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**GALWAY COUNTY COUNCIL,**

**COUNCIL MINUTES**

**GC/1/48**

**26 JUNE 2006 TO 23 APR 2007**

## CHOMHAIRLE CHONTAE NA GAILLIMHE

MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL  
HELD AT ARAS AN CHONTAE, PROSPECT HILL ON MONDAY, 26<sup>TH</sup>  
JUNE, 2006

CATHAOIRLEACH

Mayor M. Mullins.

ILATHAIR FREISIN:

Baill:

Cllrs. W. Burke, S. Canney, C. Cannon, J. Conneely, D. Connolly, M. Connolly, Comh. S. O’Cuaig, Cllrs. J. Cuddy, M. Fahy, P. Feeney, F. H. Eames, M. Hoade, P. Hynes, J. Joyce, C. Keaveney, S. Kyne, T. Mannion, J. McDonagh, T. McHugh, Comh. C. Ni Fhatharta, S. O’Tuairisg, Cllrs. M. Regan, T. Reilly, S. Walsh, T. Walsh, T. Welby, B. Willers.

Oifigigh:

Mr. P. Gallagher, County Manager, Messrs Gilmore, K. Kelly, P. Ridge, J. Cullen, Directors of Services; G. Mullarkey, Head of Finance L. Gavin, M. Lavelle, R. Killeen Senior Engineers  
T. Murphy, County Secretary, A. Comer, D. Barrett, G. Scully, Senior Executive Officers, Ms. Valerie Loughnane, Senior Executive Planner, Ms. Maureen Doddy, Conservation Officer, Ms. M. McGrath, Senior Staff Officer, Ms. B. Donnellan, and R. O Boyle, Staff Officers and Ms. Teresa Donoghue, Asst. Staff Officer.

**Thosnaigh an cruinniu leis an paidir**

The Mayor welcomed everyone to his first Meeting.

He congratulated the newly elected Mayor of the City of Galway, Cllr. Niall O’Brolachain, the newly elected Mayor of the town of Ballinasloe, Cllr.. Lucy Llyod/Keighrey and the newly elected Mayor of the town of Loughrea, Cllr. Jimmy Curley.

He also congratulated all the athletes who took part in the Special Olympics in Belfast, their coaches and tutors and the Committees who helped get them there. He said they had brought back a significant number of medals to the County.

**RESOLUTIONS OF SYMPATHY**

894

A Resolution of Sympathy was extended to the following:-

The Haughey Family, on the death of the former Taoiseach, Charles J. Haughey  
The Naughton Family, Bullaun on the death of their Daughter, Susan Naughton.

Cllr. Regan said he was disappointed that no Book of Condolences had been opened by the Council for people to pay their respects to the late Charles J. Haughey. He proposed that a Book of Condolence be opened, this was seconded by Cllr. Reilly and agreed.

**Special Meeting**

The Mayor said that that the Corporate Policy Group at its meeting on 19<sup>th</sup> June 2006 had recommended that a special meeting of the Council be held on Tuesday 25<sup>th</sup> July 2006 to deal with the following matters:

- (a) Variations to the County Development Plan
- (b) Water Services Assessment of Needs

It was proposed by Comh. Ni Fhatharta, seconded by Cllr. McDonagh, and agreed, to hold a Special Meeting of the Council at 11.30 a.m on Tuesday, 25<sup>th</sup> July, 2006.

**CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS:** 895

The Minutes of the Monthly Meeting held on the 22<sup>nd</sup> May, 2006 were approved by the Council and signed by the Mayor on the proposal of Comh Ni Fhatharta, seconded by Cllr. McDonagh.

The Minutes of the Special Meeting held on the 2<sup>nd</sup> June, 2006 were approved by the Council and signed by the Mayor on the proposal of Comh Ni Fhatharta, seconded by Cllr. Feeney.

The Minutes of the Annual Meeting held on the 2<sup>nd</sup> June, 2006 were approved by the Council and signed by the Mayor on the proposal of Cllr. Hoade, seconded by Cllr Feeney.

**REPORTS OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION**

896

## Minutes of Monthly Meeting 26/06/06

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The Report of the Corporate Policy Group Meeting held on the 17th May, 2006 was considered. It was adopted by the Council on the proposal of Comh. Ni Fhatharta, seconded by Cllr. Keaveney.

Cllr. Regan referred to the IDA plans for the development of the Oranmore/Athenry corridor and the fact that the Councillors had not been briefed in relation to this matter. The County Manager said that a presentation had been made to the CPG advising them that a planning application was due soon. He said that this planning application would be dealt with like all other planning applications and that it would not be wise to discuss it at this point. Cllr. Regan asked why this development was not considered in the context of the Athenry Local Area Plan. Mr. Ridge said that this development is central to the development of the County and has implications for the whole County and that it is more appropriate to deal with it outside the Athenry Local Area Plan.

The Report of the Corporate & Cultural Affairs SPC Meeting held on the 12th May, 2006 was considered. It was adopted by the Council on the proposal of Cllr. Keaveney, seconded by Cllr. Healy-Eames.

The Report of the Housing SPC Meeting held on the 2<sup>nd</sup> March, 2006 was considered. It was adopted by the Council on the proposal of Cllr. McDonagh, seconded by Cllr. Regan.

The Report of the Environment, Water & Emergency Services, SPC Meeting held on the 15th February, 2006 was considered. It was adopted by the Council on the proposal of Cllr. Joyce, seconded by Cllr. Cuddy.

The Report of the Loughrea Area Committee Meeting held on the 17th May, 2006 was considered. It was adopted by the Council on the proposal of Cllr. Fahy, seconded by Cllr. Feeney

The Report the Tuam Area Committee Meeting held on the 9<sup>th</sup> May, 2006 was considered. It was adopted by the Council on the proposal of Cllr. Keaveney seconded by Cllr. Canney

In reply to Cllr Mc Hugh, Mr. Cullen said that the Contract Documents for the Dunmore Sewerage Scheme would be available in the next 3 to 4 weeks, a Shortlist of Contractors had been drawn up, and the Tenders would be back in 3 to 4 months.

In relation to the Bye-Laws for the Ballaghlea School, Mr. Lavelle informed Cllr. Mc Hugh that the Council had received Reports back from the National Roads Authority and the Gardai which were being examined at the moment, and that the Draft By-Laws would come before the July Meeting.

The Report of the Oranmore Area Committee Meeting held on the 15th March, 2006 was considered. It was adopted by the Council on the proposal of Cllr. Healy-Eames, seconded by Cllr. McDonagh

The Report of the Oranmore Area Committee Meeting held on the 16th March, 2006 was considered. It was adopted by the Council on the proposal of Cllr. Healy-Eames, seconded, by Cllr. McDonagh.

The Report of the Oranmore Area Committee Meeting held on the 21<sup>st</sup> March, 2006 was considered. It was adopted by the Council on the proposal of Cllr. Healy-Eames, seconded by Cllr. McDonagh.

**TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.70 ACRES TO TUAM COMMUNITY DEVELOPMENT PROJECT AT PARKMORE TUAM** 897

Report dated 23<sup>rd</sup> May, 2006 was already circulated to each Member.

On the proposal of Cllr. Reilly, seconded by Cllr. Canney, the proposal to dispose of 0.70 acres at Parkmore, Tuam to the Tuam Community Development Project in the amount of €10,000 was approved.

**TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 - UPGRADING OF THE KNOCKAMINA WATER TREATMENT WORKS AS PART OF THE LOUGHREA REGIONAL WATER SUPPLY SCHEME** 898

Report dated 8<sup>th</sup> June, 2006 was already circulated to each Member

On the proposal of Cllr. Hynes, seconded by Cllr. Regan,, the proposal to upgrade the Knockamina Water Treatment Works as part of the Loughrea Regional Water supply Schemes was approved.

**TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – FOR THE CONSTRUCTION OF A CIVIC RECYCLING CENTRE, ANIMAL WELFARE SHELTER, ENGINEERING DEPOT, LOUGHREA** 899

Report dated the 14<sup>th</sup> June 2006 was already circulated to each Member.

On the proposal of Cllr. Regan, seconded by Cllr. Hynes, the proposal to construct a Civic Recycling Centre, Animal Welfare Shelter and Engineering Depot at Loughrea was approved.

**TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 - PROPOSAL FOR THE CONSTRUCTION OF A SINGLE RURAL HOUSE WITH SERVICES AT CALLOW, KILCONNELL, BALLINASLOE** 900

Report dated the 6<sup>th</sup> June 2006 was already circulated to each Member.

On the proposal of Cllr Connolly, seconded by Cllr. Regan, the proposal to construct a single rural house with services at Callow, Kilconnell, Ballinasloe was approved.

**TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – PROPOSAL FOR THE CONSTRUCTION OF A SINGLE RURAL HOUSE WITH SERVICES AT LISSANISKA, KILLIMOR.**

901

Report dated the 19<sup>th</sup> May 2006 was already circulated to each Member.

On the proposal of Cllr Burke, seconded by Cllr. Hynes, the proposal to construct a single rural house with services at Lissaniska, Killimor was approved.

**TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – PROPOSAL FOR THE CONSTRUCTION OF A SINGLE DWELLING HOUSE WITH SERVICES AT AILLEBRACK, BALLYCONNEELY**

902

Report dated the 15<sup>th</sup> June, 2006 was already circulated to each Member.

On the proposal of Cllr J. Conneely, , seconded by Cllr. O’Tuairisg, the proposal to construct a single rural house with services at Aillebrack, Ballyconneely, was approved.

**TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – CONSTRUCTION OF A PUBLIC CAR PARK AT KNOCKAUNGLASS, ATHENRY.**

903

Report was already circulated to each Member.

On the proposal of Cllr Feeney, seconded by Cllr. Cannon, the proposal to construct a Public Car Part at Knockaunglass, Athenry was approved.

**TO CONSIDER THE MANAGERS REPORT ON SUBMISSIONS RECEIVED ON THE MATERIAL ALTERATIONS AND AMENDMENTS TO THE ORANMORE LOCAL AREA PLAN PREPARED IN ACCORDANCE WITH SECTION 20 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED**

904

Cllr Joyce proposed to zone as residential, lands the subject of an invalid submission made by Patricia Kilraine to the amendments and material alterations to the Oranmore Local Area Plan.

The submission was not included in the Manager’s Report on the submissions received on the Amendment and Material Alterations to the Oranmore Local Area Plan as the lands in question did not relate to any of the amendments or material alterations in the

plan and therefore could not be included as per section 9 (e)(ii) (II) of the Planning and Development (Amendment) Act 2002.

Cllr Joyce's proposal was seconded by Cllr Connolly.

Mr Ridge stated that he had some general comments to make which were not specific to this individual.

Mr Ridge stated that zonings in the Oranmore Local Area Plan were decided by the Members in accordance with proper planning and sustainable development.

He also added that the Draft Oranmore Local Area plan was on public display for seven weeks during which time submissions/observations were invited from the public as part of the public consultation process.

It would not be possible to contact all landowners affected by a local area plan as there would be issues with ownership and title deeds etc.

He stated that the submission in question will not be considered at this stage in the local area plan process and that a variation can only be proposed to the Oranmore Local Area Plan six months after its adoption.

The Mayor invited Mr Gavin to present the Manager's Report prepared on the submissions that were received on the Amendments and Material Alterations to the Draft Oranmore Local Area Plan.

Mr Gavin explained that in total, 127 written submissions were received within the 4-week period, of which one did not relate to the Material Alterations. In accordance with Section 20(3) of the Planning and Development Act, submissions on issues which were not part of the Material Alterations could not be accepted at this stage of the Plan preparation process.

He added that in line with the requirements set down by the Planning Acts, the Full Council must consider this report and adopt the Oranmore Local Area Plan by 19<sup>th</sup> July 2006

Mr Gavin explained that the Manager's Report was divided into 12 issues and he commenced with Issue 1

#### **Issue 1 – Hierarchy of Plans & Residential Zonings**

##### **Submitted by:**

Brian Kenny, Dept. of Environment, Heritage and Local Government,

##### **Summary:**

This issue relates to additional land zoned Residential, MA 3, MA 8, MA9, MA 10, MA 11, MA 12, MA 13, MA 14, MA 15, MA 16, MA 17, MA 18 and MA 21, and the general hierarchy of plans.

There are a number of proposals for additional land to be zoned for residential development. It is requested that these proposals are reviewed to ensure consistency with the settlement strategy. The additional land proposed to be zoned should also be quantified and be clearly justified on the basis of established need.

**NOTE: It should be noted that the decision on this issue must be made in conjunction with Issues 4, 5 and 7 which relate to the same MA's.**

**Response:**

It is recognised that there are surplus lands proposed to be zoned Residential. The Draft Plan proposed 518 acres of residential zoning. While this would be in excess of the requirements of the County Development Plan settlement framework, it would allow a degree of flexibility in promoting development if some lands were not presented for development.

However the Council directed additional residential zonings to a total of 654 acres in the Amended Draft including 104 acres Inner Residential with a total of 394 acres undeveloped, making the Plan exceeds the settlement objectives of the County Development Plan.

This Local Area Plan is designed to stimulate development and direct it to **appropriate** locations. However by significantly over zoning; we are unable to do this. This Plan contains a substantial amount of residential land. This can lead to ad hoc, haphazard development and creates a need for an uneconomical extension of services to these lands. The quality of life for residents in these peripheral areas will be diminished as they will be car-dependant and may lack adequate infrastructural requirements such as footpaths and public lighting.

Furthermore, the excessive residential zonings render the Local Area Plan inconsistent with the hierarchy of plans, such as the National Spatial Strategy, Regional Planning Guidelines and the County Development Plan. The Plan is also contrary to both the Settlement Strategy and the Galway Transportation and Planning Study. This disregards the legal requirement to remain consistent with each preceding plan.

It is recognised that the location of the additional residential zonings has not been based on established need and is contrary to the strategic aim of the Local Area Plan.

It is also acknowledged the Local Area Plan will not result in an efficient use of existing infrastructure.

This Local Area Plan will not achieve the balance necessary for the development of a sustainable community therefore it is recommended that the additional residential lands are deleted from the adopted Plan.

**Recommendation:**

Based on all the reasons above, it is recommended that the additional Residential Zonings MA 3, MA 8, MA9, MA 10, MA 11, MA 12, MA 13, MA 14, MA 15, MA 16, MA 17, MA 18 and MA 21 are deleted.

*It was proposed by Cllr McDonagh and seconded by Cllr Healy Eames to reject the recommendation in the Manager's Report and to retain the residential zonings MA 3, MA 8, MA9, MA 10, MA 11, MA 12, MA 13, MA 14, MA 15, MA 16, MA 17, MA 18 and MA 21 as per the amendments and material alterations to the Draft Oranmore Local Area Plan.*

*A vote was taken on Cllr McDonagh's proposal and the result of the vote was as follows:*

**AR SON:** Cllr. Burke, Cllr Canney, Cllr Conneely, Cllr D. Connolly, Cllr. M. Connolly, Cllr Cuddy, Cllr Feeney, Cllr Healy Eames, Cllr. Hoade, Cllr. Hynes, Cllr. Mc Donagh, Cllr McHugh, Cllr Regan, Cllr S.Walsh, Cllr T. Walsh, Cllr. Welby, Cllr Willers, (17)

**IN AGHAIDH:** (0)

**GAN VOTÁIL:** Cllr Joyce, Cllr Kyne, Cllr Mannion, Cllr Mullins, Comh Ní Fhartharta, Comh O'Tuairisg, (6)

*The Mayor declared Cllr McDonagh's proposal carried*

**Issue 2 – Population Projections**



**Submitted by:**

Brian Kenny, Department of the Environment, Heritage and Local Government

**Summary:**

It is requested that the proposed changes to population projections in the plan are in line with CSO projections and population projections contained in the Settlement Strategy.

The population projection contained in the Material Alterations document is inaccurate. *"The Draft Plan Boundary provides approximately 203 acres of undeveloped residential land that could accommodate an increase in population of 5,829 persons."*

This figure is based on a density of approximately 9 units per acre which is well below either of the amended density of units per acre in the Material Alterations document and does not consider the additional land zoned Residential. It is important that a figure be put on the land proposed to be rezoned for development.

**Response:**

Submissions on the draft Oranmore Plan challenged the initial population projections, as they were based on a national figure instead of a county figure. However, it is recognised that this county figure is not strictly accurate and it is more appropriate to use the overall county (i.e. county and city) average of 3.06 as suggested by the Department.

It is recognised that the population projections should be amended in relation to the additional land zoned residential and that the total amount of land zoned is included in the adopted Local Area Plan.

**Recommendation:**

Amend Section 1.6 Population & Demography as shown:

*Given that the County Average is 3.06 persons per household, it is therefore estimated that the 2005 population within the Plan boundary area for Oranmore is approximately 5462 persons.*

*The Plan Boundary provides approximately 394 acres of undeveloped residential land that could accommodate an increase in population of 12,056 persons.*

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

**Issue 3 – MA 7**

**Submitted by:**

James & John Cannon c/o A.P. McCarthy Planning Consultants

**Summary:**

This issue refers to MA 7, which is located in the townland of Oranhill. In the initial Draft plan the land was proposed to be zoned Residential. However, in the Amendments & Material Alterations to the Draft plan, the area is proposed to be zoned Community Facilities. It is now requested that the area is zoned part Community Facilities, 1 hectare (2.47 acres) and part Residential, 0.825 hectare (2 acres).

The following points are submitted in support of this request:

- The Draft Local Area Plan had not identified these lands or any other lands in this area for Community Use.
- It was envisaged that a school would be developed on these lands in conjunction with neighbourhood retail facilities however the proposed Community Facility zoning will not allow for this.

- It is unfair and unreasonable to impose a Community Facility zoning of approximately 1.8 hectare on a single landowner in view of the extent of Residential zoned lands in the area.

**John O' Regan, Parents Action Group c/o Gaelscoil de hÍde**

This submission supports the provision of new land in Oranhill zoned for Community Facilities.

**Response:**

It is considered correct that land is zoned for the future provision of community facilities, particularly educational facilities, to cater for an increasing population. This land, though not identified for community use in the Draft Oranmore Local Area Plan, has been proposed to be zoned Community Facilities in the Material Alterations to the Draft plan and was placed on public display for a period of 5 weeks, 13<sup>th</sup> April – 17<sup>th</sup> May 2006, in accordance with the Planning and Development Act 2000.

Although the Land Use Zoning Matrix does not permit a neighbourhood shop in Community Facility zoned land, a neighbourhood shop is "Permitted in Principle" on land zoned Residential. As the subject lands are surrounded by Residential zoned land it is possible for neighbourhood retail facilities to be developed in close proximity to the envisaged school.

GCC does not consider landownership in the preparation of the plan only appropriate planning and sustainable development.

GCC also supports the provision of new land in Oranhill zoned for Community Facilities.

**Recommendation:**

No change to the Amendments and Material Alterations document.

**It was proposed by Cllr. Cuddy and seconded by Cllr Hoade to reject the recommendation in the Manager's Report and to zone the lands the subject of MA 7 from proposed Community facilities to part Community facilities (2.47 acres) and part Residential (2 acres).**

Cllr Healy Eames stated that this site had been short listed together with 2 other sites as suitable sites for a school in Oranmore.

Mr Gavin stated that the Planning Authority did not receive any submission in relation to this from the Department of Education & Science and added that this area was not adequate for a school as there would not be an opportunity for the school to expand in the future or to accommodate adequate recreation and amenity facilities.

