notwithstanding a phasing proposal for this site a further extension of lands for residential use would result in an unacceptable breach of the County Plan Settlement Strategy. The 2000 Planning Act states that *'where any provision of a Local Area Plan conflicts with the provisions of the development plan as varied or as a new development plan, the provision of the Local Area Plan shall cease to have effect'*.
- **Flood Risk:** The hydrological report was assessed by the Environment section. Their reservations are considered reasonable. The area most liable to winter flooding on the site corresponds with the area proposed for development by Mr. Geraghty. The proposed development will reduce the area of flood plain, restrict flows across it and create difficulties in draining lands to the South. The Planning Authority is obliged to apply the precautionary principle to flood plain developments. As a minimum, a prudent approach would be to await the OPW's flood mapping and recommendations.

Having regard to the above, it is recommended that the lands identified as MA10 are zoned Recreation & Amenity as was proposed in the Draft Claregalway Local Area Plan.

However, for discussion purposes, if the Council decide by resolution not to zone the land Recreation & Amenity and decide to zone it Residential. The following site specific objectives and policy objectives should be considered on site as part of the adopted Plan;

- Owing to its current landlocked position, a Residential zone on this site shall form part of the 'Phase 2- residential zone'.
- Any development proposal on this site will be required to have regard to the provisions which protect the Archaeological and Architectural Heritage of the area as outlined in the relevant sections of this Plan.
- An Archaeological Impact Assessment will be required to accompany a Planning Application on this site. This should to be prepared by a suitably qualified person in consultation with the relevant authorities to inform the sensitive design and layout of the proposal, to safeguard the archaeology of the area. This assessment would involve careful and extensive archaeological pre-investigation of the area by a suitably qualified person (for example detailed geophysical survey and test trenching). See up to date Archaeology & Development: Guidelines published by the DoEHLG. The initial design and layout of the development proposal should aim to avoid any potential archaeological features.
- Preservation in situ could be incorporated into green areas of the development proposal. Once again, the design and layout of proposed buildings should be appropriately distanced from any recorded monuments, protected structures or proposed protected structures.

- Any development proposal shall take care to avoid damaging adjacent archaeological sites.
- It is recommended that the following amendment to Specific Objective AY2 read as follows 'All planning applications for new development, redevelopment, any ground works, refurbishment, restoration etc. within and in close proximity (30m) to the Zone of Archaeological Potential, and within close proximity (30m) to the other recorded monuments (SMR's) shall take account of the archaeological heritage of the area and the need for archaeological mitigation'. The relevant DC Standard shall be consistent with this objective, and this radius should be mapped as an Archaeological Buffer zone on Map 3.

**Recommendation:**

- Recommend that lands identified as MA10 are zoned Recreation & Amenity as was proposed in the Draft Claregalway Local Area Plan.
- Furthermore, it is recommended that Specific Objective AY2 be amended to refer to a buffer zone around the Zone of Archaeological Potential (See recommendation on submission Dd3 on page 16 of this report).

**Cllr.Cuddy asked if it was the view of the Council, that, residential zoning of the lands in question in submission Dd6 would have adverse consequences on existing property and lands in the area.**

**Cllr M. Connolly queried the conclusion of the hydrological reports from the OPW.**

**Mr.O'Donnell explained that as the submissions from the OPW were outside the statutory timeframe for making submissions, the content of these submissions could not be considered at this stage of the process for making a Local Area Plan.**

**He stated however that he was not disputing the conclusion of the hydrological report submitted by Mr.Geraghty, that these lands can be made flood free, but stressed that the suggestion of raising the finished floor levels of these lands could have a negative and detrimental effect on existing property and residences in the area He also stated that the implications of this zoning could lead to the flooding of lands upstream. This as yet has to be assessed.**

**He explained that the OPW together with ESB International are in the process of identifying areas nationally where flooding is liable**

**Cllr.McDonagh asked if the residential zoning of these lands would lead to a public health risk of the River Clare in the future.**

**Mr. O'Donnell stated that these lands would be served by percolation pipes underneath the floodplain level which could lead to a public health risk and pollution of the river. The Environment Section is also reluctant to grant additional discharge licences to individual treatment plants.**

**Cllr. Cuddy asked about the inclusion in the plan for a walkway along the banks of the River Clare.**

**Mr. O'Donnell explained that there is an objective in the plan to develop a linear walkway along the southern and western banks of the River Clare. He stated that it may not be completed during the life time of this plan but that**

they would endeavour to get as much as possible completed depending on the resources and time available.

On the proposal of Cllr.Cuddy, seconded by Cllr. McDonagh it was agreed to accept the Manager's recommendation that lands identified as MA10 are zoned Recreation & Amenity as was proposed in the Draft Claregalway Local Area Plan.

Furthermore, it is recommended that Specific Objective AY2 be amended to refer to a buffer zone around the Zone of Archaeological Potential (See recommendation on submission Dd3 on page 16 of this report).

#### Submission Dd1

#### Submitted by:

Western Regional  
Fisheries Board,  
The Weir Lodge,  
Earls Island,  
Galway.

#### Issue:

Various; Including;

1. Objection to MA10, the John Geraghty submission.
2. Surface water runoff within the proposed Indicative Flood Plain.
3. Consultation with the Western Regional Fisheries Board for proposed developments within the Floodplain of the river Clare.
4. Support for MA20, the proposed amenity corridor along the northern and eastern banks of the river Clare.
5. Protection of access to anglers along the river Clare.

#### Summary:

##### Dd 1.1 Objection to MA10

The Material Alteration MA10 was proposed following the consideration of the Draft submission made by John Geraghty. The Fisheries board consider the proposed residential zoning a serious cause for concern for the following reason;

- The River Clare Flood Plain is of a highly sensitive and ecological importance. The proposed zoning of lands to Residential at MA10 would appear to contradict proposed objective EN4 of the Plan *'To discourage development proposals within or directly adjacent to the indicative floodplain.'*

#### Response:

The Forward Planning Section concurs with the Fisheries Board objection to the proposed residential zoning at this location. The land at MA10 is discussed in detail under submission Dd7.

#### Recommendation:

Recommend that lands identified as MA10 are zoned Recreation & Amenity as was proposed in the Draft Claregalway Local Area Plan.

This recommendation was already dealt as part of submission Dd6  
On the recommendation of Cllr. Cuddy, seconded by Cllr. McDonagh it was agreed to accept the Manager's recommendation that lands identified as MA10 are zoned Recreation & Amenity as was proposed in the Draft Claregalway Local Area Plan.

**Dd 1.2 Surface water runoff within the proposed Indicative Flood Plain.**

The Western Fisheries Board is concerned that there is no provision for the proper management of storm water ponds.

This part of the submission refers to the proposed amendments to the text set out in the Development Control Standards Section 5.3.18 – Indicative Flood Plain Area (Page 48). One of the considerations for proposed developments within flood plain areas is that 'On site storm water ponds to store and / or attenuate additional runoff from the development should be provided'.

**Response:**

The inclusion of the Indicative Flood Plain and associated policies formed part of the Material Alterations which went on public display. The submission is considered reasonable.

**Recommendation:**

It is recommended to insert an additional sentence in the Development Control Standards Section– Indicative Flood Plain Area list of considerations. This will read as follows 'On site storm water ponds to store and / or attenuate additional runoff from the development should be provided. These systems along with other types of communal infrastructure will normally be required to be maintained in perpetuity by a management company in accordance with up to date storm water management practices as required by the Local Authority.