**A vote was taken on Cllr Cuddy's proposal and the result of the vote was as follows:**

**AR SON: Cllr Canney, Cllr Conneely, Cllr. M. Connolly, Cllr Cuddy, Cllr Feeney, Cllr Healy Eames, Cllr. Hoade, Cllr. Hynes, Cllr Joyce, Cllr Kyne, Cllr. Mc Donagh, Cllr McHugh, Comh O'Tuairisg, Cllr Regan, Cllr S. Walsh, Cllr T. Walsh, Cllr. Welby, Cllr Willers, (18)**

**IN AGHAIDH: Cllr D. Connolly (0)**

**GAN VOTÁIL: Cllr Mannion, Cllr Mullins, (2)**

**The Mayor declared Cllr. Cuddy's proposal carried**

Issue 4 – Additional Residential Zoning of Designated land

Submitted by:

Brian Kenny, Spatial Policy, Department of the Environment, Heritage & Local Government	37 Oran Grove J Campbell Cristiano Corrini Karl Hanley Marion Donohue Kevin O Malley Rionamnagh Vincent Flannery Miss A. Fawcett Ann Marie Hallinan Barry & Joanne Leenane Brian Shaughnessy Thomas Fahy Lesa Rice Philip Smith Scott Siddaud Cathal & Eileen Killan 28 Orancourt Jacqueline & Alan Aherne 27 Orancourt Michelle, Stuart, Gerry & Mike May 20 Orancourt Stephen Rigley & Rita Burke Anne Marie Henry 18 Oranbay Stephen Lyons Tomas Meenaghan Elizabeth Naughton Josephine Gilmartin Tom & Celine Graham 4 Oran Grove Donaldson Mudyara Ciaran Leavy & Aine Dunne Aine Dunne Liam Frawley Fiona Keane Barry Diamond Martina Flavin Niall Mannion Hilary Bourke Ruth Beatty Peter Cooke 18 Oran Grove 19 The Grove Daniel Mill Muriel Finnegan Deirdre Sheedy Emma Corbett Olivia Kelly Olivia Kelly Aishling Leech Margaret & Enda Munnelly	Keith & Deirdre Kelly Declan O Brien Fiona O Haire & Fintan Finnerty Paula Canney Linda Tynan Paul McCarthy Derek & Jennifer Conneely Ruth Shanahan & Paul Rigney Angela Quirke Maeve Stapleton Mr. & Mrs. M. Conneely No 1 The Grove 2 The Grove 10 Oran Green Andrew Heavey Patrick & Margaret Timothy Mark Tierney 14 Oran Crescent 15 Oran Crescent Martin Glynn & Fionnuala Delahunty Audrey O Connell & Elaine O Connell Yvonne Forde, 20 Oran Crescent Dearbhail & Eadaoin O Callaghan 25 Oran Crescent 27 Oran Crescent Fergal Kilbane Karina Doyle Jillian Holt
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**Introduction:**

The following issue relates to additional land zoned Residential located on designated lands. These lands are part of Galway Bay Complex or Cregganna Marsh, which are designated as proposed Natural Heritage Areas, Special Protection Areas and candidate Special Areas of Conservation. Map 1 & Map 4 illustrates this.

There are three designations in the Oranmore area. Galway Bay Complex is a candidate SAC and pNHA (same site codes - 268). Inner Galway Bay is a SPA (site code 4031) and Cregganna Marsh SPA (site code 4142) and pNHA (site code 253).

Natural Heritage Areas are heritage sites that were selected for the protection of flora, fauna, habitats and geological sites of national importance. Special Areas of Conservation are designated for the conservation flora, fauna and habitats of European importance and Special Protection Areas are selected for the conservation of bird species and habitats of European importance<sup>1</sup>.

Cregganna Marsh SPA has been selected for the conservation of the EU Birds Directive Annex I species, Greenland White-fronted Goose, and is known as an important feeding/roosting area for the Rahasane flock. (This flock has only 2 feeding areas - Rahasane Turlough and Cregganna Marsh, making protection of the latter important for the overall protection of the flock.)

It is recognised that the pNHAs have not yet been designated however the subject land is designated under either the SPA or cSAC. It should be noted that Cregganna Marsh SPA and Galway Bay complex cSAC are fully protected by EU (Birds and Habitats Directives) and national legislation (European Communities (Natural Habitats) Regulations, 1997; S.I. no. 94 of 97). The cSAC is a candidate site and as such benefits from full legal protection.

**Cregganna Marsh SPA**

Cregganna Marsh is located in the townland of Oranhill. MA9, MA10, MA11, MA12, MA13 and MA14 are located here. Together these comprise of approximately 149 acres.

**Galway Bay Complex cSAC**

MA8, MA15, MA16, and MA17 are part of the Galway Bay Complex. Together these comprise of approximately 51 acres.

**Summary:**

In the initial Draft plan these lands were proposed to be zoned Amenity Environment. However, in the Amendments & Material Alterations to the Draft plan, these lands were proposed to be zoned Residential. It is now requested that these lands are zoned Amenity Environment.

The following points are submitted in support of these requests:

- It should be noted that it is the 'Member States' that are charged with conserving and protecting European sites, and with achieving the favourable conservation status of habitats and species of community importance (habitats and species listed on the annexes) these sites support. It is likely that, if these material alterations are adopted, and development in the SPA proceeds, a European Court judgement will be taken against Ireland for failing to protect the habitats and/or species for which these sites are listed.
- It should be noted that Article 6 of the EU Habitats Directive covers plans (e.g. Local Area Plans) and projects (e.g. developments). As it is at present the Oranmore plan is facilitating development that will result in significant adverse effect on a European site. Based on EU guidance (Article 6) this plan must not be adopted.

<sup>1</sup> The National Parks and Wildlife Services under the auspices of the Department of the Environment, Heritage and Local Government are responsible for the designation of the NHAs, SACs and SPAs. The designation of sites is a continuing process as boundaries are revised and adjusted and new sites are added. Galway County Council will take cognisance of any revisions and adjustments as furnished by the DoEHLG.

- It should be noted that Section 19 (2) of the Planning and Development Act 2000 states that a local area plan shall be consistent with the objectives of the development plan. The Residential zoning of designated lands directly contravenes a number of policies in the Galway County Development Plan 2003-2006, including policy 143 in particular and policies 139, 141 and 146:
  - **Policy 143** Have regard to any impacts developments may have on existing and proposed, Natural Heritage Areas, Special Protection Areas and Special Areas of Conservation....
  - **Policy 139** Support national agencies, local and community groups in protection, conservation and enhancement of the landscape and wildlife habitats.
  - **Policy 141** Use this (Natural Heritage) resource wisely, whilst at the same time protecting, conserving and enhancing the valuable asset.
  - **Policy 146** Maintain and enhance the natural heritage and amenity of the county by promoting and encouraging the preservation and retention of....wetlands.
  
- It should also be noted that the Residential zoning of designated lands contravenes and contradicts a number of policies and objectives in the Draft Oranmore Local Area Plan including:
  - **Policy 3.1.1** Manage and protect Oranmore's natural heritage where possible.
  - **Policy 3.1.3** Protect and conserve the habitats and species that have been identified in the Habitats Directive, Birds Directive, Wildlife Act 2000....
  - **Policy 3.1.9** Support the NPWS in the management, protection, conservation and enhancement of the landscape, natural heritage, designated sites, wildlife habitats and biodiversity of the plan area.
  - **Objective H3** Protect designated sites (cSACs, SPAs & NHAs) on Map 4, and any future sites designated in the life of the plan, and other important biodiversity areas.
  
- These lands currently contain flora, fauna, habitats and geological sites (GA095 103 to 109) of national and European importance. The local wildlife includes pheasant, hare, rabbit, and at certain times of the year Greenland White fronted Geese. If development is allowed on these lands in the future it will mean that this wildlife will have move away from the area and will probably never return.
- The proposed Residential zoning of these lands is premature and entirely inappropriate as Oranmore does not have the infrastructural capacity to deal with additional residential units. At present Oranmore suffers from daily prolonged traffic jams, the national schools are operating at capacity and there is a lack of crèche facilities. The re-opening of the rail track should take place immediately, regular bus routes should be in place, additional parking and park & ride facilities should all be provided. Only then should Galway County Council consider new residential developments. The lands between the Quality Hotel and Blackrock Hospital, known as 'Ardaun', should be considered if additional residential units are to be allocated.
- This additional Residential zoning proposed for Oranmore will lead to an urban sprawl with no proper educational facilities or recreational amenities, similar to Knocknacarra which became over developed with residential units in the 1990s with no proper infrastructural services in place.
- It should be noted that as of 7<sup>th</sup> April 2006 there are no pending or outstanding appeals of any of the lands of Cregganna Marsh SPA/pNHA and Galway Bay Complex cSAC within the Draft plan boundary.
- A number of the proposed residential zonings are also located on an Indicative Flood Plain. Galway County Council is requested to consult the Draft Development Plan Guidelines which refer to the importance, in zoning lands for development, of taking account of the physical suitability of the lands for development, notably lands subject to, or with potential impacts on

flood risks. The Draft Guidelines advise that, in addressing the issue of flooding, plans should identify areas that experience, or are at risk from flooding. In light of the above and given the availability of adequate land for development it is difficult to justify zoning land for residential development in an identified flood plain.

- It is the opinion of the National Parks and Wildlife Service, in the strongest terms possible and for the reasons outlined above, that material alterations MA 8 to MA 19 should not be adopted as part of the Oranmore Local Area Plan.

**Response:**

The Local Authority has an obligation to protect designated land from inappropriate development. When the Local Authority zones land, there is a presumption that the land is suitable for a certain type of development, i.e. residential, industrial, etc. Due to the designation of the subject lands, they are not suitable for any large scale development, therefore we, as the local authority, cannot recommend a Residential zoning. The most appropriate zoning is Amenity Environment.

The Residential zoning of significant areas of two European sites, Cregganna Marsh SPA and Galway Bay Complex cSAC directly contravenes the legal requirement of the EU Habitats and Birds Directives. The degradation of designated areas is prohibited under legislation including, as appropriate, the European Communities (Natural Habitats) Regulations 1997, the Wildlife (Amendment) Act 2000 and the European Communities (Conservation of Wild Birds) Regulations 1985 to 1995. It fails to conserve and protect significant parts of two internationally important sites; Residential zoning presupposes housing development that will result in the loss and/or destruction of habitats and/or species of European importance for which the sites have been selected.

The designation of the land takes precedence over zoning during the planning process however it is considered that a Residential zoning will pose a significant risk to these areas as it will provide possible grounds for the appeal of planning applications. In addition it is considered highly inappropriate for designated land to be zoned Residential when it is a policy of the Galway County Development Plan 2003-2009 to protect and conserve designated habitats, particularly policy 147 "Protect and conserve habitats, which have been identified in the Habitats Directive, Birds Directive, Wildlife Act 2000 and the Flora Protection Order nature reserves, Conemara National Park, Ramsar Sites and any other Directives, Acts or Policies which may be issued during the lifetime of this Plan".

One rationale for proposing a Residential zoning on these lands is that some of the designated land is currently under appeal to the Department of the Environment, Heritage and Local Government. However, as stated in the DoEHLG submission and summarised above, there are no pending or outstanding appeals of any of the lands of Cregganna Marsh SPA/pNHA and Galway Bay Complex cSAC within the Draft plan boundary as of 7<sup>th</sup> April 2006.

Another rationale for proposing these additional Residential zonings is that these the majority of these lands are zoned Residential in the current plan however under the Planning and Development Act 2000 there should be no presumption in law that any land zoned in a particular plan shall remain so zoned in any subsequent plan.

It must also be stated that GCC can not consider landownership in the preparation of the plan only appropriate planning and sustainable development and therefore landownership or size of land holding cannot be considered as justification for Residential zoning.

Furthermore, Material Alterations 8, 10, 11, 12, 13 and 16 are partly included in the Indicative Flood Plains. Section 5.3.18 of the plan states that development that is located within the Indicative Flood Plain Area which is sensitive to the effects of flooding in a flood prone area will generally not be permitted. Therefore it is considered inappropriate to zone the indicative Flood Plain for Residential development.

In addition, it is recognised that there are surplus lands proposed to be zoned Residential. The Draft Plan proposed 518 acres of residential zoning including 203 acres of undeveloped land. However the Council directed additional residential zonings to a total of 654 acres in the Amended Draft including 104 acres of land zoned Inner Residential and 394 acres of undeveloped land, making the Plan exceed the settlement objectives of the County Development Plan. This has been stated in Issue 1.

**Recommendation:**

Based on all the reasons shown above it is recommended that all designated areas, MA8, MA9, MA10, MA11, MA12, MA13, MA14, MA15, MA16 and MA17, revert to the original Draft plan zoning of Amenity Environment.

***It was proposed by Cllr Hoade and seconded by Cllr Healy Eames to reject the recommendation in the Manager's Report and to retain the residential zonings MA8, MA9, MA10, MA11, MA12, MA13, MA14, MA15, MA16 and MA17 as per the amendments and material alterations to the Draft Oranmore Local Area Plan.***

Mr Ridge stated the Planning Authority is obliged to have regard to these designations (proposed Natural Heritage Areas, cSpecial Areas of Conservation and Special Protection Areas) and added that these lands should not be zoned for residential purposes and that the most appropriate zoning is Amenity-Environment.

***A vote was taken on Cllr Hoade's proposal and the result of the vote was as follows:***

***AR SON: Cllr Conneely, Cllr. M. Connolly, Cllr Cuddy, , Cllr Healy Eames, Cllr. Hoade, Cllr. Hynes, , Cllr. Mc Donagh, Cllr McHugh, , Cllr Regan, Cllr S.Walsh, Cllr T. Walsh, Cllr. Welby, (12)***

***IN AGHAIDH: Cllr. Canney, Cllr D. Connolly, Cllr Feeney (3)***

***GAN VOTÁIL: Cllr Joyce Cllr Kyne, Cllr Mullins, Comh O'Tuairisg, Cllr Willers, (5)***

***The Mayor declared Cllr. Hoade's proposal carried***

**Issue 5 – MA 18 and MA19**

**Submitted by:**

Brian Kenny, Spatial Policy, Department of the Environment, Heritage & Local Government

**Issue 4A – MA18**

This issue relates to the additional land zoned Residential, MA18, which are located in the townland of Oranmore. In the initial Draft plan these lands were proposed to be zoned Community Facilities. However, in the Amendments & Material Alterations to the Draft plan, these lands were proposed to be zoned Residential.

**Issue 4B – MA19**

This issue relates to the reduction of the pumping station buffer zone from 100 metres to 75 metres.

**Summary:**

The points that were raised in relation to MA18 and MA19 are the same as those stated for Issue 3 and relate to the residential zoning of lands designated as SPA, cSAC and pNHA.

**Response:**

MA 18 lands proposed to be zoned Residential do not impinge on any designated lands and therefore the points made are not relevant. However there is approximately 654 acres proposed to be zoned Residential and Inner Residential in the Material Alterations to the Draft Oranmore Local Area Plan. Of this approximately 394 acres remain undeveloped. This is well in excess of that

required to facilitate the future housing requirements and development of Oranmore over the period of the plan. There is no justification for zoning additional lands residential.

MA 19 does not relate to the Residential zoning of any land and therefore the points made are not relevant.

**Recommendation:**

MA18 - Recommend to revert from proposed Residential to the original Draft plan zoning of Community Facilities.

*It was proposed by Cllr Healy Eames and seconded by Cllr Hoade to reject the recommendation in the Manager's Report and to retain the residential zoning on the lands the subject of MA 18 as per the amendments and material alterations to the Draft Oranmore Local Area Plan.*

*A vote was taken on Cllr Healy Eames's proposal and the result of the vote was as follows:*

*AR SON: Cllr Conneely, Cllr D. Connolly, Cllr. M. Connolly, Cllr Cuddy, Cllr Healy Eames, Cllr. Hoade, Cllr. Hynes, Cllr Joyce, Cllr Kyne, Cllr Mannion, Cllr. Mc Donagh, Cllr McHugh, Cllr Mullins Comh O'Tuairisg, Cllr Regan, Cllr T. Walsh, Cllr. Welby, Cllr Willers, (18)*

*IN AGHAIDH: (0)*

*GAN VOTÁIL: Cllr Canney, (1)*

*The Mayor declared Cllr. Healy Eames's proposal carried*

MA19 - No change recommended

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

**Issue 6 – MA 20**

**Submitted by:**

Aodhan Fitzgerald

A.M. Lavery, Chairman, Planning & Environment Unit, Oranmore Community Development Association

**Summary:**

MA 20 is located on the Coast Road in the townland of Garraun South. MA 20 comprises of approximately 1.6 acres. In the initial Draft plan these lands were proposed to be zoned Amenity Environment. However, in the Amendments & Material Alterations to the Draft plan, these lands were proposed to be zoned Town Centre (Mixed Development). It is now requested that these lands revert to the original Draft plan zoning of Amenity Environment.

The following points are submitted in support of this request:

- There is a strong objection to the zoning of proposed Amenity Environment land on the sea side of the Coast Road to Town Centre (Mixed Development). The subject lands should remain Amenity Environment.
- The subject lands adjoin Galway Bay Complex candidate Special Area of Conservation and it is therefore appropriate for such lands to be zoned Amenity Environment.
- The proposed Town Centre (Mixed Development) zoning and consequent scale of development of these lands will cause the loss of a high visual amenity. The densities and type of activities which this zoning will allow are not suited to the area which is a low density/agricultural area and would be detrimental both environmentally and socially.



- The zoning of lands on the other side of Oranmore Bay over a kilometre from the town centre as Town Centre (Mixed Development) is contrary to good planning practice and will further increase the level of urban sprawl.
- These lands are zoned Amenity Environment under the current adopted Oranmore Plan 2001 and Amenity Environment in the Draft Oranmore Local Area Plan clearly the proposed Town Centre (Mixed Development) zoning is due to developer pressure.
- The subject lands are located outside the 50 kmph speed limit and are therefore located on a main road with an 80kmph speed limit. Clearly the subject lands are outside the urban area of Oranmore Village and therefore a Town Centre (Mixed Development) zoning, with the scale of commercial development this zoning facilitates, is completely inappropriate and will increase traffic pressure in the area and lead to the creation of a serious road traffic hazard.
- The development of these lands as Town Centre (Mixed Development) will have a negative impact on the financial viability and vitality of the commercial core of Oranmore Village.
- Adjoining lands in the same ownership as the subject lands are zoned Village Centre/Commercial in the current Oranmore Development Plan 2001. These lands have not been developed in the intervening period since 2001.
- There is more than sufficient lands zoned for Town Centre (Mixed Development) both adjoining the subject lands and more appropriately in the village central commercial core to meet the needs of the community for the duration of the Oranmore Local Area Plan 2006-2012.

**Response:**

It is recognised that the points raised above are correct. The Manager's Report on Submissions Received for the Draft Oranmore Local Area Plan recommended that this land, MA 20, should not be zoned for Town Centre (mixed development) for a number of reasons. These included:

- There is sufficient land already proposed to be zoned for Town Centre (Mixed Development)
- The subject lands are located at a distance from the existing town core and therefore are not considered appropriate for a town centre zoning.
- A Town Centre (Mixed Development) zoning at this location would serve to weaken Oranmore's existing town centre and may, in the long term, have a negative effect on its vitality and viability.

However, the Council directed that this land should be zoned Town Centre(Mixed Development).

This Local Area Plan is designed to stimulate town centre mixed development and direct it to **appropriate** locations. The subject lands are considered inappropriate for Town Centre (Mixed Development) zoning and it is strongly recommended that the subject lands revert to the original Draft plan zoning of Amenity Environment.

It should be noted that this zoning does not prejudice existing use or affect existing permissions.

**Recommendation:**

It is therefore recommended that MA20 revert from proposed Town Centre (Mixed Development) to the original Draft plan zoning of Amenity Environment.

***It was proposed by Cllr Cuddy and seconded by Cllr McDonagh to reject the recommendation in the Manager's Report and to retain the proposed town centre ( mixed development ) zoning on the lands the subject of MA 20 as per the amendments & material alterations to the Draft Oranmore Local Area Plan.***

Cllr D Connolly stated that the town centre zoning was not appropriate at this location.

***A vote was taken on Cllr Cuddy's proposal and the result of the vote was as follows:***

***AR SON; Cllr Conneely, Cllr. M. Connolly, Cllr Cuddy, Cllr Healy Eames, Cllr. Hoade, Cllr. Hynes, Cllr Joyce, Cllr Mannion, Cllr. Mc Donagh, Cllr Mullins, Comh O'Tuairisg, Cllr Regan, Cllr. Welby, Cllr Willers, (14)***

**IN AGHAIDH: Cllr Canney, Cllr D. Connolly (2)**

**GAN VOTÁIL: (0)**

**The Mayor declared Cllr. Cuddy's proposal carried**

**Issue 7 – MA 21**

**Submitted by:**

A.M. Lavery, Chairman, Planning & Environment Unit, Oranmore Community Development Association

John O'Regan, Parents Action Group c/o Gaelscoil de hÍde

**Summary:**

MA 21 is located on the Coast Road in the townland of Garraun South. MA 21 comprises of 9.69 acres. In the initial Draft plan these lands were proposed to be zoned Amenity Greenbelt. However, in the Amendments & Material Alterations to the Draft plan, these lands were proposed to be zoned part Residential (7.69 acres) and part Community Facilities (2 acres). It is now requested that these lands revert to the original Draft plan zoning of zoned Amenity Greenbelt.