On the proposal of Cllr. Healy Eames, seconded by Cllr. Hoade it was agreed to accept the Manager's recommendation to insert an additional sentence in the Development Control Standards Section– Indicative Flood Plain Area list of considerations. This will read as follows 'On site storm water ponds to store and / or attenuate additional runoff from the development should be provided. These systems along with other types of communal infrastructure will normally be required to be maintained in perpetuity by a management company in accordance with up to date storm water management practices as required by the Local Authority.'

**Dd 1.3 Consultation with the Western Regional Fisheries Board.**

Bullet point 7 of the Indicative Flood Plain Area section (page 48) states that 'The developer and the Planning Authority should consult with the National Parks and Wildlife Service of the DoEHLG in relation to developments which may affect the river or its floodplain directly or indirectly.' It is requested that reference to consultation with the Western Fisheries Board is mentioned here.

**Response:**

This submission is considered reasonable. Policy 3.6.2 of the Environment & Natural Heritage Section is 'To co-operate with the Western Regional Fisheries Board with

regard to conservation, protection, enhancement and sustainable development of the fishery resources of the river Clare'.

**Recommendation:**

Insert sentence into Plan notably in section 5.3.18 (Indicative Flood Plain Area) to consult with the Western Regional Fisheries Board in relation to developments which may affect the river or its floodplain directly or indirectly.

**On the proposal of Cllr. Healy Eames, seconded by Cllr. Hoade it was agreed to accept the Manager's recommendation, to insert sentence into Plan notably in section 5.3.18 ( Indicative Flood Plain Area ) to consult with the Western Regional Fisheries Board in relation to developments which may affect the river or its floodplain directly or indirectly.**

**Dd 1.4 Support for MA20.**

The Fisheries Board support the proposed Amenity Corridor Objective along the northern and eastern bank of the river Clare.

**Response:**

The Forward Planning Section wishes to maintain this objective as part of the adopted Local Area Plan.

**Recommendation:**

No change to proposed Material Alteration MA20.

**On the proposal of Cllr. Healy Eames, seconded by Cllr. Hoade it was agreed to accept the Manager's recommendation.**

**Dd 1.5 Protection of access to anglers, fisheries personnel and those with fishing rights along the river Clare.**

**Response:**

Having regard to MA12, this submission can be considered. The proposed Amenity Corridor objectives both sides of the river Clare support the provision of access along the river Clare. However, it is proposed that objective UD8 contains an additional sentence outlined below.

**Recommendation:**

Recommend that objective UD8 contains the following additional sentence 'Facilitate continued access along the river Clare to anglers, fisheries personnel and those with fishing rights. It may be necessary at certain key fishing areas to separate the fishing access from the public thoroughfare.'

**On the proposal of Cllr. Healy Eames, seconded by Cllr. Hoade it was agreed to accept the Manager's recommendation that objective UD8 contains the following additional sentence 'Facilitate continued access along the river Clare to anglers, fisheries personnel and those with fishing rights. It may be necessary at certain key fishing areas to separate the fishing access from the public thoroughfare.'**

***Non relevant submissions***

Other points were made which do not relate specifically to the proposed Material Alterations and Amendments and therefore cannot be taken into consideration at this stage of the Plan.

- a) Piping of Claregalway sewerage to Galway City for treatment.
- b) Should be a comprehensive plan put in place to upgrade proprietary treatment systems in the area to include for phosphate removal.
- c) All infrastructural projects undertaken in the area should ensure that there is no deterioration in water quality and fish / fish habitat. For any new road suitable grease and oil trapping facilities must be provided.

Response

For information purposes the response is as follows;

- a) In relation to Claregalway sewerage, this issue has already been discussed following the Draft Display period. The proposed policies and objectives in Section 3 (for example Section 3.5 – page 22) of the Plan as well as the phased residential development strategy are considered adequate in this regard.
- b) In relation to existing treatment plant upgrades, this is covered under policy 3.6.4 (page23) of the Material Alterations Document is to *‘Ensure that industrial facilities and commercial premises discharging waste water are operating within the parameters of a wastewater discharge licence.’* Those new developments which are allowed to connect to proprietary systems will be subject to the more comprehensive EPA requirements. Therefore, the Plan is adequate in this regard.
- c) Development control standards *Sections 5.3.5 – Surface Water Runoff* and *Section 5.3.6 - Groundwater & Watercourse Protection*, give adequate provision for the protection of groundwaters from infrastructural projects.

**Submission Dd2**

**Submitted by:**

Claregalway Amenity Group,  
C/O Vincent Lyons,  
Cloonbigeen,  
Claregalway,  
Co Galway.

**Issue:**

Various; Including; The standard for proposed Municipal Wastewater Treatment Plant; Retention existing Bus Stop location at the Nine Arches; Provision of safe access to new Recreation & Amenity zone along Cloonbigeen road; Suggested insertion of new policies from the Draft Kinvara Local Area Plan; & Suggested clerical and spelling changes.

**Dd 2.1**

**Issue:**

Section 1.4 (page 5)

**Summary**

Context of discussion on population will be lost if map is removed from page 7 as assumption that Plan area and Claregalway DED area are the same would not be correct, that is unless the Claregalway DED area was indicated on one of the 3 maps in the appendix.

**Response:**

The map which was proposed to be deleted was shown in the Draft Plan in error. This map actually showed the Claregalway CSO boundary and the proposed Local Area Plan boundary. The population and employment figures refer to the DED area. The Claregalway DED area is a much larger area which would be of little information benefit if it was mapped even as an appendix. For example the DED area covers a large area to the north east of the village and consists of an area of 27.2sqm (6721 acres).

**Recommendation:**

No change recommended.

**On the proposal of Cllr.Cuddy, seconded by Cllr. Mc Donagh it was agreed to accept the Manager's recommendation.**

**Dd 2.2**

**Issue:**

Section 2.0 (page 8)

**Summary:**

Suggested that in order to retain consistency through document include old graveyard (GA070-012) as part of introduction as it is listed on the recorded monuments list.

**Response:**

This sentence was an amendment which went on public display, therefore it can be considered at this stage. The suggestion is considered reasonable.

**Recommendation:**

It is recommended that the Medieval Church and Graveyard of St. James is mentioned in Section 2.0.

**On the proposal of Cllr.Cuddy, seconded by Cllr. Mc Donagh it was agreed to accept the Manager's recommendation, that the Medieval Church and Graveyard of St. James is mentioned in Section 2.0.**

**Dd 2.3**

**Issue:**

Section 2.5 Context Wastewater (page 11)

**Summary:**

Suggested to add sentence to end of paragraph as operational specification of treatment plant has not been indicated in text.

*"Ensure the new wastewater treatment is of a standard allowing for sustainable management of water quality into the receiving SAC Lough Corrib complex and designated salmonid River Clare".*

**Response:**

Amendments to the context section of Water & Wastewater which went on public display. Therefore it can be considered at this stage. The suggestion is considered

reasonable. The Preliminary Report for Claregalway Sewerage Scheme recommends Tertiary Treatment to achieve an effluent standard of 10 mg/l BOD and 10mg/l Suspended Solids and phosphorous removal to a standard of 1 mg/l. Receiving water is a salmonid river. Policy 3.5.7 of the Material Alterations document.