The following points are submitted in support of this request:

- The subject lands should be retained as a very necessary Greenbelt between the City and County Areas in order to maintain Oranmore's unique character and independence and avoid Oranmore being sucked into the growing eastern suburbs of Galway City.
- There are sufficient lands zoned Residential in the Draft Oranmore Local Area Plan to meet and exceed the residential needs of Oranmore over the life of the plan 2006-2012.
- To permit the part Residential and part Community Facilities zonings on these lands could cause the elimination of the proposed Park & Ride facility on the northern boundary of these lands. Two sites have been identified for Park & Ride facilities, however, with the expansion of the eastern suburbs of Galway City and the proposed Ardaun Corridor, all options for a Park & Ride facility should be maintained.
- The subject lands are located outside the 50 kmph speed limit and are therefore located on a main road with an 80kmph speed limit. Residential development adjoining an 80kmph speed limit would be completely inappropriate and would lead to the creation of a serious road traffic hazard.
- The zoning of the subject lands to part Residential and part Community Facilities would not be in the interest of proper planning and sustainable development of the area.
- The provision of additional lands zoned for Community Facilities on the Coast Road is welcome.

**Response:**

It is recognised that the recently announced Transport 21 strategy including the opening of a Commuter Railway Station in Oranmore and proposed Park & Ride facilities will have a huge impact on the town of Oranmore. Accordingly, the Draft plan provides a range of zoning, including the Greenbelt zoning of the subject lands, which would allow the town to grow and take advantage of the opportunities that this will bring. A Residential zoning on these lands will not facilitate the development of these much needed public services.

It should be noted that there is approximately 654 acres proposed to be zoned Residential and Inner Residential in the Material Alterations to the Draft Oranmore Local Area Plan. Of this approximately 394 acres remain undeveloped which at a density of 10 units per acre could accommodate an additional 3,940 residential units<sup>2</sup>. This is seriously in excess of that required to facilitate the future housing requirements and development of Oranmore over the period of the plan and will result in unbalanced zoning. There will be a presumption for more residential units

<sup>2</sup> The variation to the County Settlement Strategy 2003-2009, currently on public display, allocates 950 units to Oranmore

and less community facilities, industry and other land uses. This will result in Oranmore increasing its role as a satellite town for Galway City instead of increasing its self sufficiency.

As stated in the summary, the subject lands are located outside the 50 kmph speed limit and are therefore located on a main road with an 80kmph speed limit. Residential development<sup>3</sup> adjoining an 80kmph speed limit would be completely inappropriate and would lead to the creation of a serious road traffic hazard.

There is no justification for zoning the subject lands Residential.

**Recommendation:**

It is recommended that MA21 revert from proposed Residential and Community Facilities to the original zoning of Greenbelt.

*It was proposed by Cllr Healy Eames and seconded by Cllr Cuddy to reject the recommendation in the Manager's Report and to retain the proposed residential and community facilities zonings on the lands the subject of MA 21 as per the amendments & material alterations to the Draft Oranmore Local Area Plan.*

*A vote was taken on Cllr Healy Eames's proposal and the result of the vote was as follows:*

*AR SON: Cllr Canney, Cllr Conneely, Cllr. M. Connolly, Cllr Cuddy, Cllr Healy Eames, Cllr. Hoade, Cllr. Hynes, Cllr Joyce, Cllr. Kyne, Cllr Mannion, Cllr. Mc Donagh, Cllr Mullins, Comh O'Tuairisg, Cllr Regan, Cllr. Welby, Cllr Willers, (16)*

*IN AGHAIDH: (0)*

*GAN VOTÁIL: (0)*

*The Mayor declared Cllr. Healy Eames's proposal carried*

**Issue 8 – MA 22**

**Submitted by:**

A.M. Lavery, Chairman, Planning & Environment Unit, Oranmore Community Development Association

John O'Regan, Parents Action Group c/o Gaelscoil de hÍde

**Summary:**

MA 22 is located on the Coast Road in the townland of Garraun South. MA 22 comprises of 25.1 acres. In the initial Draft plan these lands were proposed to be zoned Residential. However, in the Amendments & Material Alterations to the Draft plan, these lands were proposed to be part zoned Community Facilities (11.6 acres) and part zoned Recreation & Amenity (13.5 acres). This submission is in support of the current zoning of MA 22.

The following points are submitted in support:

- It is necessary that adequate lands are zoned for Community Facilities and Recreation and Amenity as Oranmore is scheduled to undergo a virtual doubling of its population by 2012.
- There is already a negative equity with regard to Community Facilities, Amenity & Recreation lands in Oranmore. All of the subject lands are needed for Community Facilities and playing pitches to accommodate the existing and future growth of Oranmore and would be in the interest of proper planning and sustainable development.
- Residential zoning of any part of this land would be inappropriate as the subject lands are located outside the 50 kmph speed limit and are therefore located on a main road with an

<sup>3</sup> Based on a density of 10 residential units to the acre the subject lands could accommodate approximately 77 units.

80kmph speed limit. Residential development adjoining an 80kmph speed limit would be completely inappropriate and would lead to the creation of a serious road traffic hazard.

- The provision of lands zoned for Community Facilities on the Coast Road is welcome.

**Response:**

It is recognised that there is not sufficient land proposed to be zoned Community Facilities and Recreation & Amenity in the Draft plan. The Manager's Report on submissions received on the Draft plan recommends that an additional 30 acres are zoned Community Facilities and Recreation & Amenity. This Manager's Report recommends that MA22 retain its current proposed zoning of part Community Facilities and part Recreation & Amenity.

**Recommendation:**

No change to the Amendments and Material Alterations document.

*It was proposed by Cllr Regan and seconded by Cllr. Mannion to zone the lands the subject of MA 22 part residential (13.5 acres ) and part Community Facilities (11.6 acres).*

*It was proposed by Cllr Healy Eames and seconded by Cllr Hoade to accept the recommendation in the Manager's Report.*

*A vote was taken on Cllr Regan's proposal and the result of the vote was as follows:*

**AR SON:**, Cllr Conneely, Cllr. M. Connolly, Cllr. Hynes, Cllr Joyce, Cllr Mannion, Cllr Regan, Cllr. S Walsh, (7)

**IN AGHAIDH:** Cllr Canney, Cllr Healy Eames, Cllr. Hoade, Cllr. Kyne, Cllr. Mc Donagh, Cllr. McHugh, Cllr Mullins, Cllr Willers (8)

**GAN VOTÁIL:** Cllr Cuddy Cllr. Welby, (2)

*The Mayor declared Cllr. Regan's proposal lost*

*A vote was taken on Cllr Healy Eames's proposal and the result of the vote was as follows:*

**AR SON:** Cllr Canney, , Cllr Cuddy, Cllr Healy Eames, Cllr. Hoade, , Cllr. Kyne Cllr. Mc Donagh, Cllr. McHugh, Cllr Mullins, , Cllr. Welby, Cllr Willers, (10)

**IN AGHAIDH:** Cllr Conneely, Cllr. M. Connolly Cllr Joyce, , Cllr Mannion, Comh O'Tuairisg, Cllr Regan, Cllr. S. Walsh (7)

**GAN VOTÁIL:** Cllr. Hynes (1)

*The Mayor declared Cllr. Healy Eames's proposal carried*

**Issue 9 – MA 26**

**Submitted by:**

Aodhan Fitzgerald

**Summary:**

It is requested that the Urban Design Framework be altered to reflect the zoning of the Frenchfort/Carrowmoneash Wetlands from Residential to Amenity Environment.

**Response:**

MA 26, shown on Map 2 & 2A of the Material Alterations to the Draft Oranmore Local Area Plan, shows the Urban Design Framework removed from the Frenchfort/Carrowmoneash Wetlands as requested.

**Recommendation:**

No change to the Amendments and Material Alterations document.

***On the proposal of Cllr. Cuddy and seconded by Cllr. McDonagh it was agreed to accept the recommendation in the Manager's Report.***

**Issue 10 – MA 28**

**Submitted by:**

Stephen Harris c/o A.P. McCarthy Planning Consultants

**Summary:**

This issue refers to MA 28, which is located in the townland of Oranmore off the Dublin Road. It is proposed to be zoned Town Centre (Mixed Development) in the Amendments & Material Alterations to the Draft Plan and is the subject of objective T3 'Reserve lands on Main Street in order to facilitate the development of public car parking facilities in the vicinity of the town centre'. It is now requested that objective T3 is reworded to remove the ambiguity referred to below, and to allow for the development of car parking in conjunction with town centre development.

The following points are submitted in support of this request:

- This objective is ambiguous and has potentially significant implications for the development potential of the subject lands.
- It is not clear from this objective whether the subject lands, and other lands, are reserved exclusively for public car parking or whether other developments can take place in addition to the provision of public car parking.
- The subject lands have been the subject of 2 recent planning applications, both of which included the provision of basement car parking over the full extent of the site. It is the developer's intention that the car parking provision on this site would be available for public use. It is suggested that this approach is the most appropriate for a town centre location where car parking is provided below ground level, in conjunction with a mixed use development, as opposed to the reservation of lands for unattractive surface car park, which will significantly detract from the development of the town centre and is not in accordance with the principles of sustainable development.
- It is considered that the provision of car parking is appropriate in conjunction with the development of the subject lands for town centre/mixed development, with the car park available for public use.

**Response:**

The issue of the exact provision of public/private car parking on this site with regard to the fulfilment of objective T3 will be assessed based on Pre-planning consultation and subsequent planning application.

**Recommendation:**

No change to the Amendments and Material Alterations document.

***On the proposal of Cllr. Healy Eames and seconded by Cllr. Hoade it was agreed to amend the wording of objective T3 and to remove it from Map 3, Specifics Objectives Map.***

***The amended wording is as follows, "Identify and seek to acquire lands on Main Street and Dublin Road within the Town Centre ( Mixed Use ) zoning in order to facilitate public car parking facilities in the vicinity of the town centre".***

**Issue 11 – Policy 3.14.3**

**Submitted by:**

John O' Regan, Parents Action Group c/o Gaelscoil de hÍde

**Summary:**

This submission supports policy 3.14.3 "Co-operate with the relevant bodies in the provision of new and adequate facilities for Gaelscoil de hÍde".

**Response:**

This Local Area Plan represents the framework for development in Oranmore. It is appropriate to include policy 3.14.3.

**Recommendation:**

No change to the Amendments and Material Alterations document.

*On the proposal of Cllr. Cuddy and seconded by Cllr. McDonagh it was agreed to accept the recommendation in the Manager's Report.*

**Issue 12 – Environmental Assessment**

**Submitted by:**

Brian Kenny, Dept of Environment, Heritage and Local Government.

**Summary:**

The Planning and Development Act 2000, takes into account the requirements of the EU Habitats and Birds Directives, including in relation to the preparation of Local Area Plans, Section 19 (4) of the Act states that "a local area plan shall contain information on the likely significant effects on the environment of implementing the plan".

The Draft plan contains an environmental assessment of the likely significant effects on the environment of implementing the plan. This includes mitigation measures. The 'Environmental Assessment of Local Area Plan' (Appendix 1) fails to take into account the likely effects of the material alterations, particularly on designated lands (MA 8 to 19) and therefore does not assess the implications of changes in zoning for the habitats and species for which these designated sites are listed.

Any appropriate assessment would find that the changes brought about by the material alterations will result in severe or major adverse impacts on two European sites, Cregganna Marsh SPA and Galway Bay Complex cSAC.

**Response:**

It is recognised that the environmental assessment will need to be amended if the additional zonings are included in the adopted plan. If this occurs it is recommended that the current environmental assessment is amended as shown in Appendix 2 of this Report.

**Recommendation:**

Deleted Material Alterations:

Or

Insert amended environmental assessment.

*On the proposal of Cllr. Cuddy and seconded by Cllr. McDonagh it was agreed to accept the recommendation in the Manager's Report to insert amended environmental assessment.*

**On the proposal of Cllr McDonagh and seconded by Cllr Healy Eames it was agreed to adopt the Oranmore Local Area Plan as amended**

Cllr McDonagh thanked the Members and the officials for the amount of work that was put into compiling the Oranmore Local Area Plan.

Cllr Healy Eames also thanked the Members and officials and added that this plan was a good solution for Oranmore.

Mr Ridge thanked the Members and officials for the work and effort that was put into the Oranmore Local Area Plan. He said that the Final publication of the Local Area Plan will aim to contain photographs of the area. Any text or mapping errors will be corrected.

The Mayor also complimented the Members and the officials on the difficult task of making the Oranmore Local Area Plan and for enabling the plan to be adopted.

**TO CONSIDER THE MANAGERS REPORT ON SUBMISSIONS RECEIVED ON THE MATERIAL ALTERATIONS AND AMENDMENTS TO THE OUGHTERARD LOCAL AREA PLAN PREPARED IN ACCORDANCE WITH SECTION 20 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED.**

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The Mayor invited Mr Gavin to present the Manager's Report prepared on the submissions that were received on the Amendments and Material Alterations to the Draft Oughterard Local Area Plan.

Mr Gavin explained that in total, 26 written submissions were received within the 4-week period, of which three did not relate to the Material Alterations. In accordance with Section 20(3) of the Planning and Development Act, submissions on issues which were not part of the Material Alterations could not be accepted at this stage of the Plan preparation process.

He added that in line with the requirements set down by the Planning Acts, the Full Council must consider this report and adopt the Oranmore Local Area Plan by 20<sup>th</sup> July 2006.

Mr Gavin explained that the Manager's Report was divided into 11 issues and he commenced with Issue 1

**Issue 1 – Cregg Wood – MA 21**

**Introduction**

This issue relates to Cregg Wood.

**Submitted by:**

- Margaret Smith
- John Smith
- Mrs. Norah O' Meara
- Maureen Murray Nee Kelly
- Peter Murray

**Summary:**

This issue refers to MA 21, which is located in the town land of Cregg and comprises of approximately 3.6 acres. In the initial Draft Plan the land was proposed to be zoned Recreation & Amenity. However, in the Amendments & Material Alterations to the Draft Plan, the area is proposed to be zoned Residential. It is now requested that the residential zoning is removed.

The following points are submitted in support of this request:

- The wood is a unique for its wildlife and blackstone.
- It is the only wood proximate to the town centre.
- The area should be considered as an area of special preservation due to its historical, geological and scenic value to the village.
- The area is rich in flora and fauna.
- The following features add to the areas significance, 3 wells, three paths and right of ways, an ancient lime kiln and an indigenous wood.

**Response**

It is recognised that Cregg Wood is an important natural amenity in Oughterard. The scenic landscape provides wildlife habitats and a green corridor for the movement of wildlife. In order to preserve this natural amenity in Oughterard it is considered appropriate that no development is facilitated in these woodlands. It is therefore considered that the most appropriate zoning for the woodlands is Recreation and Amenity.

In addition it is also recognised that there is a surplus of lands proposed to be zoned Residential. The Draft Plan proposed 211.5 acres of residential zoning. While this is in excess of the requirements of the County Development Plan settlement framework, it allows a considerable degree of flexibility in promoting development if some lands were not presented for development.

However the Council directed additional residential zonings to a total of 331.5 acres in the Amended Draft, making the Plan exceed the settlement quotas of the County Development Plan 2003 - 2009.

This Local Area Plan is designed to stimulate development and direct it to **appropriate** locations. However by significantly over zoning; we are unable to do this. This Plan contains a substantial amount of residential land. This can lead to ad hoc, haphazard development and creates a need for an uneconomical extension of services to these lands. The quality of life for residents in these peripheral areas will be diminished as they will be car-dependant and may lack adequate infrastructural requirements such as footpaths and public lighting.

If the Residential zoning is adopted on Cregg Woodlands it is recommended that an objective is put in place to provide a through walking corridor. In addition it is recommended that any proposed developments for the area are required to submit a habitat survey and proposal for the protection of valuable habitats as part of the landscaping proposals or the development.

**Recommendation**

Revert to original Recreation and Amenity zoning as shown in the Draft Oughterard Local Area Plan.

*It was proposed by Cllr. Conneely and seconded by Cllr Kyne to reject the recommendation in the Manager's Report and to retain the residential zoning MA 21 as per the amendments and material alterations to the Draft Oughterard Local Area Plan and to include an objective to prepare a tree survey for any development that occurs in Cregg Wood.*

*A vote was taken on Cllr Conneely's proposal and the result of the vote was as follows:*

**AR SON: Cllr Canney, Cllr Conneely, Cllr Cuddy, Cllr Healy Eames, Cllr. Hynes, Cllr. Joyce, Cllr Kyne, Cllr Mannion, Cllr McHugh, Cllr Mullins, Comh O'Tuairisg, Cllr S.Walsh, Cllr T. Walsh, Cllr Willers, (14)**



**IN AGHAIDH: (0)**

**GAN VOTÁIL: Cllr. Welby (1)**

**The Mayor declared Cllr. Conneely's proposal carried.**

## **Issue 2 - Additional Residential Zoning.**

### **Introduction**

This issue relates to the additional land zoned Residential in the Amendments and Material Alterations to the Draft Plan.

### **Submitted by:**

Dorothy Gilbert  
Gerry Kinneavy  
Delia Dixan, Matt Molloy and others  
Patrick Geoghegan  
Mary McPhillips  
Niall McPhillips  
Joe Howlett  
Carmell Geoghegan  
Oughterard Community Council  
John Gibbons, Oughterard Anglers & Boatmen's Assoc. Ltd  
Brian Kenny, Dept. of Environment, Heritage and Local Government

## **MA 1 and MA 2**

### **Summary**

#### **MA1**

The subject lands are located in the town land of Lemonfield and comprise of 6.8 acres. In the initial Draft Plan this land was outside the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan the proposed Plan boundary has been extended and the land is proposed to be zoned Residential (6.8 acres).

#### **MA 2**

The subject lands are located in the town land of Lemonfield and comprise of 11.6 acres. In the initial Draft Plan this land was outside the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan the proposed Plan boundary has been extended and the land is proposed to be zoned Residential.

### **Summary**

A number of submissions were made which object to MA 1 and MA 2. The following points are submitted in support of this objection:

- These areas include significant peat lands as well as areas of woodlands. The zoning of these areas would have serious ecological and hydrological impacts and loss of biodiversity.
- In summer yellow furze and heather grow there making it an attractive visual amenity.
- A walkway - 'The Old Bog Road' - proximate to the subject lands is an important amenity.
- Concern has been expressed about the preservation of the local environment, distinctive character of the area and natural heritage.
- The zoning of more land residential in Oughterard would be against the wishes of the majority of Oughterard people.
- The additional land zoned will provide for a larger population growth in the town which will put a strain on the already limited amenities in the town.

- The zoning of these lands contravene a number of policies in the Draft Oughterard Local Area Plan and the County Development Plan such as policy 139, 141, 142 and 146.

**Response:**

It is recognised that there is a surplus of lands proposed to be zoned Residential. The Draft Plan proposed 211.5 acres of residential zoning. While this would be in excess of the requirements of the County Development Plan settlement framework, it would allow a degree of flexibility in promoting development if some lands were not presented for development.

However the Council directed additional residential zonings to a total of 331.5 acres in the Amended Draft, making the Plan exceed the settlement objectives of the County Development Plan.

This Local Area Plan is designed to stimulate development and direct it to **appropriate** locations. However by significantly over zoning; we are unable to do this. This Plan contains a substantial amount of residential land. This can lead to ad hoc, haphazard development and creates a need for an uneconomical extension of services to these lands. The quality of life for residents in these peripheral areas will be diminished as they will be car-dependant and may lack adequate infrastructural requirements such as footpaths and public lighting.

Furthermore, the excessive residential zonings render the Local Area Plan inconsistent with the hierarchy of plans, such as the National Spatial Strategy, Regional Planning Guidelines and the County Development Plan. The Plan is also contrary to both the Settlement Strategy and the Galway Transportation and Planning Study. This disregards the legal requirement to remain consistent with each preceding plan.

It is recognised that the location of the additional residential zonings has not been based on established need and is contrary to the strategic aim of the Local Area Plan and the County Development Plan 2003 – 2009.

This Local Area Plan will not achieve the balance necessary for the development of a sustainable community therefore it is recommended that the additional residential lands are deleted from the adopted Plan.

**Recommendation**

It is recommended that MA 1 and MA 2 remain outside the proposed Plan Boundary as shown in the Draft Plan.

***It was proposed by Cllr S. Walsh and seconded by Cllr Conneely to reject the recommendation in the Manager's Report and to extend the plan boundary and retain the residential zoning on the lands the subject of MA1 and MA 2.***

***A vote was taken on Cllr Walsh's proposal and the result of the vote was as follows:***

***AR SON: Cllr Conneely, Cllr. M. Connolly, Cllr Cuddy, Cllr Healy Eames, Cllr. Hoade, Cllr. Hynes, Cllr. Joyce, Cllr Mannion, Cllr McHugh, Comh O'Tuairisg, Cllr. Regan, Cllr S.Walsh, Cllr T. Walsh, Cllr Willers. (14)***

***IN AGHAIDH: Cllr. Welby (1)***

***GAN VOTÁIL: Cllr Kyne, Cllr McDonagh, Cllr Mullins (3)***

***The Mayor declared Cllr. Walsh's proposal carried.***

**MA 4 - MA 10 and MA 12**

**Summary**

**MA 4**

MA 4 is in the town land of Lemonfield and comprises of approximately 3 acres. In the initial Draft Plan the land was proposed to be zoned Tourism. However, in the Amendments & Material Alterations to the Draft Plan, the area is proposed to be zoned Residential.