**Recommendation:**

Cllr. Cuddy seconded by Cllr. Mc Donagh it was agreed that up to date information on the operational standard of the proposed Municipal Treatment Plant is included as part of Section 2.5.

**On the proposal of Cllr.Cuddy, seconded by Cllr. Mc Donagh it was agreed to accept the Manager's recommendation, that up to date information on the operational standard of the proposed Municipal Treatment Plant is included as part of Section 2.5.**

**Dd 2.4**

**Issue:**

Section 2.9 (page 13)

**Summary:**

Suggested that a change is made to part (c) of the context paragraph to state **both** banks of the River Clare as no mention is made of the extension of the Plan boundary to the northern and eastern banks of the river as per **MA20**.

**Response:**

This suggestion is relevant to a Material Alteration which went on public display, therefore it can be considered at this stage. It is considered reasonable.

**Recommendation:**

Change Section 2.9(c) to state **both** banks of the River Clare.

**On the proposal of Cllr.Cuddy, seconded by Cllr. Mc Donagh it was agreed to accept the Manager's recommendation, to change Section 2.9(c) to state both banks of the River Clare**

**Dd 2.5**

**Issue:**

TR5 (page 21): Retention of existing Bus Stop location at the Nine Arches.

**Summary:**

Suggested that in view of the fact that most of the residential development that has taken place in Claregalway is in the vicinity of the Nine Arches bridge area, the present bus stop should be retained so as to encourage and facilitate the greater use of public transport in line with the stated policy articulated elsewhere in this plan. Convenience should be a primary consideration in this objective.

**Response:**

Amendments to Objective TR5 went on public display, therefore it can be considered at this stage. However, this was already discussed with the Full Council following the Draft display period. The Roads section consider that the Nine Arches Bus Stop location is

unacceptable and should be relocated along the southern edge of the N17 directly west of the junction with the N18.

**Recommendation:**

No Change to Material Alterations document in this instance.

**On the proposal of Cllr. Cuddy, seconded by Cllr. McDonagh it was agreed not to accept the Manager's Recommendations. It was agreed that the proposed bus-stop be retained at the Nine Arches.**

**Dd 2.6**

**Issue:**

TR9 (page 22)

**Summary:**

Suggested that the following sentence should be added to Objective TR9. *'Council should use portion of development contribution funds to ensure that there are no gaps left with missing footpaths and street lighting within the 40 MPH zone subsequent to development being completed, as there maybe some property owners that do not wish to develop their property.'*

**Response:**

Amendments to Objective TR9 went on public display, therefore it can be considered at this stage. The suggestion is considered reasonable. However, the provision for the contributions scheme is covered in the sentence *'where funds permit'* within the amended objective TR9 and DC Standard 5.9.1 Development Contributions.

**Recommendation:**

No Change to Material Alterations document in this instance.

**On the proposal of Cllr.Cuddy, seconded by Cllr. Mc Donagh it was agreed to accept the Manager's recommendation**

**Dd 2.7**

**Issue:**

CF3 (page 25)

**Summary**

Suggested that Community Facility Objective CF3 contains this additional sentence.

*"Identify a site for the development of a Library, Community offices and Oranmore Electoral Area Offices"*, as per Draft submissions D1.8 and D3.9, which were accepted by the Councillors.

**Response:**

As this objective was not on public display as an amendment, it cannot be considered at this stage.

However, a summary of the discussion of this issue may be summarized and clarified as follows.

- The Draft Plan document did not contain an Objective to provide an Area Office in Claregalway.
- A Submission to the Draft Plan requested that it should contain this objective.
- The officials recommended that the Plan should contain this objective,
- The Councillors decided that the Oranmore Area Office should remain in Lackagh,
- Therefore, No Change to the Draft Plan was made in this instance.

**Recommendation:**

Not applicable.

**Dd 2.8**

**Issue:**

RA7 (page 26)

**Summary:**

Suggestion to change text of this Recreation & Amenity Objective to read as follows; *"Reserve lands to west of SMA/ Fathers House for playing pitch use and in tandem promote and facilitate safe routes to this recreation facility i.e. footpaths and street lighting"*. Suggests that there is an open or live Planning Application on this site for a nursing home.

**Response:**

An Amendment to Objective RA7 went on public display, therefore it can be considered at this stage. The suggestion is considered reasonable. However, there is no live permission for a nursing home on this site. Pl. Ref. No. 02/875 for a 50 bed nursing home was received on 8/3/02 and is subject to the 2001 Planning and Development Regulations. As the further information request issued by the Planning Authority was not replied to within 6 months, the application is deemed to be withdrawn.

**Recommendation:**

Include an additional wording to Specific Objective RA7 to read as follows *'Reserve land to the west of the SMA Fathers House for playing pitch use, and require the provision of street lighting and footpaths from the village centre, along the Cloonbigeen road to these Recreation and Amenity lands'.*

**On the proposal of Cllr. Cuddy, seconded by Cllr. Mc Donagh it was agreed to accept the Manager's recommendation. to include an additional wording to Specific Objective RA7 to read as follows *'Reserve land to the west of the SMA Fathers House for playing pitch use, and require the provision of street lighting and footpaths from the village centre, along the Cloonbigeen road to these Recreation and Amenity lands'.***

**Dd 2.9**

**Issue:**

MA22 (page 92)

**Summary:**

Consider retention and restoration of old stone built farmhouse so that it could be the centrepiece of the commercial enterprise earmarked for this site.

**Response:**

This submission is considered reasonable.

**Recommendation:**

It is recommended that the site specific objectives for this site are refined. The following proposals are recommended in relation to the existing 2 storey stone house.

- The fabric of the existing 2 storey stone dwelling should be retained. Where it can be demonstrated that the existing finished floor level is inappropriate (for example because flood risk), demolition will be considered. Moreover, the use of the original stonework as an integral external material of the new development proposal will be required.
- Any development proposal shall not exceed 2 storeys in height. (See Dd7).

**On the proposal of Cllr. Cuddy, seconded by Cllr. McDonagh it was agreed to accept the Manager's recommendation, that the site specific objectives for this site are refined. The following proposals are recommended in relation to the existing 2 storey stone house.**

**The fabric of the existing 2 storey stone dwelling should be retained. Where it can be demonstrated that the existing finished floor level is inappropriate (for example because flood risk), demolition will be considered. Moreover, the use of the original stonework as an integral external material of the new development proposal will be required.**

**Any development proposal shall not exceed 2 storeys in height. (See Dd7).**

**Dd 2.10****Issue:**

Editorial Corrections to the text

**Summary:**

- Section 1.4 (page 6)  
Suggest change wording page 6, first line paragraph 3. "*Residential land has been phased*" to "*designated as Phase 2*" in line with wording of objective R4 on page 18
- Section 3.1.3 (page 17)  
Change "*backhands*" to "*backlands*".
- Section 3.2.2 (page 19)  
Suggest Change "*DOELG*" to "*DoEHLG*".
- Section 5.1.1 (page 33)  
On fourth line change "*DOELG*" to "*DoEHLG*"
- Section 3.4.8 (page 20)  
Suggested that the QBC should be between Tuam and Galway city and not just between Claregalway and the city.
- Section 3.13.5 (page 29)  
Change "*resist the demolition of any building or item*" or " to "*of*" *Architectural significance*",

On next line change “*unless a conclusive case “bases” to “based” on technical evidence.*”

- Section 5.3.9 (page 46)  
Suggested change to part (e); “*Can be adequately “services” to “serviced”.*”
- Section 5.3.19 (page 49)  
Suggested to change text in first sentence 2<sup>nd</sup> paragraph to read “*including the provision of pedestrian paths, public lighting and other facilities*”.
- Section 5.3.9 (page 54)  
Suggested to change text on 3<sup>rd</sup> last bullet point to read. “*A single pole will be allowed at the road junction apart from “ant” to “any” County Council statutory directional sign*”.
- Landscaping Plan (page 80)  
Suggested to change text as follows. “*It is desirable that such plans “re” to “are” prepared by a suitably qualified person*”.

**Response:**

The suggested changes listed above are considered relevant and reasonable.

**Recommendation:**

Recommended that the editorial changes listed above form part of the adopted Local Area Plan.

**On the proposal of Cllr. Cuddy, seconded by Cllr. Mc Donagh it was agreed to accept the Manager’s recommendation that the editorial changes listed above form part of the adopted Local Area Plan.**

**Dd 2. 11**

**Issue:**

Suggested new Policies taken from the Draft Kinvara Plan.

**Summary:**

Suggested that some new policy additions are incorporated into the adopted Local Area Plan. These have been taken from the Kinvara Local Area Plan and are listed as follows;

- Suggested to rephrase residential development policy 3.1.13 as follows;  
‘Ensure that appropriate units are developed in the housing market for the elderly, people with disabilities as close to the village center as possible and other special needs households.’
- Suggested to create a new residential development policy 3.1.20 as follows;  
‘Require developers to make appropriate provision for recreation and amenity infrastructure equal to the needs of the development and as an integral element of their proposals. A special levy may be required to enable the development of appropriate amenity areas off site under powers set out in the Development Contribution Scheme.’

- Suggested to rephrase Village Centre & Commercial core policy 3.2.8 (page 19) as follows; *'To facilitate, where funds permit, improvements to the overall streetscape/physical environment in the village center, for example through underground wiring, appropriate street furniture and through environmental improvements. Electricity and telecommunication service providers can facilitate this process by removing redundant poles and wiring.'*
- Suggested to rephrase Industry, Employment & Telecommunications policy 3.3.5 (page 20) as follows; *'Facilitate information Communication technologies including the development of broadband infrastructure.'*
- Suggested to rephrase Open Space Recreation & Amenity policy 3.9.14 (page 25) as follows; *'Promote the development of a child friendly environment for children of all ages.'*

**Response:**

Each of the suggested new policy additions listed above did not form part of the amendments which went on public display. Therefore, although they may be considered improvements, these cannot be considered at this late stage of the Plan preparation process because the general public would not have an opportunity to comment on them. The Forward Planning Section is striving towards general consistency between the Local Area Plans within the County. Each of the Plans will evolve in time, therefore, the policies, objectives and standards will be continually updated and refined. It should be remembered that the Draft Kinvara Plan went on public display 5 months after the Claregalway Draft Plan.

**Recommendation:**

Not applicable.

**Submission Dd3**

**Submitted by:**

John Waddell,  
Professor of Archaeology,  
National University of Ireland,  
Galway.

**Issue:**

Various; Including;

1. MA11,
2. MA10,
3. MA3, MA4, MA5 & MA6.

**Summary:**

**Dd3.1: MA11; Zone lands from proposed Recreation & Amenity to Commercial.**

Concerned with the zoning proposal because of the negative impact on the built heritage of the area for the following reasons;

- Land in question adjoins the south wall of the medieval parish Church of St. James. It also contains a fairly intact two-storey stone house of late 19<sup>th</sup> / early 20<sup>th</sup> century. The Church is a very rare example of a fortified Anglo-Norman parish Church in Connacht and historical sources suggest that the residence of the parish priest was situated somewhere hereabouts and possibly in this building.
- The modern parish Church and the ruin represent some eight hundred years of local religious activity.
- The Church site contained a small graveyard of 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> century graves and the area around it certainly contained a medieval graveyard. Any development here is likely to disturb human remains.
- Structural damage to the Church is a strong possibility.
- Historical references also refer to a hospital near the Church of St. James in the early 14<sup>th</sup> century.
- Modern development to the south of the medieval Church combined with the existing handball alley would have a severe visual impact on both the Church of St. James and the Friary, as viewed from the N17.
- This is an area of extremely high archaeological potential at the heart of what was once a mid 13<sup>th</sup> Century borough. This archaeological complex of monuments deserves the fullest protection.

**Response:**

It was the recommendation of the Forward Planning Section that the land in question at MA11 be zoned Community Facilities. It was proposed by the Area Committee that the site be zoned Commercial. Having regard to the sensitivity of the site and the built heritage in close vicinity the Forward Planning Section recommended that there be a site specific objective to control the scale, height, mass, bulk, materials, siting and design of any proposed Commercial or residential development on this site. This formed part of the Material Alterations.

However, in response to the content of this submission and in order to give more precise guidance to any development proposal, the following site specific requirements listed below are recommended to form part of the adopted Plan.

**Recommendation:**

Recommend that Site Specific Objective MA22 is refined as follows;

- Any development proposal shall be required to have regard to the provisions which protect the Archaeological and Architectural Heritage of the area as outlined in the relevant sections of this Plan.
- Any development proposal shall not exceed 7m in height to ridge level over the average level of the road (N17) to the front of the site.
- The siting, scale, mass and grouping of any development proposal shall have sensitive regard to the protection of views of the Friary as viewed from the N17 and the Nine Arches Bridge.
- The siting and grouping of any development proposal shall have sensitive regard to the adjacent wall of the Church of St. James. No structures directly abutting this wall will normally be permitted.
- The front building line should be consistent with the front edge of the Handball alley / and or the existing Arches hotel. An Amenity Corridor will be required to be provided as part of a development proposal. (See Urban Design Framework Objectives - Section 4 and Map 2).

- The fabric of the existing 2 storey stone dwelling should be retained. Where it can be demonstrated that the existing finished floor level is inappropriate (for example because flood risk), demolition will be considered. Moreover, the use of the original stonework as an integral external material of the new development proposal will be required.
- All external materials, including roof materials and colours, will be required to be traditional and indigenous to the character of the area.

**On the proposal of Cllr. Cuddy, seconded by Cllr. McDonagh it was agreed to accept the recommendation in the Manager's report, that Site Specific Objective MA22 is refined as outlined above.**

**Dd3.2: MA10; Zone lands from proposed Recreation & Amenity to Residential.**

Objection to this proposed zoning for the following archaeological reasons;

- This area covers the eastern third of what was once the ecclesiastical island. (See Old OS Map attached- Appendix 3).
- It is just outside the SMR Zone of Archaeological potential but the whole island should have been included in the area of potential.
- There is a possible mill site in this area on the bed of the dried up river channel and the field between this and the main road contains a moated site and a possible ringfort.
- The eastern half of the site was a Carthusian grange in the mid 13<sup>th</sup> century- the only one in Ireland.
- Careful and extensive archaeological investigation will have to be carried out in the area if any development is permitted (including prior geophysical survey and test trenching). Care to avoid damaging the sites in the field next to it must be considered.