**MA 5**

MA 5 is in the town land of Lemonfield and comprises of approximately 9.4 acres. In the initial Draft Plan 2 acres of MA 5 were inside the proposed Plan boundary and were proposed to be zoned Tourism. However, in the Amendments & Material Alterations to the Draft Plan the proposed Plan boundary has been extended and the land is proposed to be zoned Residential (2 acres) and Enterprise/Industry (7.4 acres).

**MA 6**

MA 6 is in the town land of Lemonfield and comprises of approximately 6 acres. In the initial Draft Plan 2.3 acres of MA 6 were inside the proposed Plan boundary and were proposed to be zoned Tourism. However, in the Amendments & Material Alterations to the Draft Plan the proposed Plan boundary has been extended and the land is proposed to be zoned Residential (2.3 acres) and Enterprise/Industry (3.7 acres).

**MA 7**

MA 7 is in the town land of Lemonfield and comprises of approximately 6.3 acres. In the initial Draft Plan 2.6 acres of MA 6 were inside the proposed Plan boundary and were proposed to be zoned Enterprise/Industry. However, in the Amendments & Material Alterations to the Draft Plan the proposed Plan boundary has been extended and the land is proposed to be zoned Residential (2.6 acres) and Enterprise/Industry (3.7 acres).

**MA 8**

MA 8 is in the town land of Lemonfield and comprises of approximately 2.7 acres. In the initial Draft Plan this land was inside the proposed Plan boundary and was proposed to be zoned Enterprise/Industry. However, in the Amendments & Material Alterations to the Draft Plan the land is proposed to be zoned Residential (2.7 acres).

**MA 9**

MA 9 is in the town land of Lemonfield and comprises of approximately 3.9 acres. In the initial Draft Plan this land was inside the proposed Plan boundary and was proposed to be zoned Enterprise/Industry. However, in the Amendments & Alterations to the Draft Plan the land is proposed to be zoned Residential (3.9 acres).

**MA 10**

MA 10 is in the town land of Lemonfield and comprises of approximately 4.3 acres. In the initial Draft Plan this land was inside the proposed Plan boundary and was proposed to be zoned Enterprise/Industry. However, in the Amendments & Material Alterations to the Draft Plan the land is proposed to be zoned Residential (4.3 acres).

**MA 12**

MA 12 is in the town land of Lemonfield and comprises of approximately 5 acres. In the initial Draft Plan this land was outside the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan the proposed Plan boundary has been extended and the land is proposed to be zoned Residential (5 acres).

A number of submissions were made which object to MA 4, MA 5, MA 6, MA 7, MA 8, MA 9, MA 10 and MA 12. The following points are submitted in support of these objections:

- These areas include significant peat lands as well as areas of woodlands. The zoning of these areas would have serious ecological and hydrological impacts and loss of biodiversity.
- A walkway - 'The Old Bog Road' - proximate to the subject lands is an important amenity.

- The zoning of more land residential in Oughterard would be against the wishes of the majority of Oughterard people.
- The zoning of MA 5 -7 and MA 11 contravene a number of policies in the Draft Oughterard Local Area Plan and the County Development Plan such as policy 139, 141, 142 and 146.

**Response:**

It is recognised that there is a surplus of lands proposed to be zoned Residential. The Draft Plan proposed 211.5 acres of residential zoning. While this would be in excess of the requirements of the County Development Plan settlement framework, it would allow a degree of flexibility in promoting development if some lands were not presented for development.

However the Council directed additional residential zonings to a total of 331.5 acres in the Amended Draft, making the Plan exceed the settlement objectives of the County Development Plan.

This Local Area Plan is designed to stimulate development and direct it to **appropriate** locations. However by significantly over zoning; we are unable to do this. This Plan contains a substantial amount of residential land. This can lead to ad hoc, haphazard development and creates a need for an uneconomical extension of services to these lands. The quality of life for residents in these peripheral areas will be diminished as they will be car-dependant and may lack adequate infrastructural requirements such as footpaths and public lighting.

Furthermore, the excessive residential zonings render the Local Area Plan inconsistent with the hierarchy of plans, such as the National Spatial Strategy, Regional Planning Guidelines and the County Development Plan. The Plan is also contrary to both the Settlement Strategy and the Galway Transportation and Planning Study. This disregards the legal requirement to remain consistent with each preceding plan.

It is recognised that the location of the additional residential zonings has not been based on established need and is contrary to the strategic aim of the Local Area Plan and the County Development Plan 2003 – 2009.

This Local Area Plan will not achieve the balance necessary for the development of a sustainable community therefore it is recommended that the additional residential lands are deleted from the adopted Plan.

**Recommendation**

It is recommended that:

- MA 4 reverts back to its original Tourism zoning as shown in the Draft Plan.
- MA 5 reverts back to its original Plan boundary and Tourism zoning as shown in the Draft Plan.
- MA 6 reverts back to its original Plan boundary and Tourism zoning as shown in the Draft Plan.
- MA 7 reverts back to the original Plan boundary and Enterprise/Industry zoning as shown in the Draft Plan.
- MA 8 reverts back to its original Enterprise/Industry zoning as shown in the Draft Plan.
- MA 9 reverts back to its original Enterprise/Industry zoning as shown in the Draft Plan.
- MA 10 reverts back to its original Enterprise/Industry zoning as shown in the Draft Plan.
- MA12 remains outside the Plan boundary as shown in the original Draft Plan.

***It was proposed by Cllr. S. Walsh and seconded by Cllr Welby to reject the recommendation in the Manager's Report and to extend the plan boundary and to retain the zonings on MA 4, MA5 MA6, MA7, MA8, MA9, MA10, and MA 12 as per the amendments and material alterations to the Draft Oughterard Local Area Plan.***

***A vote was taken on Cllr Walsh's proposal and the result of the vote was as follows:***

**AR SON:** Cllr. Canney, Cllr Conneely, Cllr. M. Connolly, Cllr Cuddy, Cllr. Hynes, Cllr. Joyce, Cllr Kyne Cllr Mannion, Cllr McDonagh Cllr McHugh, Cllr Mullins, Comh O'Tuairisg, Cllr. Regan, Cllr S.Walsh, Cllr T. Walsh, Cllr. Welby , Cllr Willers. (17)

**IN AGHAIDH:** (0)

**GAN VOTÁIL:** Cllr Healy Eames, (1)

*The Mayor declared Cllr. Walsh's proposal carried.*

**MA 27, MA 28, MA30, MA32 and MA 33**

### Summary

#### **MA 27**

MA 27 is partially in the in the town land of Cregg and partially in the townland of Canrawer West and it comprises of approximately 2.8 acres. In the initial Draft Plan this land was outside the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan the proposed Plan boundary has been extended and the land is proposed to be zoned Residential (2.8 acres).

#### **MA 28**

MA 28 is in the town land of Canrawer West and comprises of approximately 1 acre. In the initial Draft Plan this land was outside the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan the proposed Plan boundary has been extended and the land is proposed to be zoned Residential (1 acre).

#### **MA 30**

MA 30 is in the town land of Canrawer West and comprises of approximately 1.6 acres. In the initial Draft Plan this land was outside the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan the proposed Plan boundary has been extended and the land is proposed to be zoned Residential (1.6 acres).

#### **MA 32**

MA 32 is in the town land of Canrawer East and comprises of approximately 0.4 acres. In the initial Draft Plan this land was proposed to be zoned part Recreation and Amenity and part Agriculture. However, in the Amendments & Material Alterations to the Draft Plan the area is proposed to be zoned residential.

#### **MA 33**

MA 33 is in the town land of Canrawer West and comprises of approximately 1.6 acres. In the initial Draft Plan this land was outside the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan the proposed Plan boundary has been extended and the land is proposed to be zoned Residential (1.6 acres).

A number of submissions were received objecting to MA 27, MA 28, MA 30, MA 32 and MA 33. The following points are submitted in support of this objection:

- These material alterations are in the middle of an agricultural area.
- Oughterard is in danger of becoming a dormitory town for Galway.
- There is no planning for anything else other than residential development in Oughterard.
- A subterranean stream which runs through Canrawer, the development of this area could lead to the pollution of the cSAC.
- The zoning of MA 32 and MA 33 contravene a number of policies in the Draft Oughterard Local Area Plan and the County Development Plan such as policy 139, 141, 142 and 146.

In addition to the points raised above concern was expressed that MA 32 and MA 33 are within the cSAC. The proposed zoning of these lands Residential contravenes EU and nation legislation and policy 3.2.12 and objective H3 in the Plan. It is requested that these Material alterations be removed.

#### **Response**

It is recognised that there is a surplus of lands proposed to be zoned Residential. The Draft Plan proposed 211.5 acres of residential zoning. While this would be in excess of the requirements of the County Development Plan settlement framework, it would allow a degree of flexibility in promoting development if some lands were not presented for development.

However the Council directed additional residential zonings to a total of 331.5 acres in the Amended Draft, making the Plan exceed the settlement objectives of the County Development Plan.

This Local Area Plan is designed to stimulate development and direct it to **appropriate** locations. However by significantly over zoning; we are unable to do this. This Plan contains a substantial amount of residential land. This can lead to ad hoc, haphazard development and creates a need for an uneconomical extension of services to these lands. The quality of life for residents in these peripheral areas will be diminished as they will be car-dependant and may lack adequate infrastructural requirements such as footpaths and public lighting.

Furthermore, the excessive residential zonings render the Local Area Plan inconsistent with the hierarchy of plans, such as the National Spatial Strategy, Regional Planning Guidelines and the County Development Plan. The Plan is also contrary to both the Settlement Strategy and the Galway Transportation and Planning Study. This disregards the legal requirement to remain consistent with each preceding plan.

It is recognised that the location of the additional residential zonings has not been based on established need and is contrary to the strategic aim of the Local Area Plan and the County Development Plan 2003 – 2009.

This Local Area Plan will not achieve the balance necessary for the development of a sustainable community therefore it is recommended that the additional residential lands are deleted from the adopted Plan.

#### **Recommendation**

It is recommended that:

- MA 27 remains outside the Plan boundary as shown in the original Draft Plan.
- MA 28 remains outside the Plan boundary as shown in the original Draft Plan.
- MA 30 remains outside the Plan boundary as shown in the original Draft Plan.
- MA 32 reverts back to the part Recreation and Amenity and part Agriculture zoning as indicated in the original Draft Plan.
- MA 33 remains outside the Plan boundary as shown in the original Draft Plan.

***It was proposed by Cllr S. Walsh and seconded by Cllr Welby to reject the recommendations in the Manager's Report and to retain the residential zoning on MA 27 and to extend northwards from MA 27 to meet the old railway line corridor and zone this land from proposed recreational and amenity to residential as per the map presented to the meeting and also to retain the residential zonings on MA 28, MA30, MA32 and MA33 as per the amendments and the material alterations to the draft Oughterard Plan.***

***A vote was taken on Cllr Walsh's proposal and the result of the vote was as follows:***

**AR SON:** Cllr. Canney, Cllr Conneely, Cllr. M. Connolly, Cllr Cuddy, Cllr. Hoade, Cllr Kyne  
Cllr Mannion, Cllr McDonagh Cllr McHugh, Cllr Mullins, Comh O'Tuairisg, Cllr. Regan, Cllr  
S.Walsh, Cllr T. Walsh, Cllr. Welby , Cllr Willers. (16)

**IN AGHAIDH:** (0)

**GAN VOTÁIL:** (0)

*The Mayor declared Cllr. Walsh's proposal carried.*

**MA 47 – MA 50**

**Summary**

**MA 47**

The subject lands are located in the town land of Eighterard. In the initial Draft Plan the land was not included in the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan, the proposed Plan boundary has been extended and the land is proposed to be zoned Residential.

**MA 48**

The subject lands are located in the town land of Eighterard. In the initial Draft Plan the land was included in the proposed Plan boundary and proposed to be zoned Agriculture. However, in the Amendments & Material Alterations to the Draft Plan, the subject land is proposed to be zoned Residential.

**MA 49**

This issue refers to MA 49, which is located in the town land of Eighterard. In the initial Draft Plan the land was not included in the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan, the proposed Plan boundary has been extended and the land is proposed to be zoned Residential.

Submissions were received objecting to MA 47, MA 48 and MA 49. The following points were made in support of these objections:

- The approximate density of this area is one unit per half acre or one unit per acre. Future development should reflect the existing density.
- Concerns have been raised with regard to flooding in this area.

A submission was also received requesting that MA 47 is extended to include 2.6 acres of land to the north of it and it is all zoned Residential.

It has also been requested that MA 49 is extended to include 5 acres of land to the north of it and it is all zoned Residential.

In addition it is requested that MA 50 is extended to include approximately 8.4 acres of land to the north of it and it is all zoned Residential.

**Response:**

It is recognised that there is a surplus of lands proposed to be zoned Residential. The Draft Plan proposed 211.5 acres of residential zoning. While this would be in excess of the requirements of the County Development Plan settlement framework, it would allow a degree of flexibility in promoting development if some lands were not presented for development.

However the Council directed additional residential zonings to a total of 331.5 acres in the Amended Draft, making the Plan exceed the settlement objectives of the County Development Plan.

This Local Area Plan is designed to stimulate development and direct it to **appropriate** locations. However by significantly over zoning; we are unable to do this. This Plan contains a substantial amount of residential land. This can lead to ad hoc, haphazard development and creates a need for an uneconomical extension of services to these lands. The quality of life for residents in these peripheral areas will be diminished as they will be car-dependant and may lack adequate infrastructural requirements such as footpaths and public lighting.

Furthermore, the excessive residential zonings render the Local Area Plan inconsistent with the hierarchy of plans, such as the National Spatial Strategy, Regional Planning Guidelines and the County Development Plan. The Plan is also contrary to both the Settlement Strategy and the Galway Transportation and Planning Study. This disregards the legal requirement to remain consistent with each preceding plan.

It is recognised that the location of the additional residential zonings has not been based on established need and is contrary to the strategic aim of the Local Area Plan.

This Local Area Plan will not achieve the balance necessary for the development of a sustainable community therefore it is recommended that the additional residential lands are deleted from the adopted Plan.

In relation to the requests to extend MA 47, MA 49 and MA 50 and zone Residential, it is not possible to discuss the changing of any other zoning other than Material Alterations zonings at this stage of the Local Area Plan process. Therefore it has not been possible to consider this request.

#### **Recommendation**

It is recommended that:

- MA 47 remains outside the Plan boundary as shown in the original Draft Plan.
- MA 48 reverts back to its original Agricultural zoning as shown in the original Draft Plan.
- MA 49 remains outside the Plan boundary as shown in the original Draft Plan.

It was proposed Cllr S. Walsh and seconded by Cllr Conneely to **reject the recommendation in the Manager's Report and to retain the residential zonings on MA 47, MA48, MA49 and MA 50 as per the amendments and material alterations to the Draft Oughterard Local Area Plan.**

**A vote was taken on Cllr Walsh's proposal and the result of the vote was as follows:**

**AR SON: Cllr. Canney, Cllr Conneely, Cllr. M. Connolly, Cllr Cuddy, Cllr. Hoade, Cllr Mannion, Cllr McDonagh Cllr McHugh, Cllr Mullins, Comh O'Tuairisg, Cllr. Regan, Cllr S.Walsh, Cllr T. Walsh, Cllr. Welby, Cllr Willers. (15)**

**IN AGHAIDH: (0)**

**GAN VOTÁIL: (0)**

**The Mayor declared Cllr. Walsh's proposal carried.**

**MA 34 – MA 39 and MA 54.**

#### **Summary**

**MA 34**



MA 34 comprises of approximately 0.6 acres. In the initial Draft Plan the land was proposed to be zoned Agricultural. However, in the Amendments & Material Alterations to the Draft Plan, the land is proposed to be zoned Residential.

**MA 35**

MA 35 comprises of approximately 0.3 acres. In the initial Draft Plan the land was not included in the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan, the proposed Plan boundary has been extended and the land is proposed to be zoned part Residential and part Recreation and Amenity.

**MA 36**

MA 36 comprises of approximately 7 acres. In the initial Draft Plan the land was not included in the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan, the proposed Plan boundary has been extended and the land is proposed to be zoned Residential.

**MA 37**

MA 37 comprises of approximately 4.7 acres. In the initial Draft Plan the land was not included in the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan, the proposed Plan boundary has been extended and the land is proposed to be zoned Residential.

**MA 38**

MA 38 comprises of approximately 1.4 acres. In the initial Draft Plan the land was not included in the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan, the proposed Plan boundary has been extended and the land is proposed to be zoned Residential.

**MA 39**

MA 39 comprises of approximately 1.5 acres. In the initial Draft Plan the land was not included in the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan, the proposed Plan boundary has been extended and the land is proposed to be zoned Residential.

**MA 54**

MA 54 is located on the Pier Road in the town land of Lemonfield. In the initial Draft Plan the land was not included in the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan, the proposed Plan boundary has been extended and the land is proposed to be zoned part Residential (5 acres) and part Recreation and Amenity (7.3 acres).

It is felt that the proposed residential zoning of MA 34, MA 35, MA 36, MA 37, MA 38 MA 39 and MA 54 will provide for a larger population growth in the town which will put a strain on the already limited amenities in the town.

**Response:**

It is recognised that there is a surplus of lands proposed to be zoned Residential. The Draft Plan proposed 211.5 acres of residential zoning. While this would be in excess of the requirements of the County Development Plan settlement framework, it would allow a degree of flexibility in promoting development if some lands were not presented for development.

However the Council directed additional residential zonings to a total of 331.5 acres in the Amended Draft, making the Plan exceed the settlement objectives of the County Development Plan.

This Local Area Plan is designed to stimulate development and direct it to *appropriate* locations. However by significantly over zoning; we are unable to do this. This Plan contains a substantial amount of residential land. This can lead to ad hoc, haphazard development and creates a need

for an uneconomical extension of services to these lands. The quality of life for residents in these peripheral areas will be diminished as they will be car-dependant and may lack adequate infrastructural requirements such as footpaths and public lighting.

Furthermore, the excessive residential zonings render the Local Area Plan inconsistent with the hierarchy of plans, such as the National Spatial Strategy, Regional Planning Guidelines and the County Development Plan. The Plan is also contrary to both the Settlement Strategy and the Galway Transportation and Planning Study. This disregards the legal requirement to remain consistent with each preceding plan.

It is recognised that the location of the additional residential zonings has not been based on established need and is contrary to the strategic aim of the Local Area Plan.

This Local Area Plan will not achieve the balance necessary for the development of a sustainable community therefore it is recommended that the additional residential lands are deleted from the adopted Plan.

#### **Recommendation**

It is recommended that:

- MA 34 reverts back to the Agriculture zoning as shown on the original Draft Plan.
- MA 35 remains outside the Plan Boundary as shown on the original Draft Plan.
- MA 36 remains outside the Plan Boundary as shown on the original Draft Plan.
- MA 37 remains outside the Plan Boundary as shown on the original Draft Plan.
- MA 38 remains outside the Plan Boundary as shown on the original Draft Plan.
- MA 39 remains outside the Plan Boundary as shown on the original Draft Plan.
- MA 54 remains outside the Plan Boundary as shown on the original Draft Plan.

*It was proposed by Cllr. S.Walsh and seconded by Cllr Conneely to reject the recommendation in the Manager's Report and retain the extension of the town boundary and to retain the residential zonings on the lands the subject of MA34, MA35, MA36, MA37, MA38, MA39 and MA54 as per the amendments and material alterations to the Draft Oughterard Local Area Plan.*

*A vote was taken on Cllr Walsh's proposal and the result of the vote was as follows:*

*AR SON: Cllr. Canney, Cllr Conneely, Cllr. M. Connolly, Cllr Cuddy, Cllr. Hoade, Cllr. Kyne, Cllr Mannion, Cllr McDonagh Cllr McHugh, Comh O'Tuairisg, Cllr. Regan, Cllr S.Walsh, Cllr T. Walsh, Cllr. Welby, Cllr Willers. (15)*

*IN AGHAIDH: (0)*

*GAN VOTÁIL: Cllr. Mullins (1)*

*The Mayor declared Cllr. Walsh's proposal carried.*

#### **General Comments on Additional Residential zonings**

##### **Summary**

This issue relates to **all** the additional lands zoned Residential in the Amendments and Material Alterations to the Draft Oughterard Local Area Plan. The following concerns have been raised:

- In the review of the population projections and settlement strategy in the County Development Plan 2003 – 2009 150 houses have been allocated to Oughterard and 3350 units have been allocated to the entire Connamara electoral area. Based on these proposed household figures and a household size of 3.11 Oughterard could accommodate an additional population of approximately 466 up to 2009. The lands zoned in Oughterard

(undeveloped 127.5 acres) in the Draft LAP together with the proposed amendments (120 acres) could accommodate 2475 units, which is over 70 per cent of the household allocation of 3,350 units for the entire Connemara electoral area.