**Response:**

Recommend that lands identified as MA10 are zoned Recreation & Amenity as was proposed in the Draft Claregalway Local Area Plan.

However, if the Council decide by resolution not to zone the land Recreation & Amenity and decide to zone it Residential. The following site specific objectives and policy objectives should be considered on site as part of the adopted Plan;

- Owing to its current landlocked position, a Residential zone on this site shall form part of the 'Phase 2- residential zone'.
- Any development proposal on this site will be required to have regard to the provisions which protect the Archaeological and Architectural Heritage of the area as outlined in the relevant sections of this Plan.
- An Archaeological Impact Assessment will be required to accompany a Planning Application on this site. This should be prepared by a suitably qualified person in consultation with the relevant authorities to inform the sensitive design and layout of the proposal, to safeguard the archaeology of the area. This assessment would involve careful and extensive archaeological pre-investigation of the area by a suitably qualified person (for example detailed geophysical survey and test trenching). See up to date Archaeology & Development: Guidelines published by the DoEHLG. The initial design and layout of the development proposal should aim to avoid any potential archaeological features.
- Preservation in situ could be incorporated into green areas of the development proposal. Once again, the design and layout of proposed buildings should be

appropriately distanced from any recorded monuments, protected structures or proposed protected structures.

- Any development proposal shall take care to avoid damaging adjacent archaeological sites must be considered.
- It is recommended that the following amendment to Specific Objective AY2 to read as follows 'All planning applications for new development, redevelopment, any ground works, refurbishment, restoration etc. within and in close proximity (30m) to the Zone of Archaeological Potential, and within close proximity (30m) to the other recorded monuments (SMR's) shall take account of the archaeological heritage of the area and the need for archaeological mitigation'. The relevant DC Standard shall be consistent with this objective, and this radius should be Mapped as an Archaeological Buffer zone on Map 3.

#### **Recommendation:**

- Recommend that lands identified as MA10 are zoned Recreation & Amenity as was proposed in the Draft Claregalway Local Area Plan. Furthermore, it is recommended that the following amendment to Specific Objective AY2 to read as follows 'All planning applications for new development, redevelopment, any ground works, refurbishment, restoration etc. within and in close proximity (30m) to the Zone of Archaeological Potential, and within close proximity (30m) to the other recorded monuments (SMR's) shall take account of the archaeological heritage of the area and the need for archaeological mitigation'. The relevant DC Standard shall be consistent with this objective, and this radius should be Mapped as an Archaeological Buffer zone on Map 3.

- This recommendation was already dealt with as part of Submission Dd6.

**On the proposal of Cllr. Cuddy, seconded by Cllr. McDonagh it was agreed to accept the Manager's recommendation that lands identified as MA10 are zoned Recreation & Amenity as was proposed in the Draft Claregalway Local Area Plan.**

- Furthermore, it is recommended that Specific Objective AY2 be amended to read as follows 'All planning applications for new development, redevelopment, any ground works, refurbishment, restoration etc. within and in close proximity (30m) to the Zone of Archaeological Potential, and within close proximity (30m) to the other recorded monuments (SMR's) shall take account of the archaeological heritage of the area and the need for archaeological mitigation'. The relevant DC Standard shall be consistent with this objective, and this radius should be Mapped as an Archaeological Buffer zone on Map 3.

**Dd3.3: MA3, MA4, MA5 & MA6: Extend Plan boundary and zone lands from proposed unzoned/ agricultural to Agricultural / Recreation & Amenity.**

Objection to any development in this area for the following archaeological reasons;

- Following a postgraduate research, it has been shown that any development in or in close proximity to MA6 is likely to have a negative impact on the areas archaeology.
- Recommendations for detailed investigation should be made for all of this area.

- Ideally no development should be allowed near the river and any high rise development here would have a serious impact on the Franciscan Friary and the Castle.

**Response:**

- The land referred to at MA6 is proposed to be zoned Agricultural. Having regard to the zoning matrix, only a small range of developments are normally permitted within this zone. However, having considered the content of this submission it is recommended that Specific Objective AY2 be amended to refer to a buffer zone around the Zone of Archaeological Potential (See recommendation on submission Dd3 above).
- High rise developments in close proximity to the protected structures along the river are discouraged under the recommendations contained in the Plan and this report. For example, specific Objective AH3 of the Plan is to 'Require that the design of any proposed building adjoining or in the same setting as a protected structure shall have regard to the architectural context of the building'.

**Recommendation:**

- It is recommended that Specific Objective AY2 be amended to refer to a buffer zone around the Zone of Archaeological Potential (See recommendation on submission Dd3 on page 16 of this report).
- It is recommended that a site specific objective is inserted into the Plan to control the height of any development on the site MA10 to 2 storeys.

**Note:** The 'within a 30m radius of a recorded monument' requirement referred to above already formed part of the Draft Local Area Plan and the Material Alterations document. Secondly, it must be remembered that the Zone of Archaeological Potential is in itself a Recorded Monument. Therefore, the recommendation above is merely adding transparency to an existing Development Standard contained in the proposed Plan.

**On the proposal of Cllr. Cuddy, seconded by Cllr. McDonagh it was agreed to accept the Manager's Report that Specific Objective AY2 be amended to refer to a buffer zone around the Zone of Archaeological Potential (See recommendation on submission Dd3 on page 16 of this report).**

**It is recommended that a site specific objective is inserted into the Plan to control the height of any development on the site MA10 to 2 storeys.**

**Note:** The 'within a 30m radius of a recorded monument' requirement referred to above already formed part of the Draft Local Area Plan and the Material Alterations document. Secondly, it must be remembered that the Zone of Archaeological Potential is in itself a Recorded Monument. Therefore, the recommendation above is merely adding transparency to an existing Development Standard contained in the proposed Plan.

**Submission Dd4**

**Submitted by:**

National Roads Authority,  
National Roads Design Office,

Corporate House,  
Ballybrit Business Park,  
Ballybrit,  
Galway.

**Issues:**

Various; Including;

1. Extension of Plan boundary and zoning of County Council lands Industrial.
2. Importance of constructing the By Pass and the new N17.
3. Suggestion that Phase 2 Residential lands remain undeveloped until new N17 is constructed.
4. Developer funding of by pass.
5. Impact of bridge embankments on floodplain.

**Summary:**

**Dd4.1:** Extension of Plan boundary and zoning of Council lands Industrial.

**Response:**

This submission is not relevant to the Material Alterations which were on public display and therefore cannot be taken into consideration at this stage of the Plan preparation process. For information purposes, following consultation with the Roads section it was decided not to include these lands as part of Plan area because no new access point would be permitted directly on to the N18 at this location.

**Recommendation:**

Not applicable.

**Dd4.2:**

Section 2.14. Sentence referring to the 'Importance of constructing the By Pass and the new N17.'

**Response:**

This sentence was an amendment to the Draft which went on public display, it therefore can be considered at this stage. It is suggested that it may be more appropriate to refer to the proposed N17 Galway to Tuam Dual Carraigeway rather the specifically to the Claregalway by pass or at least to both.

**Recommendation:**

Recommended that the first paragraph of Section 2.14 (Summary) is amended to read as follows 'As such it is of primary importance the by pass and /or the N17 Galway to Tuam Dual Carraigeway is constructed and transport infrastructure is improved and extended to facilitate any increased usage'.

**On the proposal of Cllr. Healy Eames, seconded by Cllr. Hoade it was agreed to accept the Manager's recommendation, that the first paragraph of Section 2.14 (Summary) is amended to read as follows 'As such it is of primary importance the by pass and /or the N17 Galway to Tuam Dual Carraigeway is constructed and transport infrastructure is improved and extended to facilitate any increased usage'.**

**Dd4.3:** Suggestion that 'Phase 2' Residential lands remain undeveloped until new N17 is constructed.

**Response:**

This submission was referred to the roads section. This proposal to phase until such time as the new N17 is constructed is not considered acceptable or reasonable.

**Recommendation:**

No change recommended.

**On the proposal of Cllr. Healy Eames, seconded by Cllr. Hoade it was agreed to accept the Manager's recommendation,**

**Dd4.4:** Developer funding of by pass.

**Response:**

This issue did not form part of the amendments which was on public display and therefore cannot be considered at this stage. Although the Plan does not specifically state in a policy objective that developers are to be encouraged to provide funding towards the provision of the by pass, these powers are available to the local authority under the provisions of the Development Contributions scheme.

**Recommendation:**

Not applicable.

**Dd4.5:** Impact of bridge embankments on floodplain.

**Summary:**

The NRA acknowledge the Development Standards relating to the Indicative Flood Plain Area (Section 5.3.18) in particular 'Development consisting of the construction of embankments, wide bride piers, or similar structures must carefully consider the impact on the river.'

**Response:**

Development Standards relating to the Indicative Flood Plain Area (Section 5.3.18) are to remain as part of the adopted Plan.

**Recommendation:**

No change.

**On the proposal of Cllr.Healy Eames, seconded by Cllr. Hoade it was agreed to accept the Manager's recommendation,**

**Cllr. McHugh raised the issue of the Claregalway by Pass and stated that some means must be found to alleviate the traffic congestion at Claregalway**

**Cllr Cuddy also stated that this situation cannot go on indefinitely, that funding must be found for the Claregalway By-pass as it was essential for the development of the area.**

**.Cllr McHugh asked if the Claregalway Local Area Plan could be reviewed to accommodate the Claregalway By-Pass issue.**

**Mr. Ridge stated that it was possible to review the Claregalway Local Area Plan but that the Forward Planning Section has a very heavy work programme.**

**Cllr. Healy Eames enquired if funding from the Development Contributions could be used for the Claregalway By Pass.**

Mr. Ridge stated that it was agreed by the Council that the Development Contributions would not be used for roads infrastructure

Cllr. McHugh enquired if it would be considered a positive proposal for the provision of the Claregalway By Pass, if substantial funding could be raised by a group and the Local Authority to go into a partnership arrangement.

Mr. Ridge stated that any positive proposal that was consistent with proper planning and sustainable development could be considered

#### Submission Dd5

#### Submitted by:

Mr Thomas Moran,  
C/O AP McCarthy,  
Planning Consultants Ltd  
Block 1,  
GFSC,  
Moneenageisha Road,  
Galway.

#### Issue:

Zoning of land (approx. 1.63Ha or 4 acres) from proposed 'Phase 2' Residential to Phase 1 Residential at Lakeview, Claregalway. Lands form a northern section of MA18.

#### Summary:

It is argued that these lands should be made available for development in the short term for the following reasons;

- Lands are located in one of the most built up areas within the proposed boundaries of the Local Area Plan. There is a significant cluster of development along the County Roads in the vicinity of these lands.
- 2. no Planning applications for development have been lodged on these lands, 04/879 and 04/3718. The latter is on extension of time.
- Mr. Morans proposed development of his lands would form a continuation / completion of low density development in the area serviced by a local access road.
- Since the withdrawal of the first application 04/879, permission has been granted for significant residential development within the village on Greenfield sites.
- A significant portion of Mr. Morans landholding is adjacent to the river Clare and is proposed to be zoned either Agricultural or Recreation & Amenity.
- Having regard to the context and extent of development in the area, the proposed rezoning is stated to be in accordance with the Policies & Objectives of the County Development Plan and the proposed Local Area Plan.

#### Response:

- The lands in question are at the moment entirely undeveloped, the cluster of one off houses in close vicinity can hardly classify the location as one of the most built up areas within the proposed Plan boundary.
- Both planning applications on this site were met with reservations regarding the provision of a treatment plant on site in the interest of public health from both the Planning and Environment Sections. This is precisely one of the reasons why the site is recommended to be phased, that is, until the municipal plant is in place.

- 04/879 was withdrawn on 22/6/04, since then approx. 78 residential units have been granted within the proposed Plan Boundary. These were granted in the absence of a Local Area Plan.
- The proposed zoning is most certainly not in accordance with the County Plan, the proposal would result in another unacceptable breach of the provisions of the County Settlement Strategy. The Planning Act clearly states that *'where any provision of a Local Area Plan conflicts with the provisions of the development plan as varied or as a new development plan, the provision of the Local Area Plan shall cease to have effect'*. A decision to zone these lands short term residential would be contrary to the proper planning and sustainable development of the area.

**Recommendation:**

No change to Material Alteration MA18.

**On the proposal of Cllr. Cuddy, seconded by Cllr. Mc Donagh it was agreed to accept the Manager's recommendation.**

**Submission Dd7**

**Submitted by:**

Eamonn O'Donoghue,  
1 The Crescent,  
Galway.

**Issue:**

Material Alterations MA2, MA8, MA9, MA12 and the Claregalway Castle Fishery.

**Summary:**

1. This Fishery extends from the Castle along the north bank of the river Clare 4 miles downstream to Lough Corrib and 3.5 miles upstream. The Fishing Rights have been leased by Mr. Eamon O' Donoghue to the Western Regional Fisheries Board, in order to maximize this valuable resource. An EU grant was also made over to the Fisheries Board to support the rivers development potential. It is envisaged that part of the fishery be developed as a world class facility for both visually and physically disabled anglers.
2. It is argued that there has been no analysis of the potential impact of the Local Area Plan on this important fishing resource.
3. The development of a public walkway along the river is highly desirable but will need to be done in a sensitive manner, which will not interfere with the riverbanks usage by dedicated anglers. It may be necessary at certain key areas to separate fishing access from the public thoroughfare; multiple access points will also be an important issue. If disabled anglers are to be accommodated a more complex angling facility will be necessary.
4. A small stretch of the river bank within 100 yards of the Castle complex has been reserved to maintain residential privacy within the Castle.

**Response:**

1. Policy 3.6.2 sets out *'To co-operate with the Western Regional Fisheries Board with regard to conservation, protection, enhancement, and sustainable development of the fishery resource of the river Clare.'*
2. An Environmental Assessment forms an appendix to the Draft and Material Alterations Document. Furthermore, the policies, objectives and Development

Control Standards proposed in this Plan were prepared in consultation with the Environment section and best practice.

3. Having regard to MA12, this submission can be considered. The proposed Amenity Corridor objectives both sides of the river Clare support the provision of access along the river Clare. However, it is proposed that objective UD8 contains an additional sentence which is outlined in the recommendation below.
4. The proposed Amenity Corridor route along the North bank of the river Clare beside the Castle is indicative, if agreement with the relevant landowner is not achievable alternative routes may be considered.

**Recommendation:**

Recommend that objective UD8 contains the following additional sentence 'Facilitate continued access along the river Clare to anglers, fisheries personnel and those with fishing rights. It may be necessary at certain key fishing areas to separate the fishing access from the public thoroughfare.'