- The extent of land zoned for development in Oughterard is not consistent with the local service identified for Oughterard in the settlement hierarchy or settlement strategy in the County Plan or the Regional Guidelines.
- It is requested that the adoption of the proposed amendments to the Draft Plan should be postponed pending the adoption of the proposed Variations to the County Development Plan.

Concerns have also been raised that the increase in residential zonings will lead to:

- a loss of sense of community,
- inadequate infrastructure,
- over crowding,
- a loss distinctive local character,
- traffic chaos,
- overcrowded schools,
- inadequate playing facilities and recreational amenities,
- social problems.

**Response:**

It is recognised that there is a surplus of lands proposed to be zoned Residential. The Draft Plan proposed 211.5 acres of residential zoning. While this would be in excess of the requirements of the County Development Plan settlement framework, it would allow a degree of flexibility in promoting development if some lands were not presented for development.

However the Council directed additional residential zonings to a total of 331.5 acres in the Amended Draft, making the Plan exceed the settlement objectives of the County Development Plan.

This Local Area Plan is designed to stimulate development and direct it to **appropriate** locations. However by significantly over zoning; we are unable to do this. This Plan contains a substantial amount of residential land. This can lead to ad hoc, haphazard development and creates a need for an uneconomical extension of services to these lands. The quality of life for residents in these peripheral areas will be diminished as they will be car-dependant and may lack adequate infrastructural requirements such as footpaths and public lighting.

Furthermore, the excessive residential zonings render the Local Area Plan inconsistent with the hierarchy of plans, such as the National Spatial Strategy, Regional Planning Guidelines and the County Development Plan. The Plan is also contrary to both the Settlement Strategy and the Galway Transportation and Planning Study. This disregards the legal requirement to remain consistent with each preceding plan.

It is recognised that the location of the additional residential zonings has not been based on established need and is contrary to the strategic aim of the Local Area Plan.

This Local Area Plan will not achieve the balance necessary for the development of a sustainable community therefore it is recommended that the additional residential lands are deleted from the adopted Plan.

The adoption of the proposed amendments to the Draft Plan can not be postponed pending the adoption of the proposed Variations to the County Development Plan as the Local Area Plan is subject to a statutory time frame.

**Recommendation**

It is recommended that the all the additional lands zoned residential are deleted from the adopted Plan.

***It was agreed that this Issue and recommendation had been dealt with under the previous Issues and decisions.***

### **Issue 3 – Enterprise/ Industry Zoning**

#### **Introduction**

This issue relates to lands zoned Enterprise/ Industry.

#### **Submitted by**

Gerry Kinneavy

Brian Kenny, Dept. of Environment, Heritage and Local Government

#### **Summary**

##### **MA 11**

MA 11 is in the town land of Lemonfield and comprises of approximately 9.6 acres. In the initial Draft Plan this land was outside the proposed Plan boundary. However, in the Amendments & Material Alterations to the Draft Plan the proposed Plan boundary has been extended and the land is proposed to be zoned Enterprise/ Industry (9.6 acres).

Submissions were made which object to MA 11. The following points are submitted in support of these objections:

- This area includes significant peat lands as well as areas of woodlands. The zoning of these areas would have serious ecological and hydrological impacts and loss of biodiversity.
- A walkway - 'The Old Bog Road'- proximate to the subject lands is an important amenity.
- The zoning of MA 11 contravene a number of policies in the Draft Oughterard Local Area Plan and the County Development Plan such as policy 139, 141, 142and 146.

#### **Response**

In the Draft Plan approximately 32.5 acres were proposed to be zoned Enterprise/ Industry. These lands for the most part were located in the town land of Lemonfield. Council considered it appropriate to zone the lands identified in the Draft for Enterprise/ Industry for Residential development. To compensate for the lack of lands zoned Enterprise/ Industry it was considered appropriate to extend the Plan boundary and zone lands known as MA 11 Enterprise/ Industry.

In order for Oughterard to increase its self-sufficiency and continue to function as a service centre it is necessary to make land available for employment purposes to balance the residential zonings. There fore it is recommended that the Enterprise/ Industry – MA 11 is retained as shown in the Amendments and Material Alterations Document.

#### **Recommendation**

Recommend to retain MA 11 as shown in the Amendments and Material Alterations Document.

***On the proposal of Cllr Welby and seconded by Cllr. S. Walsh it was agreed to accept the recommendation in the Manager's Report.***

### **Issue 4–Town Centre (Mixed Development) zoning: MA 41**

#### **Introduction**

This issue relates to land zoned Town Centre (Mixed Development).

**Submitted by**

Patrick Geoghegan  
Mary McPhillips  
Niall McPhillips  
Joe Howlett  
Carmell Geoghegan

**Summary**

MA 41 is in the town land of Carrowmanagh and comprises of approximately 0.8 acres. In the initial Draft Plan this land was proposed to be zoned Residential. However, in the Amendments & Material Alterations to the Draft Plan the area is proposed to be zoned Town Centre (mixed development). A number of submissions were submitted objecting to this town Centre zoning on the grounds that it was not appropriate.

**Response**

It is recognised that the existing use of the MA 41 is commercial however it is recommended that this land, MA 41, should not be zoned for Town Centre (mixed development) for a number of reasons. These included:

- There is sufficient land already proposed to be zoned for Town Centre (Mixed Development).
- The subject lands are located at a distance from the existing town core and therefore are not considered appropriate for a town centre zoning.
- The adjoining existing land uses are predominantly residential.
- A Town Centre (Mixed Development) zoning at this location would serve to weaken Oughterard's existing town centre and may, in the long term, have a negative effect on its vitality and viability.
- In the land use zoning matrix in the Plan a neighbourhood shop is a permissible use on lands zoned Residential.

This Local Area Plan is designed to stimulate town centre mixed development and direct it to **appropriate** locations. The subject lands are considered inappropriate for Town Centre (Mixed Development) zoning and it is strongly recommended that the subject lands revert to the original Draft plan zoning of Residential.

It should be noted that a Residential zoning does not prejudice existing use or affect existing permissions.

**Recommendation:**

It is therefore recommended that MA 41 revert from proposed Town Centre (Mixed Development) to the original Draft Plan zoning of Residential.

*It was proposed by Cllr. Welby and seconded by Cllr S. Walsh to reject the recommendation in the Manager's Report and to retain the Town Centre ( Mixed Development) zoning on MA41 as per the amendments and material alterations to the Draft Oughterard Local Area Plan.*

*A vote was taken on Cllr Welby's proposal and the result of the vote was as follows:*

*AR SON: Cllr. Canney, Cllr Conneely, Cllr. M. Connolly, Cllr. Hoade, Cllr. Kyne, Cllr McDonagh Cllr McHugh, Cllr. Mullins, Comh O'Tuairisg, Cllr S.Walsh, Cllr T. Walsh, Cllr. Welby , Cllr Willers. (13)*

**IN AGHAIDH: (0)**

**GAN VOTÁIL: (0)**

*The Mayor declared Cllr. Welby's proposal carried.*

## Issue 5 – Roads and Transport

### Introduction

This issue relates to MA 60 and MA 58.

### Submitted by

Joseph Donnellan  
Thomas Burke C/O Bryan Egan  
Gerry Kinneavy  
Tommy & Mary Molloy & Family

### MA 60

Cllr Welby declared an interest in MA 60 and absented himself from the meeting.

### Summary

MA 60 refers to specific objective T18 in the Draft Plan, a proposed outer relief road from upper Camp Street eastwards to the N59. However, in the Amendments & Material Alterations to the Draft Plan, the route T18 was moved southwards and referred to as MA 60.

Submissions have been made which objects to MA 60 and the following points are submitted in support of this objection:

- An upgrade of the existing Boathouse Road would be acceptable whereas the construction a new road would be wasteful of resources.
- The construction MA 60 would necessitate the felling of up to 15 or 20 mature deciduous trees. This conflicts with policies and objectives in the Plan.
- MA 60 would create a third T-junction on Camp Street and as a result would create traffic chaos and hazard.
- MA 60 would impact on the privacy and security of adjoining residents.
- The existing Pier Road (which is going to be upgraded) gives access to the town; this renders the proposed road as unnecessary.
- Noise pollution caused by traffic will destroy the peaceful atmosphere of the area.
- Littering of the area will become a problem.
- It will endanger public safety when it enters onto Camp Street.
- The proposed route will add to the traffic problems already experienced on Camp Street.

There is another request to amend the proposed route of MA 60. An alternative route was submitted which exits onto the N59 through lands known as MA13. It is suggested that the alternative route submitted would:

- Provide a route which is not proximate to an existing dwelling.
- Decrease the negative impact the proposed road would have on the residential amenity of the existing dwelling.
- Provide safe access/junction onto the N59.
- Have little impact on the natural environment-there are no mature trees in the location of the proposed alternative route.

### Response

The proposed outer relief road is an essential part of the road infrastructure necessary for the proper development of the town.

The existing Pier Road is not proposed for upgrading. However developers will be obliged to provide footpaths and public lighting linkages to the existing town.

It is not considered that the traffic using the proposed route will create additional litter or noise pollution to any great significance. However there is currently a full time community warden in the Oughterard Engineering area who monitors litter pollution.

In the Draft Plan the proposed route passed through the Boathouse Road. However at the behest of Oughterard Area Committee the route was amended and moved south.

The route as shown on map 3 of the Amendments and Material Alterations to the Draft Oughterard Local Area Plan is thematic therefore the proposed amendment to MA 60 is not necessary.

The route will be subject to detailed design and a safety audit, this safety audit will analyse both existing and proposed roads and junctions.

It is not considered that the proposed route will contribute to traffic problems or grid lock on Camp Street. The opposite is expected as an alternative east-west route will reduce the effects of local traffic on Camp Street.

#### **Recommendation**

It is recommended that the route of MA 60 be retained as it is shown in the Amendments and Material Alterations Document.

*On the proposal of Cllr O'Tuairisg and seconded by Cllr.Kyne it was agreed to accept the recommendation in the Manager's Report.*

#### **MA 58**

##### **Summary**

This issue relates to MA 58. MA 58 refers to specific objective T14 in the Draft Plan, a proposed relief road linking Carrowmanagh to the Glann Road. However, in the Amendments & Material Alterations to the Draft Plan, the route T14 was amended and referred as MA 58.

Submissions have been made which objects to MA58 and the following points are submitted in support of this objection:

- The proposed new road will reduce the value of the property of which it is facing.
- The increase in traffic flow will increase noise and pollution levels.
- The proposed road will join a dangerous corner onto the bridge which may lead to possible carnage.
- The proposed route will lead to more congestion as the exit point is beside St Paul's Secondary School and St Cumins National School.

##### **Response**

It must also be stated that GCC can not consider land values or landownership in the preparation of the plan only proper planning and sustainable development and therefore landownership or land value cannot be considered as justification for amending or removing MA 58.

Development is encouraged in towns and villages throughout County Galway in the County Development Plan. It is expected that such development will create some additional noise levels and pollution. However it is not expected that traffic using the proposed route will create a level of pollution or noise that would be problematic.

The proposed roadway and junction is within the town's speed limits and will be subject to a safety audit and to either Part 8 in the Planning and Development Act 2000 - amended in 2002 or a planning application. In both cases exists the public have the opportunity to comment on the proposals.

The proposed route is specifically for local traffic and not through town traffic. The local traffic to the school will be facilitated with an optional route without using the N59.

#### **Recommendation**

It is recommended that MA 58 is retained as it is shown in Amendments and Material Alterations Document.

***On the proposal of Cllr. O'Tuairisg and seconded by Cllr. Conneely it was agreed to accept the recommendation in the Manager's Report.***

#### **Issue 6 – Education and Community Facility Zoning: MA 40**

##### **Introduction**

This issue relates to land zoned Education and Community Facilities.

##### **Submitted by**

Patrick E. Higgins

##### **Summary**

This issue refers to MA 40 which is located in the town land of Clare. In the Draft Plan these lands were zoned part Recreation and Amenity (approx. 2 acres) and part Residential (approx. 7 acres). However, in the Amendments & Material Alterations to the Draft Plan these lands were zoned Educational and Community Facilities (9 acres). A submission was made which objects to the proposed zoning of these lands to Educational and Community Facilities. The following points are submitted in support of this objection:

- The decision to zone these lands Educational and Community Facilities were made without consulting the landowner.
- The landowner did not object to a portion of his land been zoned Recreation and Amenity in the Draft Plan as it was felt that such a designation was appropriate.
- There is a feeder stream bounding the land. It is protected by the Fisheries Board as it is a trout spawning bed.
- There is a Holy well on the subject lands which is protected under the National Monuments Act 1994-**GA054-015**.
- It is felt that the land may have been zoned Educational and Community Facilities because the landowner made a field available to the new Oughterard Rugby club. The lands could not provide for a full pitch.
- The rugby club have plans to purchase land for their use. A letter has been submitted letter stating that the subject lands are not sufficient for future needs of the rugby club.
- The soccer club have purchased 10 acres for their future use.
- The land has a sloping feature on the western boundary which will tie in with adjoining lands to provide for low density residential development.
- The land provides for a safe traffic outlet to the N59. This traffic outlet to the N59 could tie in with the road network that would be required to service the subject lands and adjoining lands which are zoned residential.
- There is a new primary school planned for the east side of Carrowmanagh Road.
- Proposing educational development for the subject lands would split the units and lead to unnecessary development duplication.
- The subject lands are suitable for a high quality housing development as they have good amenity features and open spaces.

##### **Response**

The subject lands are in the town land of Clare and comprise approximately 9 acres. In the Draft Plan approximately 2 acres were proposed to be zoned Recreation and Amenity and 7 acres were



proposed to be zoned Residential. The Councillors consider it appropriate to zone the subject lands for Educational and Community Facilities. This is justified on the basis that lands identified in the Draft Plan for Educational and Community use in Carrowmanagh (9 acres) are considered to be more appropriate for Residential zoning.

Galway County Council recognises that it is imperative that sufficient lands are zoned in Oughterard for future Educational and Community Facilities. This land, in close proximity to existing Educational and Community Facilities, is ideal for such use.

It must also be stated that Galway County Council can not consider landownership in the preparation of the plan only appropriate planning and sustainable development. Therefore landownership cannot be considered as justification for amending or removing MA 40.

In addition there is 331.5 acres of land zoned for Residential use in the Amendments and Material Alterations to the Draft Plan this is in excess of the requirements of the County Development Plan settlement framework.

#### **Recommendation**

It is recommended that the Educational and Community Facilities zoning remains as shown in the Amendments and Material Alterations document.

It was proposed by Cllr O'Tuairisg and seconded by Cllr S. Walsh to reject the recommendation in the Manager's Report and to zone the lands the subject of MA40 part Educational and Community Facilities(northern portion, 2 fields, 3.4acres) and part Residential( remaining 3 fields, 5.8 acres).

*A vote was taken on Cllr O'Tuairisg's proposal and the result of the vote was as follows:*

*AR SON: Cllr. Canney, Cllr Conneely, Cllr. Hoade, Cllr. Kyne, Cllr McDonagh Cllr McHugh, Cllr. Mullins, Comh O'Tuairisg, Cllr S. Walsh, Cllr T. Walsh, Cllr. Welby , Cllr Willers. (12)*

*IN AGHAIDH: (0)*

*GAN VOTÁIL: (0)*

*The Mayor declared Cllr. O'Tuairisg's proposal carried.*

#### **Issue 7: Recreation and Amenity Zoning: MA 52**

##### **Introduction**

This issue relates to lands zoned Recreation and Amenity.

##### **Submitted by**

Patrick Hynes

##### **Summary**

This submission relates to the expansion of the Recreation and Amenity zoning of MA 52 south of MA 58. A map has been submitted indicating the area. The following reasons have been given in support of this request:

- The land south of MA 58 which is proximate to the Owenriff River would lend itself to high quality open space.
- It would provide for both passive and active amenity for adjoining residentially zoned lands.
- There is already a specific objective in the Draft Plan to reserve land along the Owenriff River for an amenity pathway.

##### **Response**

Galway County Council recognises the high amenity value of the Owneriff River and the potential the river has to provide for active and passive amenity. In the Amendments and Material Alterations to the Draft Plan there is a buffer varying from 10 meters to 30 meters both sides of the river.

However it is not considered that a 10 meter buffer is adequate to provide for a functional and high quality level of open space. It is therefore recommended that there should be a 30 metre buffer on both sides of the river between the river and any other zoning. Such a buffer would accommodate a walkway and active and passive open spaces. This buffer zone should be zoned Recreation and Amenity.

#### **Recommendation**

It is recommended that there should be a 30 meter buffer on both sides of the river between the river and any other zoning within the entire Plan boundary. This buffer should be zoned Recreation and Amenity.

*It was proposed by Cllr S. Walsh and seconded by Cllr Kyne to reject the recommendation in the Manager's Report and to retain the buffer zone and zone as Recreation and Amenity as per the amendments and material alterations to the Draft Oughterard Local Area Plan. A vote was taken on Cllr Walsh's proposal and the result of the vote was as follows:*

**AR SON: Cllr. Canney, Cllr Conneely, Cllr. M. Connolly, Cllr. Hoade, Cllr. Kyne, Cllr McDonagh Cllr McHugh, Cllr. Mullins, Comh O'Tuairisg, Cllr S.Walsh, Cllr T. Walsh, Cllr. Welby , Cllr Willers. (13)**

**IN AGHAIDH: (0)**

**GAN VOTÁIL: (0)**

**The Mayor declared Cllr. Walsh's proposal carried.**

**Issue 8: Nan Burke's Field - MA 26 and MA 31.**

#### **Introduction**

This issue relates to Nan Burke's Field.

#### **Submitted by**

Oughterard Community Council  
John Gibbons, Oughterard Anglers & Boatmen's Assoc.Ltd

#### **Summary**

This issue relates to Nan Burke's Field (17 acres). In the draft Plan the field was zoned part Residential and part Recreation and Amenity. However, in the Amendments & Material Alterations to the Draft Plan, the field was proposed to be zoned 2 acres Town centre (mixed development), 8 acres Residential and 7 acres Educational and Community Facilities.

It is requested that Nan Burke's Field should be zoned as follows- 2 acres Town Centre (Mixed Development), 8 acres Residential, 4 acres Recreation and Amenity and 3 acres Education and Community facilities. The following points have been submitted in support of this request:

- In the Draft Plan 4 acres of the field was zoned Recreation and Amenity.
- The proposed zoning would provide a balanced approach to the development of the area.
- The proposed zoning would justify the zoning of additional lands at Claremount and Pier Road.

Concerns have also been expressed with regard to the subterranean stream that runs through the field. It is felt that the development of this area could lead to the pollution of the cSAC.

**Response**

It is considered that a 7 acres Educational and Community Facility zoning for Nan Burkes Field is a more appropriate zoning than 3 acres Educational and Community Facility and 4 acres Recreation and Amenity. A Recreation and Amenity land use is very restrictive as the only uses which are permissible on that land use are playing pitches, a playground and a golf course. Playing Pitches and playgrounds are also permissible on lands zoned for Educational and Community Facility. It is therefore strongly recommended that the 7 acres Educational and Community Facility remains in place.

**Recommendation**

It is recommended that the 17 acres of Nan Burke's Field be zoned 2 acres Town Centre (Mixed Development), 7 acres Educational and Community Facilities and 8 acres Residential.

**On the proposal of Cllr O'Tuairisg and seconded by Cllr S.Walsh it was agreed to accept the recommendation in the Manager's Report.**

**Issue 9: Lough Corrib cSAC**

**Introduction**

This issue relates to Lough Corrib c SAC.

**Submitted by**

Brian Kenny, Dept. of Environment, Heritage and Local Government  
John Gibbons, Oughterard Anglers & Boatmen's Assoc. Ltd

**Summary**

Concern has been raised that the Lough Corrib cSAC along the Owenriff River has been zoned for development. The point has been raised that cSACs are legally protected and that no development should take place that will threaten the Fresh Water Pearl Mussel.

It is recommended that Galway County Council should come to an agreement with the NRA to put only one bridge over the Owenriff River so as to minimise disturbance to the cSAC

**Response**

Galway County Council recognises that the Owenriff River is one of a small numbers of Irish rivers that supports a viable population of the Freshwater Pearl Mussel. Galway County Council is also aware of the fact that the Pearl Mussel requires a very high water quality and an absence of silt.

The zoning of land Town Centre and Residential proximate to the Owenriff River presupposes development that will result in the loss and/or destruction of the Pearl Mussel which are a protected species under EU Habitats Directive Annex II.

In addition it is considered highly inappropriate for designated land to be zoned for development when it is a policy of the Galway County Development Plan 2003-2009 to protect and conserve designated habitats, particularly policy 147 "Protect and conserve habitats, which have been identified in the Habitats Directive, Birds Directive, Wildlife Act 2000 and the Flora Protection Order nature reserves, Conemara National Park, Ramsar Sites and any other Directives, Acts or Policies which may be issued during the lifetime of this Plan".

The Local Authority has an obligation to protect the habitat of the Pearl Mussel. It is therefore recommended that there should be a 30 metre buffer on both sides of the river between the river and any other zoning within the entire Plan boundary. This buffer zone should be zoned Recreation and Amenity.

The construction of a new bridge over the Owenriff River is necessary as the existing bridge is unsafe.

In order to assess the environmental impacts of a new bridge over the Owenriff River, an EIS could be undertaken. Any course of action or mitigation measure considered necessary by Galway County Council will have to be implemented to protect the cSAC. This will ensure that any potential environmental impact that may arise from development will be acted on in a positive and environmentally sustainable manner.

**Recommendation**

It is recommended that there should be a 30 metre buffer on both sides of the river between the river and any other zoning. This buffer zone should be zoned Recreation and Amenity.

*It was proposed by Cllr S. Walsh and seconded by Cllr O'Tuairisg it was agreed to reject the recommendation in the Manager's Report and to retain the buffer zone and zone as Recreation and Amenity as per the amendments and material alterations to the Draft Oughterard Local Area Plan.*

*A vote was taken on Cllr Walsh's proposal and the result of the vote was as follows:*

*AR SON: Cllr. Canney, Cllr. Conneely, Cllr. M. Connolly, Cllr. Hoade, Cllr. Kyne, Cllr. McDonagh Cllr. McHugh, Cllr. Mullins, Comh O'Tuairisg, Cllr S.Walsh, Cllr T. Walsh, Cllr. Welby. (12)*

*IN AGHAIDH: (0)*

*GAN VOTÁIL: (0)*

*The Mayor declared Cllr. Walsh's proposal carried.*

**Issue 10: Plan Content**

**Introduction**

This issue relates to the written content of the Plan

**Submitted by**

Brian Egan

**Summary**

It has been requested that in section 5.2.2 under the heading 'Residential' 30 dwellings to the hectare should be amended to read **29.6 d/ha** instead of 30d/ha.

All archaic anachronistic references to feet and acres should be replaced by meters and hectares.

**Response**

It was recommended at Council that individual residential clusters should not exceed 30 dwellings per hectare or 12 units per acre. When the 12 dwellings per acre are converted into dwellings per hectare it is the equivalent to 29.652 dwellings per hectare.

It is noted that the calculations in the submission are correct. However it is difficult to have 0.652 of a unit and consequently it is considered more appropriate to round this figure to 30 dwellings per hectare.

It is acknowledged that all archaic anachronistic references to feet and acres should be replaced by meters and hectares.

**Recommendation**

It is recommended that all references to imperial measurements in the Plan will be accompanied by metric readings.

**On the proposal of Cllr O'Tuairisg and seconded by Cllr S.Walsh it was agreed to accept the recommendation in the Manager's Report.**

**Issue 11: Environmental Assessment**

**Introduction**

This issue relates the Environmental Assessment of the Plan.

**Submitted by**

Brian Kenny, Dept. of Environment, Heritage and Local Government

**Summary:**

The Planning and Development Act 2000, takes into account the requirements of the EU Habitats and Birds Directives, including in relation to the preparation of Local Area Plans. Section 19 (4) of the Act states that "a local area plan shall contain information on the likely significant effects on the environment of implementing the plan".

The Draft Plan contains an environmental assessment of the likely significant effects on the environment of implementing the plan. This includes mitigation measures. The 'Environmental Assessment of Local Area Plan' (Appendix 1) fails to take into account the likely effects of the material alterations, particularly the areas of sensitive peat land that were zoned (MA 1 - M A2 and MA 5 -MA 7 and MA 11) and the areas of Lough Corrib cSAC that were zoned for development. Therefore the information provided on the likely significant effects on the environment of implementing the plan is out-of-date with respect to the areas now proposed for zoning.

**Response:**

It is recognised that the environmental assessment will need to be amended if the additional zonings are included in the adopted plan. If this occurs it is recommended that the current environmental assessment is amended as shown in Appendix 2 of this Report.

**Recommendation:**

Insert amended environmental assessment.

**On the proposal of Cllr O'Tuairisg and seconded by Cllr S.Welby it was agreed to accept the recommendation in the Manager's Report.**

**On the proposal of Cllr. S. Walsh and seconded by Cllr O'Tuairisg it was agreed to adopt the Local Area Plan for Oughterard.**

Cllr Mullins thanked the Members and the officials for their work and cooperation with the Oughterard Local Area Plan.

Cllr. Welby also thanks the Members and officials.

Mr Ridge thanked the Members and the officials for the time and effort put into the Plan.

He said that the Final publication of the Local Area Plan will aim to contain photographs of the area. Any text or mapping errors will be corrected.

**TO CONSIDER 11 ADDITIONS TO THE RECORD OF PROTECTED STRUCTURES AS PER SECTION 55 OF THE PLANNING AND DEVELOPMENT ACT 2000.**

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A Report on the matter was circulated to each Member.

The Mayor invited Ms Doddy to present the Planning Authority's recommendations on the addition of the following 11 structures to the Record of Protected Structures.

- 871 Rose Cottage, Pollagh, Kilcolgan
- 876 Leitrim Mills, Leitrim more, Loughrea
- 879 Parkmore pier, Doorus, Kinvara
- 881 Daleystown Ice House, Daleystown Demesne, Loughrea
- 883 Ferndale, Ardrahan North, Ardrahan
- 884 Market Cross, Ardrahan North
- 886 Bearna Pier, Rinn naMara/ AnChéibh, Bearna
- 888 Tully House, Tully, Eyrecourt
- 889 Former schoolhouse, Gortnasteal, Gort
- 890 Thatch house, Tonroe, Castletaylor
- 891 Model Farm and Mills, Colmanstown, Ballinasloe

*On the proposal of Comh Ní Fhartharta and seconded by Cllr Regan it was agreed to add the above listed structures to the Record of Protected Structures subject to best engineering practice and safety considerations*

**MATERIAL CONTRAVENTION OF THE COUNTY SETTLEMENT STRATEGY OF THE GALWAY COUNTY DEVELOPMENT PLAN 2003-2009 FOR PERMISSION FOR THE CONSTRUCTION OF A DEVELOPMENT CONSISTING OF 43 NO 2 STOREY HOUSES, COMPRISING OF 22 NO 4 BED SEMI-DETACHED, 3 NO 4 BED DETACHED, 12 NO 3 BED SEMI-DETACHED AND A) 6 NO 3 BED TERRACED HOUSES OR B) 4 NO. 2 BED AND 2 NO 3 BED TERRACED HOUSES AND ALL ASSOCIATED SITE WORKS IN THE TOWNLAND OF CILL RAINE, MOYCULLEN - PLANNING REFERENCE NO. 05/4716**

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Report dated the 20<sup>th</sup> June, 2006 was already circulated to each Member.

**APPLICANTS:** Tim Bohan

**APPLICATION PLANNING REFERENCE NO:** 05/4716

**DESCRIPTION OF DEVELOPMENT:**

Proposal for the construction of a development consisting of 43 no 2 storey houses, comprising of 22 no 4 bed semi-detached, 3 no 4 bed detached, 12 no 3 bed semi-detached and a) 6 no 3 bed terraced houses or b) 4 no. 2 bed and 2 no 3 bed terraced houses and all associated site works (gross floor space with option a 5833.2sqm and option b 5651.1sqm).

Note: Over the course of the application, the proposal has been reduced to a total of 42 units.

**DEVELOPMENT LOCATION:** Cill Raine, Moycullen.

This proposal is a material contravention of Section 2.6: Settlement Strategy of the County Development Plan 2003-2009

The site is currently zoned Residential in the Moycullen Local Area Plan 2005-2011

Currently, the household allocation for this tier of the settlement strategy in the County Development Plan 2003-2009 having regard to Policy 18 has reached its allocation.

In light of the fact that the Moycullen Local Area Plan has recently been adopted and the site in question is zoned residential, it is considered that the development of 42 dwellinghouses in the townland of Cill Raine, is an appropriate development on lands zoned for residential development in the village of Moycullen. The proposed development complies with the standards in relation to open space, car parking and private open space set out in the Plan. The development will be serviced by the existing public sewer and water supply.

The proposal in its entirety comprises of 42 two storey dwellinghouses (originally 43 houses but this has been changed over the course of the application). This is broken down into 20 no. 4 bedroom semi detached house; 4 no. 4 bedroom detached houses; 12 no. 3 bedroom semi-detached houses. There are then two options in relation to the terraced houses. Option 'A' consists of 6 no. 3 bedroom terraced houses, while option 'B' consists of 4 no. 2 bedroom and 2 no. 3 bedroom terraced houses. This provides a good mix of unit types, with both detached, semi detached and terraced units.

Latest Date for submissions: 20/06/2006

No submissions have been received.

In the event of a resolution being passed by the Council members, a decision to grant with appropriate conditions should be issued by the 17/07/2006.

Cllr. Kyne proposed, that having considered the Planning Application made by Mr. Tim Bohan and having considered Mr. Ridges report, Galway County Council in accordance with provisions of Section 34 (6) (a) of the Planning and Development Act 20 00 hereby require that a decision to grant permission be made in the case of this application.

- (i) A new charge of €100,000 per acre of development land shall be levied for recreational and amenity for the development of estates of five or more houses
- (ii) €1600 per car space equivalent (Roads footpaths and transportation charge)
- (iii) €2000 per car parking space deficit

Mr Ridge explained that the €3600 parking charge in the general development scheme was not adequate and was missing out on large retail premises which provide carparking on site.

Mr Ridge explained that the proposed scheme would be put on Public display for six weeks and that submissions/observations would be invited during this time. The Manager would then prepare a report on the submissions received which must be submitted to the Council. The Council must then by resolution accept or reject the proposed scheme.

Cllr Keaveney asked if this was an additional levy on top of the current development contribution scheme and also if it was an additional tax on the consumer to be passed on by the developer. He added also that development should be stopped in Oranmore until sufficient amenities were in place.

Cllr McDonagh stated that he was very supportive of the proposed scheme and that it had been discussed at length at the Oranmore Electoral area committee. He added that the scheme can be justified as Galway County Council cannot collect adequate funding in order to provide the necessary amenity facilities for Oranmore.

Cllr Healy Eames also supported the proposed scheme and added that she was approached on a daily basis by members of the community who cannot understand how there can be so much development in Oranmore without the matching facilities being provided also.

She added that the function of Development Plans is to zone lands but that it must be realised that for everything that is zoned there is a cost. She advised that the proposed scheme should be put on public display to let the public decide.

Cllr Hoade stated that she also supported the proposed scheme and appealed to the Members to allow the draft scheme to go on public display. She added that Oranmore was at a crisis point and that it was their duty as the Elected Members to provide for Recreation and Amenity.

Comh O'Cuaig asked as to why Central Government were not funding the provision of amenities.

He asked also if this was a form of stealth tax and if it would be passed on to the home buyer.

He also queried if there was any work proposed in relation to the provision of amenities for areas not being developed.

Cllr Feeney queried as to the situation with the 50:50 split now that there could be two development contribution schemes in place.



Cllr Burke asked what tax could be put on the landowners as they appear to profit the most from the land zonings. He added that this proposed scheme would be put in place throughout the whole county if a precedent was set here.

Cllr Cuddy said he supported the proposed scheme and that this funding was essential to provide for the necessary amenities for Oranmore.

Cllr. Feeney wanted to know is the €100,000 to be spent within the town of Oranmore or will it be 50% as is the current scheme.

Mr Ridge explained that there would be two separate development contribution schemes. The only scheme that would apply to Oranmore within the town plan boundary would be the proposed scheme.

The €100,000 Recreation and Amenity charge would be ringfenced for expenditure within the town of Oranmore and the €3,600 charge now subdivided would also be ringfenced within Oranmore. The charge for water would be split 50:50 as before.

Cllr Cannon stated that it was a courageous initiative and welcomed it.

Cllr D.Connolly recommended that the proposed scheme be put on public display.

Cllr Welby stated that Oranmore was no different to any other town in the County and that there were similar issues in Oughterard in relation to the lack of recreational and amenity facilities.

He also stated that very small exclusive style housing developments should not be excluded from this proposed scheme.

Cllr. M. Connolly stated that he did not agree with a two tier system and that Oranmore was no different to any other area.

Cllr Mannion recommended that the proposed scheme be put on public display and to let the public decide. He added that he had major reservations about the scheme. He added that the floor area of the house should be taken into consideration and that small size houses should not be included. He stated that the residents in Oranmore would support this proposed scheme as they already own a house in Oranmore. He also stated that the provision of lands for recreation and amenity should be dealt with at the zoning stage of the development plans. A certain % of land should be handed over to the Local Authority for recreational and amenity if the land owner was successful in getting his lands zoned residential.

Cllr Joyce requested to know where exactly the development contributions collected were spent.

He also asked if the €2,600 charge per house for water included the connection charge to the actual water scheme.

Cllr T. Walsh stated that he could not support this proposed scheme.

Cllr McHugh stated that this proposed scheme would put an additional charge on the first time buyer and added that landowners should have to give something towards recreational and amenity costs when their land is zoned residential.

Cllr Kyne supported the proposed scheme.

Cllr Regan stated that houses prices would reduce if more houses were built .

Cllr Willers supported putting this proposed scheme on public display.

Cllr Reilly stated that other areas such as Dunmore and Milltown also need funding for recreational and amenity facilities.

Mr Ridge responded to the queries in relation to, who will pay, and added that the landowner and the developer will pay. He also added that houses prices are increasing regardless and advised the Members to at least allow the scheme to be put on public display.

*On the proposal of Cllr Cuddy and seconded by Cllr Healy Eames it was agreed to put the draft development Contribution Scheme for Oranmore on public display.*

**TO APPROVE AMENITY GRANTS 2006 (3<sup>RD</sup> ROUND ALLOCATION) 909**

Report dated the 20<sup>th</sup> June, 2006 was already circulated to each Member.

On the proposal of Comh. Ni Fhatharta seconded by Cllr. Burke, the Amenity Grants 2006 (3<sup>rd</sup> Round Allocation) were approved as follows:

**AMENITY GRANT SCHEME 2006  
3<sup>RD</sup> ROUND ALLOCATION**

Ref No	Group	Proposal	Amount Recommended
A06/18	Tullokyne Community Council	To purchase 2no basket rings and netting, supply and place 70mm line marking for Basketball court boundaries	€ 2,000
A06/22	Caltra Community Council	To purchase lawnmower & strimmer, plant shrubs and purchase of paint	€ 2,500
A06/27	Comhar Caomhan Teo	The planting of trees and shrubs to enhance and provide shelter in some areas (subject to agreement with OPW & Heritage) Provide litter bins throughout the island. Also provide 2 benches for seating near the beach area.( Subject to agreed design with Forward Planning)* note no funding released otherwise	€ 4,000
A06/34	Garybreeda Community Group	Provision of Picnic table and at least 2 litter bins( subject to providing a landscaping plan and agreement of street furniture design with forward planning)	€4,000
A06/44	Woodpark & District	Planting of shrubs Paint 2 benches & the	€750

	Residents Association	fetch around the picnic area. Paint 2 roadside pumps and the surrounding walls. Purchase a sprayer to control weeds.	
A06/53	Cloonbigeen Gortadooey & Gortcloommore Residents Association	Purchase of tree stacks. Further plant trees in other suitable areas to increase overall stock. Purchase of sprayer and weed control. ( note specified trees and subject to agreement with Area Engineer)	€750
A06/67	Killimor GAA Club	Plant trees which provide shelter around the field boundaries ( specified Trees)	€2,000

Total Allocation €16,000

**TO APPROVE COMMUNITY BASED ECONOMIC DEVELOPMENT FINANCIAL ASSISTANCE SCHEME GRANTS 2006 (3<sup>RD</sup> ROUND ALLOCATION.**

910

Report dated the 20<sup>th</sup> June, 2006 was already circulated to each Member.

On the proposal of Cllr. Willers, seconded by Cllr. Healy-Eames, the Community Based Economic Development Financial Assistance Scheme Grants 2006 (3<sup>rd</sup> Round Allocation) were approved as follows:

**Community Based Economic Development Grant Scheme 2006**

Ref No	Group	Proposal	Area	Amount Recommended
E06/60	West of Ireland Holidays Ltd., (Ireland West Airport Knock)	Contribution to support the marketing and promotion of the airport in order to continue promoting access to County Galway from the UK using Ireland West Airport Knock.	County Wide	€8,300
E06/61	Tuam Chamber of Commerce	Carry out an Economic Impact Study of the Tuam Arts Festival 2006  The overall objectives of this study are: (a) to profile the cultural economy of Tuam with particular reference to Tuam Arts Festival (to make it more tangible to the business & wider community and increase understanding and awareness of its impact);	Tuam	€3,000

	CLG Chroíoch Sóisialta (National Community Programme)	(b) to identify and analyze opportunities within the cultural economy (build on what we have, encourage our cultural contributors to stay in the community and attract more contributors);  (c) to quantify the direct effects and the indirect economic "multiplier effects" generated by the festival in Tuam; and  (d) to make recommendations to develop the cultural economy (using the economic evidence that it brings financial and cultural benefit to the community).		
E06/62	Bealach Pairtneireacht Iompair Aitiuil Chonamara	From May to December 2006 Bealach aims to develop its bus services in areas currently not serviced. Bealach is looking to set up new bus routes in North Connemara Roundstone – Ballyconnelly, Letterfrack – Cleggan Leenane on into Clifden. New services are also to be set up in the Ougterard, Rosacahill and Moycullen areas.	Conamara	€4,000
E06/63	CLG An Spidéal	Thug muid tacaíocht do Chómórtas Peile na Gaeltachta a reachtáladh sa Spidéal, an 2-5 Meitheamh. Thug muid urraíocht do Chomhartha ar an bPáirc agus do Fhógra a cuireadh i gClár na seachtaine.  Contribution to Cómórtas Peile na Gaeltachta that was held in Spiddal from the 2-5 June. Sponsorship of field sign and an advertisement that featured in the weekend programme.	Conamara	€600
E06/28	Na Calai Community Development Project Ltd	Assistance towards Youth Café and Youth Consultation	Loughrea	€5,000

		in Portumna		
E06/37	Clár Críochnú Scoile (school Completion Programme)	Ionad óige a bhunú ar an gCeathrú Rua agus comhairleoireacht leis an óige. To establish a youth centre in Ceathrú Rua and develop youth consultation programme.	Conamara	€4,000
E06/35	Afesca Tuam Youth Advice Café	Advance a music workshop by the purchase of some musical equipment	Tuam	€5,000
E06/13	Clann Resource Centre	Assistance towards Youth Café and Youth Consultation in Oughterard.	Conamara	€4,000
E06/38	Forum Adolescent Support Project	To deliver after school activity programmes to the local national schools and post primary schools in the North West Conamara plus youth consultation.	Conamara	€4,000
E06/56	'A Link with the Land' by Tommy Keane	Publishing of a historical book on the Land which details the life and times of an Irish Countryman dating back to the early 20 <sup>th</sup> Century.	County Wide	€750
E06/64	Ballinasloe Youth Project	Youth Consultation Programmes	Ballinasloe	€3,000
E06/65	Headford Family Resource Centre	Youth Consultation Programmes	Oranmore	€3,000
E06/66	Oranmore Development Association	Youth Consultation Initiative	Oranmore	€2,000

Recommended Allocation – June 2006

€46,650

**DRAFT ANNUAL REPORT 2005**

911

Draft Report already Circulated to each Member

On the proposal of An Comh. Ni Fhatharta, seconded by Cllr. Canney, the Draft Annual Report for 2005 was noted.

**TO APPROVE OVERDRAFT ACCOMMODATION FOR 6 MONTHS 01/07/06 - 31/12/06**

912

Report dated the 13th June, 2006 was already circulated to each Member.