**On the proposal of Cllr. Mc Donagh, seconded by Cllr. Mullins it was agreed to accept the Manager's recommendation, that objective UD8 contains the following additional sentence 'Facilitate continued access along the river Clare to anglers, fisheries personnel and those with fishing rights. It may be necessary at certain key fishing areas to separate the fishing access from the public thoroughfare.'**

**Submission Dd8**

**Response:**

1. Although historically the primary village centre was beside the River Clare, with the Parish of the western edge of today's N17. Whereas historically the eastern side of the N17 was an Ecclesiastical island which has been protected by the river.
2. The Urban Design framework Objectives encourage the development of Greenfield sites along the eastern side of the N17. However, the site is set back approx. 195 metres from the edge of the road would not impact on the streetscape of the village at this location.
3. The site in question is not considered part of the current or planned village centre. It was never the intention of the Plan to allow a wasteland to exist on this site, rather it was to encourage Recreation and Amenity facilities including an amenity corridor through the area.

**Submitted by:**

Conor McDermott,  
Engineering Services,  
Office of Public Works,  
Head Office,  
51 St Stephens Green,  
Dublin 2.

**Issue:**

Flood risk and development.

**Summary / Response:**

The policies and guidelines for flood risk and development outlined in this submission have already been incorporated into the proposed Material Alterations. These were considered by the Forward Planning Section and the Environment Section in terms of their relevance to the circumstances of Claregalway. These were proposed as Forward Planning Submissions following the Draft display period. See MA26 and Indicative Flood Plain Area Standards in Section 5.3.18 of the amendments to the text.

**Recommendation:**

No Change to Material Alterations recommended.

**On the proposal of Cllr. Healy Eames seconded by Cllr. Cuddy it was agreed to accept the Manager's recommendation**

**Submission Dd9**

This submission was already been dealt with under submission Dd6. On the proposal of Cllr. Mc Donagh, seconded by Cllr. Mullins it was agreed to accept the

**Submitted by:**

Siobhan Regan & John Geraghty,

**Issue:**

Various supportive arguments for MA10, zoning from proposed Recreation & Amenity to Residential.

**Summary:**

1. Historically, the primary village Centre was beside the River Clare, with the Parish Church and the Post Office on the same side of the Main Street. (Makes reference to the OS Map Edition 1 of 1839- See Appendix 3).
2. Furthermore, It is good planning practice to create a visually more balanced village centre streetscape both sides of the N17.
3. It is argued that the Riverside Recreation and amenity area to the north of MA10 will focused open space rather than leaving a wasteland in the Village Centre.
4. A riverside walkway has strong local support and needs to be accessible to both pedestrians and wheelchairs from the N17.
5. Given the possible population increase of people over the period of the Plan, there is an urgent need for a usable riverside walkway on both banks of the river Clare. This will require carrying out of works within the zone of Archaeological Potential.

**Response:**

1. Although historically the primary village centre was beside the river Clare, it was on the western edge of today's N17. Whereas historically the land in question to the east of the N17 was an Ecclesiastical island which has been prone to river flooding.
2. The Urban Design framework Objectives encourage the creation of streetscapes on Greenfield sites along the eastern edge of the N17. However, MA10 which is set back approx. 195 metres from the edge of the road would do nothing to improve the streetscape of the village at this location.
3. The site in question is not considered part of the current or planned village centre. It was never the intention of the Plan to allow a wasteland to exist on this site, rather it was to encourage Recreation and Amenity facilities including an amenity corridor which is respectful to the built heritage of the area.
4. The Amenity Corridor objective along both sides of the river Clare provides for '*sustainable movement, permeability and accessibility.*'
5. The Council is aware that the proposed Riverside Amenity corridor traverses the zone of archaeological potential, Urban Design Objective UD8 aims to 'Create and improve connections to and along the river for amenity / recreation and tourism purposes, which have regard to the natural and built heritage of the area'.

**Recommendation:**

- Recommend that lands identified as MA10 are zoned Recreation & Amenity as was proposed in the Draft Claregalway Local Area Plan.
- Furthermore, it is recommended that Specific Objective AY2 be amended to refer to a buffer zone around the Zone of Archaeological Potential (See recommendation on submission Dd3 on page 16 of this report).

**This submission was already been dealt with under submission Dd6. On the proposal of Cllr. Mc Donagh, seconded by Cllr. Mullins it was agreed to accept the**

**Manager's recommendation, that lands identified as MA10 are zoned Recreation & Amenity as was proposed in the Draft Claregalway Local Area Plan.**

**Furthermore, it is recommended that Specific Objective AY2 be amended to refer to a buffer zone around the Zone of Archaeological Potential (See recommendation on submission Dd3 on page 16 of this report).**

#### **CORRECTION:**

##### **Issue**

Open Space requirement for Industrial Developments.

##### **Summary**

As part of the discussion of the report on the Submissions to the Draft Local Area Plan, it was agreed that an amendment should be made to the Open Space consideration for Industry, Enterprise, Wholesale and Warehousing development (Development Standards Section 5.6.1). It was to read as follows *'A minimum open space requirement of 15% will be provided such that it may regard as an effective amenity area. Where industrial proposals are located adjacent to existing and proposed residential areas, the open space provision shall be designed in such a way as to act as a buffer zone between the proposed industrial units and the residential areas. Additional landscaping will also be required in these areas.'*

Regrettably, owing to a clerical error this did not form part of the Material Alterations document which went on public display. However, having regard to the fact that the 15% Open Space requirement already formed part of the draft, and the fact that this provision was proposed and agreed by the Full Council, this amendment can be considered at this stage. Therefore, it is recommended that the corrected Open Space requirement form part of the adopted Plan.

##### **Note:**

- The Final publication of the Local Area Plan will aim to contain photographs of the area. The colour coding of the zoning maps may be altered to ensure consistency with future Local Area Plans in the County.

**On the proposal of Cllr. Healy Eames, seconded by Cllr. Mullins it was agreed to accept the Manager's recommendation, to accept the above corrections to the Claregalway Local area Plan.**

**Cllr. Cuddy expressed his concern in relation to the proposed amenity corridor through the Lake view estate**

**Mr. O' Donnell explained that as this issue did not form part of a Material Alteration/Amendment of the Draft Claregalway Local Area Plan it cannot be considered at this stage of the Local Area Plan Process.**

**It was proposed by Cllr. McDonagh, seconded by Cllr. Cuddy to make the Claregalway Local Area Plan in accordance with Part 11 of the Planning and Development Act 2000 as amended by Part 111 of the Planning and Development (Amendment ) Act 2002, (subject to the amendments listed above) and which comes into effect immediately.**

A vote was taken on the proposal and the result was as follows

Ar Son: Cllr. Burke, Cllr. Canney, Cllr. Cannon Cllr. Connaughton, Cllr. M. Connolly, Cllr. Cuddy, Cllr. Healy-Eames, Cllr. Hoade, Cllr. Joyce, Cllr. Kyne, Cllr. Mannion, Cllr. McDonagh, Cllr. McHugh, Cllr. Mullins, Comh. O Cuaig, (15)

In Aghaidh: (0)

Gan Votáil: (0)

The Mayor declared the proposal carried.

Cllr. O'Cuaig requested general information on the Local Area Plans, the numbers being done and the different stages of each one.

Mr. Ridge stated that he would circulate this information to the Councillors

#### RECORD OF PROTECTED STRUCTURES

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Cllr. Connaughton expressed disappointment that it is recommended that the Holy Rosary Convent Mountbellew RPS No 66 be retained on the Record of Protected Structures. She proposed that this structure be de-listed

Cllr M.Connolly seconded this proposal.

Cllr. D Connolly sought some clarification on the position of the Grand Canal in Ballinasloe

Mr. Gavin stated that the Section 55 process has commenced on a section of the canal within the Ballinasloe Town Boundary to delist it from the RPS.

Cllr. Joyce sought clarification on the wall surrounding St Bridget's Hospital.

Mr. Ridge stated that this was within the functional area of Ballinasloe Urban District Council.

Mr.Ridge explained that there is a provision in the Planning and Development Act 2000 as amended, under Section 55, that sets out the process to include or delete structures from the Record of Protected Structures

He stated that certain owners/occupiers wish to have their properties included on the RPS as it enables them to avail of grants

He explained that Section 55 set out a 12-14 week process and a proposal must come from the Council to direct the Manager to commence this process

He suggested that the Council should present an agreed list of additions and deletions to the RPS within the next two weeks.

This process as outlined by Mr. Ridge was proposed by Cllr M. Connolly seconded by Cllr. Reilly and agreed.

#### REPORTS

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The report of the Oranmore Area Committee Meeting held on the 14<sup>th</sup> January 2005 was considered. It was adopted by the Council on the proposal of Cllr. Healy Eames, seconded by Cllr. Hoade.

## MAYOR'S BUSINESS

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### Disability Bill

Cllr. Healy Eames proposed that Mr. Frank Connatty on behalf of G.A.P. give a short presentation on the Disability Bill to the Council.

Cllr D.Connolly seconded this proposal.

It was agreed that this would be included on the agenda for the next meeting

### Development in Barna

Cllr. Kyne expressed concern over development in the Barna area and suggested that there be a moratorium on development in the area

Mr. Ridge explained that it was not possible to have a blanket ban on development in areas. He stated that all planning applications that are received by the Planning Authority must be dealt with.

Cllr. S Walsh stated that zoning of amenity lands was necessary in Barna to accommodate the school.

Cllr. O'Cuaig requested information on development permitted within 25m of the high water mark in Barna

Mr. Ridge stated that in the absence of a development plan for Barna, there is no set length limits outlined for development within a high water mark, therefore each application is considered on it's own merits, on a case by case basis

### Civic Amenity Site at Ballinasloe

Cllr D. Connolly expressed concern in relation to the future likely proposals for the Civic Amenity Site in Ballinasloe.

Mr. Gavin said that he would investigate the matter and liaise with the Town Council in relation to this.

## CONFERENCES

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On the proposal of Cllr. J. Mc Donagh, seconded by Cllr. J. Joyce, it was agreed that the attendance of the following members be approved at the conferences set out hereunder, the cost of each conference having been circulated to each member:-

### **"Listowel Heritage Conference – Listowel Arms Hotel"**

**17<sup>th</sup> & 18<sup>th</sup> February 2005**

Cllrs. S. Connaughton, M. Fahy

### **"Cumann Merriman – Hotel (Formally Fitzpatrick's), Bunratty, Co. Clare**

**28<sup>th</sup> February 2005**

Cllrs. M. Hoade, M. Fahy, M. Regan, J. Conneely, J. Mc Donagh, F. Healy Eames P. Hynes

*"Lack County Enterprise Board - Optimising the Environment for Enterprise" -*

**"Media Skills Seminar" – Welcome Inn Hotel, Castlebar, Co. Mayo.  
29<sup>th</sup> January 2005**

Cllrs. J. Tierney, F. Healy Eames, B. Willers.

**"AMAI Spring Seminar" – Holiday Inn, Letterkenny  
11<sup>th</sup> & 12<sup>th</sup> February 2005**

Cllrs. S. Connaughton, P. Hynes, T. Welby, J. Cuddy, M. Cuddy.

**"Suicide – Prevention & Awareness Conference" – Abbey Manor Hotel, Dromahair,  
Co. Leitrim.  
18<sup>th</sup> & 19<sup>th</sup> February 2005**

Cllrs. M. Fahy, M. Regan

**"Colmcille Winter School Conference" – The Colmcille Heritage Centre, Gartan,  
Churchill, Letterkenny, Co. Donegal.  
24<sup>th</sup>-27<sup>th</sup> February 2005.**

Cllrs. M. Hoade, M. Fahy, M. Regan, J. Conneely, P. Hynes.

**"General Council of County Councils" - Johnstown House Hotel, Enfield, Co.  
Meath.  
3<sup>rd</sup>-5<sup>th</sup> March 2005.**

Cllrs. M. Fahy, J. Mc Donagh, M. Mullins, F. Healy Eames.

**"Nuclear Hazards Conference (Hosted by Drogheda Town Council).  
9<sup>th</sup> -11<sup>th</sup> March 2005.**

Cllr. M. Fahy

**"LAMA 22<sup>nd</sup> Annual Conference – Rochestown Park Hotel, Cork,  
31<sup>st</sup> March -1<sup>st</sup> April 2005.**

Cllr. M. Hoade, J. Mc Donagh, M. Mullins, J. Tierney, T. Mc Hugh, B. Willers, D. Connolly, T. Mannion, P. Hynes

Criochnaigh An Cruinniú Ansin

COMHAIRLE CHONTAE NA GAELIMHNE

“Laois County Enterprise Board – Optimising the Environment for Enterprise” –  
The Heritage Hotel, Portlaoise, Co. Laois.  
8<sup>th</sup> April 2005.

Cllr. F. Healy

LEAS CATHAOIRLEACH:

Cllr. Willie Burke

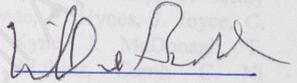
LLATHAIR FRESIN:

CRIOCHNAIGH AN CRUINIÚ ANSIN

Bail:

Cllr. S. Conroy, S. Cunningham, C. Cannon, J. Connolly, M. Conroy, M. Cuddy, Eames, M. Hynes, Keaveney, S. McHugh, Fhatharta, Tuairag Cllr. M. Regan, T. Reilly, S. Walsh, T. Walsh, W. Willers.

Submitted, Approved & Signed



14.03.05  
Date

Offiagh:

Mr. P. Gallagher, County Manager, Messrs. Callen, J. Morgan, L. Gavin, F. Gilmore, P. Ridge, Directors of Services, Mr. G. Mullarkey, Head of Finance, Messrs. D. Barrett, A. Comer, Senior Executive Officers, Mr. J. Eising, Senior Engineer, Mr. L. Kavanagh, Senior Executive Engineer, Mr. J. O'Donnell, Planner, Mr. A. Farrell, Admin. Officer, Ms. M. Mc Grath, Senior Staff Officer, Ms. B. Donnellan & Ms. R. O'Boyle, Staff Officers.

Ale:

Mr. Padraic Fogarty, Patrick J. Tobin & Co., Ltd, Consulting Engineers, Messrs. T. Hemon, DCS, and R. Brennan S.E.E., Galway City Council, Dr. Niamh Chune, Consultant, "Wealth on Waste".

Thomais an cruinnis leis an pailir