On the proposal of Cllr. S. Walsh seconded by Cllr. Mannion the members approved overdraft accommodation of €10M for the six months period from 1st July, 2006 to 31<sup>st</sup> December, 2006, subject to sanction of the Minister for Environment, Heritage and Local Government.

#### WATER METERING PROJECT UPDATE

913

Referring to the Report which he had circulated, Mr. Cullen said that the Water Metering Programme in County Galway has been underway since September 2005 and is advancing quickly. So far, in excess of 7,000 meters have been installed with the final number likely to be in the order of 11,500. It should be completed towards the end of October or early November. Volumetric charging of water and wastewater will commence with effect from 1<sup>st</sup> January, 2007.

He said that of the various enquiries made about the metering programme since its commencement, most have been about what the costs to the consumer are likely to be. While it is not possible to be absolutely precise at this stage with regard to final costs, it is acknowledged that there is a need to provide the non-domestic customer with a reasonable reliable indication of costs – based on the best possible information available at this time.

From 1<sup>st</sup> January 2007 all non-domestic customers will receive a bill that will comprise a standing charge, a volumetric charge for water and, in the case of properties served by a public sewerage scheme, a charge for wastewater.

The water metering programme is being undertaken by way of a Design, Build and Operate contract. The design and build element of the contract includes pre-installation surveys, establishment and maintenance of customer database, design and installation of meters and maintenance and replacement of meters. The cost of this contract will be funded by way of loan and the annual charges recovered by way of a Standing Charge. The elements comprising the Design and Build of this contract do not have a direct relationship to the cost elements associated with the production, treatment and distribution of water and it would not be appropriate to include them in the volumetric charge. To do so would give rise to a cross subsidisation within the non-domestic sector that would be inequitable. It is acknowledged, though, that there are a significant number of customers who would have multiple meters, for example fragmented farm holdings, and it would be appropriate to structure the standing charge to take account of this.

Mr. Cullen said that the final charge can only be calculated when the final contract sum, number of meters and number of customers is firmly established, based on the best possible estimate available at this time, it is expected that the standing charge will be €88 per annum in respect of a customer with one meter with a charge of €35 per annum for each successive meter.

He said that the general non-domestic customers will be paying a consolidated charge that is assessed on the basis of all the costs arising within the functional area of the Galway County Council. The charge will include both the water and waste water charges, insofar as they are applicable to the customer. The charge will be determined from the metered volumetric consumption by the customer and will normally assume the water-in is equivalent to water-out. The consolidated charge will be determined by the accumulation of all of the general non-domestic costs (capital, operational, marginal, and capital replacement fund(s) across the functional area of the authority.

It is expected that the Consolidated Water charge will fall within the range a €3.50 (0.77per m<sup>3</sup>) and €3.70 (0.81m<sup>3</sup>) per 1000 gallons.

It is expected that the Consolidated Wastewater charge will fall within the range of €2.25 (0.50 per m<sup>3</sup>) and €2.40 (0.53 per m<sup>3</sup>) per 1000 gallons.

Mr. Cullen said that the purpose of supplying the above information at this time is to give a guideline of what the charges are likely to be in 2007. The final figures will be influenced by factors such as numbers of customer only meters, volumes and throughput and the amounts allocated for operation and maintenance of schemes in the course of the 2007 budgetary process.

Cllr. M. Connolly thanked Mr. Cullen and his staff for the efforts they had made in resolving the issues raised in relation to the Water Metering Programme. He welcomed the sliding scale being proposed for multiple meter users. Cllrs. T. Walsh, Mc Hugh and Hoade also thanked the staff for their efforts in relation to this matter. In reply to Cllr. McHugh, Mr. Cullen said that he was hopeful that the Consolidated Water charge will not be increased but he could not give such a definite commitment in relation to the Consolidated Wastewater charge.

## **MANAGERS BUSINESS**

914

### **Draft Toll Scheme N6 Galway to Ballinasloe.**

Mr. Murphy said that the Council had made representations to the National Roads Authority regarding the Draft Toll Scheme for the N6 Galway to Ballinasloe Dual Cariageway. He said the National Roads Authority has confirmed that they have now adopted the Scheme without amendment and they have responded to the Council's representations and this has been circulated to each Member.

### **Official Opening of Ceibh Chill Chiarain.**

Mr. Murphy said it was proposed to invite Minister E. O'Cuiv to Officially open Ceibh Chill Chiarain, which had recently been reconstructed and extended at a cost of €1.15 Million. It was proposed by Cllr. M. Connolly, seconded by Cllr. Hoade, and agreed that Minister O'Cuiv, Officially open Ceibh Chill Chiarain, at a date to be arranged.

### **Joint Policing Committees**

The County Manager referred to the guidelines relating to the Joint Policing Committees which is being circulated to each Member. He said that the purpose of the Joint Policing Committees is to provide a forum where a Local Authority and Senior Garda Officers responsible for the policing of that area with the participation of Oireachtas Members and community interests, can consult, discuss and make recommendations on matters affecting the policing of that area. He said that the guidelines are being issued for an initial brief pilot phase during which committees are being established in a limited number of Local Authority areas including the Towns of Ballinasloe and Tuam. He said that arrangements were being put in place to establish the committees in these Towns.

**NOTICE OF MOTIONS**

**NOTICE OF MOTION NO. 22 – CLLR. B. WILLERS**

**915**

*The following reply was given: -*

“The Area Office has to carry out surveying works and discussions with landowners prior to establishing an estimate for these realignment works. On completion of the estimate the Council will be looking at the sources of funding at that stage.”

**NOTICE OF MOTION NO. 23 - CLLR. B. WILLERS**

**916**

*The following reply was given: -*

“A file has been opened on this complaint and referred to the Enforcement Officer. The latest date for issue of a Warning Letter is 21/07/06. The site will be inspected during the week ending 14/07/06 and appropriate action on foot of this inspection will be taken.”

**NOTICE OF MOTION NO. 24 – CLLR. B. WILLERS**

**917**

*The following reply was given: -*

“Signs and lining will be put in place on the approaches to the Earls Park junction in the coming weeks.”

**NOTICE OF MOTION NO. 25 – COMH C. NI FHATHARTA**

**918**

*The following reply was given: -*



“Déanadh imscrúdú ó Aibreán-Iúil 2004 chun na foinsí truaillithe a d’fhéadfadh a bheith i gceist a mheas. D’athain an t-imscrúdú seo líon áirithe teaghlaigh agus áiseanna ar dóchúil iad a bheith ina bhfoinsí truaillithe.

Tá sé beartaithe tuilleadh measúnaithe a chur i gcríh i Meitheamh-Lúnasa 2006 i gceantar na bhForbacha, a bheidh bunaithe ar thorthaí na n-imscrúduithe i 2004. Tá sé beartaithe chomh maith, bróisiúr a sholáthar ar chothabháil na n-umar seipteacha do gach teaghlach sa cheantar. Níl aon áiseanna leithris ar thrá na bhForbacha faoi láthair ach tá rún ag Comhairle Chontae na Gaillimhe dhá Portaloo a shuíomh ag na trále linn tréimhse an tsamhraidh seo.”

**NOTICE OF MOTION NO. 26 – COMH.C. NI FHATHARTA**

**919**

*The following reply was given: -*

“Scrúdófar é seo agus ullmhófar meastachán.”

**NOTICE OF MOTION NO. 27 – COMH. C. NI FHARTHARTA**

**920**

*The following reply was given: -*

“Scrúdófar an bhothar seo agus má theastaíonn oibreacha nach cuid de ghnáthchothabháil bóithre iad, déanfar meastachán agus lorgófar maoiniú.”

**NOTICE OF MOTION NO. 28 – CLLR. F. HEALY EAMES**

**921**

*The following reply was given: -*

“Galway County Council has no immediate plans to conduct an inventory of the CO<sup>2</sup> emissions from all council buildings, council housing and council vehicles. Such an inventory would contribute useful baseline information for any council policy on Climate Change.

On the related matter of Energy Conservation, some initial audit work will be undertaken as part of the in-house initiative of the forthcoming Waste Prevention Demonstration Project.”

**NOTICE OF MOTION NO. 29 – CLLR. F. HEALY EAMES**

**922**

*The following reply was given: -*

*The following reply was given:*

“The works being undertaken on the Oranmore to Renville road comprise the provision of a foul sewer, surface water/flood relief sewer, new footpaths, road widening and road resurfacing together with the construction of a proposed roundabout.

The Department of Environment, Heritage & Local Government notified Galway County Council of its 2006 Non-National Road Grant Allocation by Circular RLS 1/2006 dated the 27<sup>th</sup> January 2006. The grant allocations included provision of €300,000 for the L8104 Oranmore/Rinville (Maree road).

The works to be undertaken in the current year under the Specific Improvement Grants Scheme includes the completion of the section already widened in 2005, to include the completion of the footpaths and overlay the road with DBM and surface dressing.

It is estimated that a further €1.4million will be required under the specific improvement grant scheme post 2006 in order to complete works on the Maree Road.

A further grant of €2,216,104 was allocated in 2006 under the Strategic Non-National Roads Scheme for the Oranhill Distributor Road, this project includes the provision of a roundabout at Bealnabradaun Bridge. As previously advised, it is anticipated that the roundabout element of the scheme will be completed in the current year.

The timeframe for the completion of the overall plan for the Maree Road is dependant on the level of funding available and the cooperation of the relevant landowners. Funding is committed by the Department of Environment, Heritage & Local Government and Galway County Council to continue the much needed improvement works over the next few years.”

**NOTICE OF MOTION NO. 30 – CLLR. F. HEALY EAMES**

**923**

*The following reply was given: -*

“The Council will make every effort to produce an accurate Register of Electors. As usual the Draft Register must be produced by the 1<sup>st</sup> November 2006 and a Final Register by 1<sup>st</sup> February 2007.

As you are aware the Department of the Environment are providing extra resources with a view to making sure the Register is as accurate as possible. The Council is currently making arrangements with a view to utilising those resources when they become available.”

**NOTICE OF MOTION NO. 31 – CLLR. J. MCDONAGH**

**924**

*The following reply was given: -*

"The ESB have been requested to re-locate the fuse box to the new structure. The old demountable will be removed when the above works are completed."

**NOTICE OF MOTION NO. 32 – CLLR. J. MCDONAGH** **925**

*The following reply was given: -*

"The designation of a roads status is a ministerial function and not a function of the Local Authority. If the road satisfies the relevant criteria, it will be forwarded as a submission to the Department for consideration."

**NOTICE OF MOTION NO. 33 – CLLR. J. MCDONAGH** **926**

*The following reply was given: -*

"The designation of a roads status is a ministerial function and not a function of the Local Authority. If the road satisfies the relevant criteria, it will be forwarded as a submission to the Department for consideration."

**NOTICE OF MOTION NO. 34 – CLLR. M. FAHY** **927**

*The following reply was given: -*

"I wish to inform you that a draft policy and scheme on Rural Bus Shelters is being prepared by Community, Enterprise & Economic Development and Roads & Transportation Departments for consideration by the Roads & Transportation SPC."

**NOTICE OF MOTION NO. 35 – CLLR. M. FAHY** **928**

*The following reply was given: -*

"An estimate of the cost to install the lighting and footpaths to the new development (if not already part of the scheme conditions) will be prepared for you and will issue from the Loughrea Office."

**NOTICE OF MOTION NO. 36 – CLLR. M. FAHY** **929**

*The following reply was given: -*

"As proposed works are on N18, provision of funding is a matter for the NRA. There is no allocation for such improvements in 2006."

## COMHAIRLE CHONTAE NA GAILLIMHE

### MINUTES OF FINANCE MEETING OF GALWAY COUNTY COUNCIL HELD AT ARAS AN CHONTAE, PROSPECT HILL, GALWAY ON MONDAY, 24<sup>th</sup> JULY, 2006.

ILATHAIR:

CATHAOIRLEACH:

Mayor M. Mullins

BAILL:

Cllrs. W. Burke, S. Canney, C. Cannon, S. Connaughton, 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, T. McHugh, Comh. C. Ni Fhatharta, S. O'Tuairisg, Cllrs. M. Regan, T. Reilly, S. Walsh, T. Walsh, T. Welby, B. Willers.

OIFIGIHH:

Mr. P. Gallagher, County Manager, J. Cullen, K. Kelly, F. Gilmore, J. Morgan, Directors Of Services, G. Mullarkey, Head of Finance, T. Murphy, C. Wallace, Senior Executive Officers, M. Lavelle, Senior Engineer, M. O'Donnell, A/Administrative Officer, G. Healy, Staff Officer, P. O Neachtain, Irish Officer.

FINANCIAL REPORT FOR THE PERIOD ENDED 30/06/06

934

**Mr. Mullarkey**, referred to the Financial Report for period ended 30/06/06 and outlined the contents of the report. He summarised the income & expenditure for the period and stated that overall, the expenditure and income figures by programme group for the first six months of the year were broadly in line with expectations. He said he would be pleased to provide any additional information that the members may require in relation to the report.

**Cllr. McDonagh** asked if there were any plans for the provision of extra car parking spaces at County Hall.

**Comh. Ni Fhatharta** stated that she had raised the same question some months back and would be interested in hearing the response.

**Mr. Kelly**, replied that the Council had taken back the lower yard car park, and that this was currently being used for staff parking. He stated that parking requirements were currently being met, but that the situation would be monitored on a continuous basis.

#### Finance Meeting 24/07/06

**Cllr. Joyce** asked whether it was planned to let road workers go in the Ballinasloe area. He said he would hate to think that anyone would be let go when there was so much work to be done in the area. He asked if sufficient funds would be made available to keep road workers on until the end of the year.

**Mr. Morgan**, said he took Cllr. Joyce's remarks on board, but that budgets must be kept in mind. And that each area is responsible for keeping within budget.

**Cllr. Joyce** referred to the Strategic Roads Programme and asked if Mr Morgan would expect extra allocations of funding in August or September.

**Mr. Morgan** said that this would have to be clarified with the Department, and also stated that in the last number of years, an extra allocation had been given out for local and tertiary roads.

**Cllr. D. Connolly** asked if workers would be let go because of restrictions on staff numbers and also referred to the road sweeper in Ballinasloe and asked for an update on the status of the service on Sunday mornings, and queried whether the service would be continued.

**Mr. Morgan** replied that he was not aware of plans to let workers go, and clarified that budgetary issues in the Ballinasloe area were the responsibility of the Area Engineer. With regard to the question of sweeping the roads on Sunday mornings in Ballinasloe, he said that this was the responsibility of the Town Council.

**Mr. Kelly** stated that the Council were currently engaged in recruiting a new driver for the road sweeper, and that it was important to ensure optimum usage of the machine. He also stated that a co-ordinated approach to litter control had been adopted in Ballinasloe over the last number of months.

**Cllr. Willers** said that the Council had recently been recruiting staff for the Loughrea area, she questioned the value of going through this process if the workers will be let go later in the year.

**Mr. Morgan** stated that temporary workers were taken on, on the basis that the work in question can be done within budget, and that this procedure has always worked successfully. He stated that workers can only be taken on when there are funds available, and that each area must look after its own budgets.

**Cllr. Reilly** stated that the Tuam area had been recruiting temporary staff, and that interviews for these positions had taken place. He asked when will the people who have been interviewed be informed whether or not they have been successful, and also asked if temporary jobs in the Tuam area were under threat.

**Mr. Morgan** replied that budgets were allocated on an area basis, and that staff are taken on if and when the work is available.

**Cllr. Cuddy** stated that there had been an extra provision in the budget for hedge & verge trimming, and grass cutting. He said that many roads were overgrown and had become an eyesore. He said that he was not blaming the local area staff, but questioned if there were enough staff assigned to this work. He asked if some resolution could be reached to overcome the problem.

**Mr. Morgan** said that all Area Offices had been contacted and instructed to comply with the relevant legislation. He stated that there was no bar on verge trimming on the grounds of health and safety, and referred to the allocation in the budget for signage and verge trimming.

#### Finance Meeting 24/07/06

He said that it was a matter for the members to decide to allocate extra money for this work but that due to competing demands for funding, the funds would have to be taken from somewhere else.

**Cllr. Mannion** referred to a directive which he said had been issued to Area offices to cease verge trimming.

**Mr. Morgan** stated that no such directive had ever been issued. He stated that in a number of court cases, the judge had upheld the right of the County Council to cut hedges on grounds of road safety, and that there was no embargo on this.

**Cllr. Mannion** said that the verges on some roads were often cut very close from the edge of the road to the very top, whereas other roads were not touched at all. He said that some of the wider roads don't need the same attention that narrower roads do, and that there was an inconsistency in how the work was done.

**The Mayor** said that he agreed with Cllr. Mannion and that the issue needs to be further discussed at area meetings. He welcomed the statement from Mr Morgan that no directive had been issued to cease works on verge trimming. He said that the money has to be found to improve the situation.

**Cllr. Regan** referred to the Roads in the Loughrea area, and said that the National Secondary and Regional roads were a disgrace. He stated that drivers could not read the signs on the roads, and that clear signage was an important issue not only for road safety, but for tourism also. He proposed that enough funding be made available to ensure that hedges & verge trimming were kept in order all year round, and not just for a few months of the year. He stated that the visibility of signage was poor on the R353, R352, N65, and N66, and proposed that money should be allocated to enable hedges to be cut twice a year in order to provide a clearer view of the road and signage.

**Cllr. Reilly** seconded Cllr. Regan's proposal.

**The County Manager**, stated that the signage situation would be examined and followed up. He stated that the allocation of funding was a budgetary matter for the members to take a decision on, and that for this year, work was being done based on the allocations made in the 2006 budget.

**Mr. Morgan** agreed that road signs must be visible, and he said that the situation would be addressed. He said that cutting hedges & verges twice a year would be very expensive.

**Cllr. Joyce** referred to the Rural Social Scheme, and said that he was a Director of one such scheme in the Ballinasloe area (St Brendan's RSS). He said that the workers on this scheme had cut back vegetation around signs in the Kilconnell area, and suggested that these schemes could be used in co-operation with the local authority for working on small local roads, as the labour would be free and the only cost to the Council would be machinery. He asked the Manager to look into this option.

**The Mayor** said that it would be important that such a proposal would not have an adverse impact on council employees.

**The County Manager**, stated that enquiries had been made about the Rural Social Schemes last year, and that the RSSs were promoted by Leader companies and work to their programmes. He said that he would examine the matter again.

**Finance Meeting 24/07/06**

**Cllr. Burke** said that he had reported to the Portumna Area office a number of dangerous bends on the roads, and said that while resurfacing was an important part of the solution, hedge trimming is vital. He stated that this was a major problem in South East Galway. He stated that while the Area office was usually very responsive, and he commended them for this, he said that the issue was not being taken seriously. He stated that a supplementary budget should be considered if necessary, as the situation was too dangerous, and a programme needed to be implemented to resolve the issue.

**Cllr. Welby** said that junctions were a major issue. He said that planning regulations required a sight distance of 215m on the N59, but at various junctions, there wasn't a sight distance of 30m. He stated that this was a chronic problem and needed to be addressed. With regard to the Financial report, he questioned why only 18% of the budgeted income under Programme Group 3 had been collected.

**Mr. Mullarkey**, replied that the bills had not yet issued for the Water Metering Project, and that he expected these would be issued in the next two to four weeks.

**Cllr. Welby** asked if this was the case, where the income listed had come from.

**Mr. Mullarkey** said that the income consisted of water connection fees and income from grants.

**Cllr. S. Walsh** said that trees growing out over walls that had been constructed were causing an obstruction and needed to be cut. He referred to the road between the graveyard and the town centre in Oughterard, and said there were very deep dips in this stretch of road, which was very dangerous and needed to be addressed.

**Cllr. T. Walsh** stated that the most common complaint he had received over the last few weeks related to verge trimming, and said that it was a very serious problem. He said that it should be possible for Galway County Council to solve the problem, and that the road safety element was the most important.

**Cllr. Hoade** referred to the promotion of tourism in Galway, and said that this was a very busy period for the area. She said that the council should take a conscious decision to improve road signage for this busy season.

**Cllr. M. Connolly** expressed caution on the issue of taking landowners to court over failure to meet the legal requirement to cut hedges. He said that the Council may have to assist people to cut hedges as there was a safety element involved. He referred to road junctions, where not only have the signs been blocked, but the white lines on the road are not properly visible due to tar melting in the hot weather. He stated that he has raised this issue at area meetings but nothing has been done to date.

**Cllr. Welby** referred to the Revenue Collection statistics on page 34 of the 2004 AFS and page 31 of the 2005 AFS, and stated that the percentage of water charges collected in 2004 was 62% and 63% in 2005. He asked why these figures appeared to be very low in comparison with collection rates for other items.

**The County Manager**, noted that the water charges collection rates in Galway County Council were in line with the national average as indicated in the Local Authority performance indicators, published last year. He stated that the Water Metering Project should significantly improve collection figures in the future.

**Mr. Mullarkey** said that the percentage collection for Galway County Council was at the national average. He said that there had been some difficulty collecting water charges as

**Finance Meeting 24/07/06**

many of the bills were for fixed charges and the customers were disputing the bill amount. He said that the amount outstanding was now down to approximately €450,000 and that the Council was actively pursuing the outstanding debt.

**Cllr. Welby** referred to the fact that the bills for the current year had not been sent out, and also referred to the instalment payment system that had previously been in operation. He asked if the fact that the bills were only being sent out at this stage in the year meant that businesses will have to pay the full bill in one amount.

**Mr. Mullarkey** replied that the first moiety would be due on receipt of the bill, and that the second moiety would be due in October.

In reply to Cllr. Cuddy, The County Manager, said that all non-domestic users will be metered as part of the Water Metering project.

**CRIOCHNAIGH AN CRUINNIU ANSIN**

Submitted, Approved & Signed  
Michael Yullen  
25th September 2007  
 Date

**RESOLUTIONS OF SYMPATHY**

A Resolution of Sympathy was passed to the following:

- Teresa Kelly, Killybeggs, Co. Galway
- Eva Conroy, Killybeggs, Co. Galway
- Mary Manning, Killybeggs, Co. Galway
- Mrs. Bridie Cleary, Killybeggs, Co. Galway
- John McHugh, Killybeggs, Co. Galway
- Maria Keady, Killybeggs, Co. Galway
- Michael & Josephine Kelly & Family, Drungulla, Co. Galway
- Mary Murphy & Family, High Street, Tuam, Co. Galway
- John & Patricia Sillie, Carrigrohane, Tuam, Co. Galway
- Mrs. Mary Mahony, 36 St. Laurence's Field, Tuam, Co. Galway
- Mrs. Phaedra Mitchell, Carrigrohane, Killybeggs, Co. Galway



**COMHAIRLE CHONTAE NA GAILLIMHE**

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL  
HELD AT ÁRAS AN CHONTAE, PROSPECT HILL ON MONDAY 24th  
JULY, 2006.**

**CATHAOIRLEACH:** Cllr. M. Mullins

**ILATHAIR FREISIN:**

**Baill:** Cllrs. W. Burke, S. Canney, C. Cannon, S. Connaughton, 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, T. McHugh, Comh. C. Ni Fhatharta, S. O’Tuairisg, Cllrs. M. Regan, T. Reilly, S. Walsh, T. Walsh, T. Welby, B. Willers.

**Oifigigh:** Mr. P. Gallagher, County Manager; Messrs. J. Cullen, F. Dawson, F. Gilmore, J. Morgan, K. Kelly, Directors of Service; G. Mullarkey, Head of Finance; R. Killeen, M. Lavelle, Senior Engineers; T. Murphy, County Secretary; D. Barrett, C. Wallace, Senior Executive Officers; P. O’Neachtain, Oifigeach Gaeilge; G. Healy, Staff Officer.

**Thosnaigh an cruinniú leis an paidir.**

**RESOLUTIONS OF SYMPATHY**

935

A Resolution of Sympathy was extended to the following:-

Theresa Kelly, Kilbannon, Tuam, Co. Galway.  
Rita Greaney, Kiltormer, Ballinasloe, Co. Galway.  
Mary Mullins, Cooloo, Moylough, Ballinasloe, Co. Galway.  
Mrs. Bridie Clancy, Barrnagorteenen, Oughterard, Co. Galway.  
John McGloin, Glann, Oughterard, Co. Galway.  
Martin Kenny, Cammore, Oranmore, Co. Galway.  
Michael & Josephine Kelly & Family, Drumgriffin, Corrandulla, Co. Galway.  
Mary Murphy & Family, High Street, Tuam, Co. Galway.  
John & Patricia Silke, Caherhugh, Belclare, Tuam, Co. Galway.  
Ms. Mary Mahony, 56 St. Laurences Fields, Loughrea, Co. Galway.  
Mrs. Philomena Mitchell, Gortnamona, Kilchreest, Loughrea, Co. Galway.

Padraig & Martina Maloney, St. Josephs Place, Ballinasloe, Co. Galway.  
Mrs. Chrissie Cox, Ochilmore, Lawrencetown, Ballinasloe, Co. Galway.  
Tom&Phil Farrell, Millstream Park, Tuam, Co. Galway.

**CONFIRMATION OF MINUTES OF MEETINGS.**

936

The Minutes of the Monthly Meeting held on 26<sup>th</sup> June, 2006 were approved by the Council and signed by the Mayor on the proposal of Comh. Ní Fhatharta, seconded by Cllr. McDonagh.

**REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION**

937

The Report of the Corporate Policy Group Meeting held on 19<sup>th</sup> June 2006 was considered. It was adopted by the Council on the proposal of Comh. Ní Fhatharta, seconded by Cllr. Cuddy.

The Report of the Environment, Water & Emergency Services Strategic Policy Committee Meeting held on 17<sup>th</sup> May, 2006 was considered. It was adopted by the Council on the proposal of Cllr. Cuddy, seconded by Cllr. Joyce.

The Report of the Loughrea Area Committee Meeting held on 21<sup>st</sup> June 2006 was considered. It was adopted by the Council on the proposal of Cllr. Fahy, seconded by Cllr. Feeney.

The Report of the Conamara Area Committee Meeting held on 23<sup>rd</sup> February 2006 was considered. It was adopted by the Council on the proposal of Comh. Ní Fhatharta, seconded by Comh. O'Tuairisg.

The Report of the Conamara Area Committee Meeting held on 16<sup>th</sup> March 2006 was considered. It was adopted by the Council on the proposal of Comh. O'Tuairisg, seconded by Comh. Ní Fhatharta.

The Report of the Conamara Area Committee Meeting held on 23<sup>rd</sup> March 2006 was considered. It was adopted by the Council on the proposal of Comh. Ní Fhatharta, seconded by Comh. O'Tuairisg.

The Report of the Conamara Area Committee Meeting held on 27<sup>th</sup> March, 2006 was considered. It was adopted by the Council on the proposal of Comh. Ní Fhatharta, seconded by Cllr. Tuairisg.

The Report of the Conamara Area Committee Meeting held on 6<sup>th</sup> April, 2006 was considered. It was adopted by the Council on the proposal of Comh. Ní Fhatharta, seconded by Comh. O'Tuairisg.

The Report of the Conamara Area Committee Meeting held on 22<sup>nd</sup> May, 2006 was considered. It was adopted by the Council on the proposal of Comh. Ní Fhatharta, seconded by Comh. O'Tuairisg.

The Report of the Oranmore Area Committee Meeting held on 20<sup>th</sup> February 2006 was considered. It was adopted by the Council on the proposal of Cllr. McDonagh, seconded by Cllr. Hoade.

The Report of the Oranmore Area Committee Meeting held on 6<sup>th</sup> March 2006 was considered. It was adopted by the Council on the proposal of Cllr. Healy Eames, seconded by Cllr. Hoade.

The Report of the Oranmore Area Committee Meeting held on 2<sup>nd</sup> May, 2006 was considered. It was adopted by the Council on the proposal of Cllr. McDonagh, seconded by Cllr. Hoade.

The Report of the Planning & Sustainable Development Strategic Policy Committee Meeting held on 30<sup>th</sup> November, 2005 was considered. It was adopted by the Council on the proposal of Cllr. D. Connolly, seconded by Cllr. Cannon.

The Report of the Planning & Sustainable Development Strategic Policy Committee Meeting held on 23<sup>rd</sup> February, 2006 was considered. It was adopted by the Council on the proposal of Cllr. Feeney, seconded by Cllr. Hoade.

The Report of the Planning & Sustainable Development Strategic Policy Committee Meeting held on 26<sup>th</sup> April, 2006 was considered. It was adopted by the Council on the proposal of Cllr. Feeney, seconded by Comh. Ni. Fhatharta.

The Report of the Housing Strategic Policy Committee Meeting held on 22<sup>nd</sup> June, 2006 was considered. It was adopted by the Council on the proposal of Cllr. T. Walsh, seconded by Cllr. Willers.

**TO CONSIDER THE ADOPTION OF THE ROAD TRAFFIC SPECIAL SPEED LIMIT BYE-LAWS (ISLANDS AND BALLAGHLEA NATIONAL SCHOOL) COUNTY GALWAY 2006.**

938

Report dated 18<sup>th</sup> July, 2006 was already circulated to each Member.

On the proposal of Cllr. Connaughton, seconded by Cllr. D. Connolly, the Road Traffic Special Speed Limit Bye-Laws (Islands and Ballaghlea National School) County Galway 2006 were adopted.

Cllr. Connaughton complimented the teachers and parents of children attending Ballaghlea National School and also the officials of the Council on their efforts to get the

special speed limit in place at the school and asked when would the infrastructure be put in place for the operation of the speed limit.

Mr. Morgan stated that the speed limit should be in operation for the re-opening of the school in September.

**TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001- PROVISION OF AUTOMATED PUBLIC CONVENIENCE AT FAIRGREEN LOUGHREA** 939

Report dated 19<sup>th</sup> July, 2006 was circulated to Each Member

On the proposal of Cllr. Burke, seconded by Cllr. Feeney, the proposed provision of Automated Public Convenience at Fairgreen, Loughrea was approved.

**TO APPROVE AMENITY GRANTS 2006 (4<sup>th</sup> ROUND ALLOCATION)** 940

Report dated 18<sup>th</sup> July, 2006 was already circulated to each Member.

On the proposal of Cllr. Mannion, seconded by Cllr. Joyce the Amenity Grants 2006 (4<sup>th</sup> Round Allocation) were approved.

**TO APPROVE COMMUNITY BASED ECONOMIC DEVELOPMENT FINANCIAL ASSISTANCE SCHEME GRANTS 2006 (4<sup>th</sup> ROUND ALLOCATION).** 941

Report dated 18<sup>th</sup> July, 2006 was already circulated to each Member.

On the proposal of Cllr. Healy Eames, seconded by Cllr. Mannion, the Community Based Economic Development Financial Assistance Scheme Grants 2006 (4<sup>th</sup> Round Allocation) were approved.

**AUDIT REPORT ON THE ACCOUNTS OF GALWAY COUNTY COUNCIL FOR YEAR ENDING 31<sup>ST</sup> DECEMBER 2004.** 942

Report dated 18<sup>th</sup> July, 2006 was already circulated to each Member.

Mr. Ger Mullarkey, Head of Finance, submitted to the members for consideration the Audit Report on the Accounts of Galway County Council for Year Ending 31<sup>st</sup> December, 2004.

The Audit Report on the Accounts of Galway County Council for Year Ending 31<sup>st</sup> December, 2004 was adopted by the Council on the proposal of Cllr. McDonagh, seconded by Cllr. Welby.

**ANNUAL FINANCIAL STATEMENT FOR YEAR ENDING 31<sup>ST</sup> DECEMBER 2005.** 943

Report dated 18<sup>th</sup> July, 2006 was already circulated to each Member.

Mr. Ger Mullarkey, Head of Finance, submitted to the members for consideration the Annual Financial Statement for the Council for the year ended 31/12/2005.

The Annual Financial Statement was adopted by the Council on the proposal of Cllr. McHugh, seconded by Cllr. Tierney.

**DRAFT WATER SERVICES ASSESSMENT OF NEEDS** 944

Mr. Cullen circulated report dated 24<sup>th</sup> July 2006 and said that the last Assessment of Needs for Water Services Capital Works was undertaken by Sanitary Authorities on foot of Circular L11/03 of 20<sup>th</sup> June, 2003. The assessment produced at that stage has been taken into account in subsequent phases of the Department's Water Services Investment Programme.

While assessments of water services needs have previously been updated at 5 yearly intervals, because of the scale and pattern of demographic and economic development in recent years, sanitary authorities are being requested to carry out new assessments in 2006. The new assessments are necessary in any event as an input to the next National Development Plan that will cover the period 2007 – 2013 and to optimise project selection in future phases of the Water Services Investment Programme.

Accordingly, Galway County Council was requested to undertake a new assessment in accordance with the general guidelines set out in Circular L2/06 of the 16<sup>th</sup> March 2006 and to return same to the Department not later than the 31<sup>st</sup> July, 2006.

**Matters Considered in Preparing the Assessment of Needs**

The main purpose of the assessment is to develop an overall strategic investment plan for the medium to long term and to set out a Programme of Works to meet the identified water services needs. The assessment takes account of the following in particular:

- Relevant National and EU environmental, public health and drinking water quality statutory requirements and standards
- Galway County Development Plan 2003-2009, local area plans, County Galway Settlement Strategy, National Spatial Strategy
- Relevant reports and studies
- Adequacy of existing collection networks
- Continued support for economic activity

- Non compliant water schemes listed in Annex 12 of the EU Commission's application to the European Court of Justice in respect of Ireland's Implementation of Directive 80/778/EEC (the Drinking Water Directive)
- Developments in River Basin Management

#### **Water Services Pricing Policy**

Under the Water Services Pricing Policy, services for future development, including new residential development, are regarded as non-domestic and the associated marginal capital costs are not funded by the Department. In the case of future residential developments, the funding arrangements under the Service Land Initiative may apply.

In drawing up proposals, sanitary authorities are required, therefore, to concentrate on providing infrastructure to serve the core areas of towns and villages.

#### **Information included in the Assessment of Needs**

The following information has been provided:

- A summary account of the achievements of the Water Services Investment Programme for Galway since the last assessment of needs was undertaken in 2003 (Section 5).
- An outline of the general approach to meeting the identified needs over the period 2007-2009.
- An examination, from a strategic perspective, of the main requirements for investment over the period 2010-2014.
- Details of the Programme of Works.
- Description of the objectives of the investment in terms of outcomes sought and specific outputs required (Section 3).

#### **Consultation Process**

The Water Services Department prepared the draft Assessment of Needs in respect of Capital Water & Wastewater Projects in the County for the period 2007 – 2009 and for the period 2010 – 2014. A copy of the draft document was available for inspection by the public at the Water Services Department, Áras an Chontae, each Council Area Office and was accessible on the Galway County Council's web-site (*notice of same was advertised in the Connacht Tribune on 16<sup>th</sup> June, 2006*). The document was available for inspection until Friday, 14<sup>th</sup> July, 2006, with written submissions and observations being accepted until Thursday, 20<sup>th</sup> July, 2006.

An account of the public comments received on the published draft document are set out hereunder:

#### **1. Carra, Mask, Corrib Water Protection Group Ltd.**

This group express disappointment in letter dated the 19<sup>th</sup> July, 2006 “ to discover that in the new draft report there does not seem to be any urgency expressed once again in fast forwarding the provision of modern new sewerage facilities to replace the over capacitated sewerage systems in the towns of Oughterard, Clonbur, Claregalway, Corofin and Milltown”.

The letter states that the provision of new sewerage facilities for these towns should be given an over riding priority over and above all of the sewerage systems in the County, for various reasons as follows:-

- Effluent is discharging into the County's principal freshwater resource and there is a public health risk.
- The County's waters are at various risk of not meeting "good water status" by 2015.
- Further addition of nutrients to the already downgraded waters of Lough Corrib is already severely impacting on traditional earnings from tourist angling.

The Council are requested to give top priority to the aforementioned sewerage schemes in the near future.

**Comment**

The Oughterard Sewerage Scheme is included in the Water Services Investment Programme 2005-2007 with a scheduled start date in 2007.

The Preliminary Report was forwarded to the Department in August 2005 and approval is awaited.

Contract Documents are being prepared for the Claregalway and Milltown Sewerage Schemes. The upgrade of the Clonbur Sewerage Scheme is at an advanced stage of planning under the Small Schemes Programme. The draft Preliminary Report for Corofin Sewerage Scheme is expected to be submitted in August, 2006.

**2. Ballygar Community Development**

The Ballygar Community Development submitted a report titled "Report on Services for Ballygar" prepared by J. G. Quirke Associates, Consulting Engineers, dated June 2006. The report refers to deficiencies in both the public water and sewerage schemes.

In relation to water, there are problems of inadequate pressure and quality defects of colour and odour. In relation to sewerage, it is stated in the report that the lack of adequate sewage treatment capacity is causing environmental pollution and that there are problems with odour.

The Ballygar Community Development believe that the much needed growth and development of the town is being prevented by a lack of water and sewerage facilities and that this is having a very damaging effect on the town.

**Comment**

Ballygar Sewerage Scheme is prioritised at no. 13 in a list of twenty two sewerage schemes in Schedule 'J' "Sewerage Schemes for the period 2007-2009". New sewerage schemes selected by the Department to enter future programmes will be selected from Schedule 'J' in the order of priority indicated. With Letterfrack and Clonbur Sewerage Schemes being funded under the Small Improvements Scheme Programme, Ballygar Sewerage Scheme is effectively listed at no. 11.

Ballygar Water Supply Scheme is listed at no.1 in Schedule 'G' "Water Schemes for the period 2007-2009". New water schemes selected by the Department to enter future programmes will be selected from schedule 'G' in the order of priority indicated.

### 3. Killiererin Community Council

A preliminary submission highlighting the need for a wastewater treatment plant in Barnaderg Village has been received by the Council.

The Killiererin Community Council state that sites inside the village boundaries are being sought and made available for building. The submission raises the possibility of an extra 200 new dwellings being constructed in the proximity of the village and concerns that such development would affect water supply sources. The submission concludes that a wastewater treatment plant would benefit the village and parish.

### Comment

Barnaderg is one of fifteen small settlements/rural areas without sewerage facilities but selected for household growth in the Tuam Electoral Area. It is to share in a planned future household allocation of 720 households along with nineteen other settlements.

There are 53 number small settlements in the County and the Assessment of Needs provides for their future servicing through grouping into 6 bundles. Bundle No. 1, which includes nine settlements is listed at number 3 in Scheme 'J' "Sewerage Schemes for the Period 2007-2009". It does not include Barnaderg.

The remaining bundles, Bundle No. 2 – No. 6 are listed in Schedule 'K' "Sewerage Schemes for the period 2010-2014" and the settlements will be identified as the need arises.

The document was circulated to all Members and was discussed at the following Meetings:

- *Environment, Water & Emergency Services S.P.C. Meeting – 14<sup>th</sup> June, 2006*
- *Ballinasloe Electoral Area Meeting – 6<sup>th</sup> July, 2006*
- *Connemara Electoral Area Meeting – 7<sup>th</sup> July, 2006*
- *Oranmore Electoral Area Meeting – 10<sup>th</sup> July, 2006*
- *Tuam Electoral Area Meeting – 11<sup>th</sup> July, 2006*
- *Loughrea Electoral Area Meeting – 14<sup>th</sup> July, 2006*

At each Area Committee Meeting, Councillors expressed serious concern with delays that are being experienced with regard to progressing current projects in the Water Services Investment Programme 2005-2007. Concern was also expressed at the on-going requests by the Department for additional information, causing delays to projects. It is agreed to issue to all Councillors, Circular L1/06 "Water Services Investment Programme – Revision of Approval and Recoupment Procedures".



Having taken into consideration the comments and submissions made, Mr. Cullen said it is now intended to submit the Water Services Assessment of Needs for Galway to the DoE.H.L.G. and would welcome the support of the Council for the Assessment.

Cllr. T. Walsh said that there were many places where water and sewerage needs were the same now as they were 20 years ago and little has changed. He asked what the position was with sewerage schemes for Creggs and Glenamaddy. Cllr. Feeney referred to the low level of expenditure over the last number of years and said it was the responsibility of the Minister and the DoE.H.L.G to release both the scheme approvals and the necessary funding to allow the council to get on with the job. Cllr. Burke said that the discussion on the county's water needs was long overdue. He said it was vital that schemes be fast tracked as a matter of absolute urgency. Mhol an Comh. Ó Cuaig an tUas. Killeen agus foireann an oifig ceantair as ucht a gcuid iarrachtaí i ndéileáil leis na fadhbanna leis an soláthar uisce i Rosmuc. D'iarr sé freisin an mbeadh se indéanta oibreacha tosaí a dhéanamh chun deifir a chuir le cuid de Scéim Soláthar Uisce Réigiúnach Chasla, mar shampla Píopaí agus Taischumair. Cllr. Cannon stated that Assessment of Needs document was well compiled but showed the true deficiency of infrastructure in the County. Cllr. Connaughton stated that the Assessment of Needs was aspirational and asked when improvements were likely to the Ballygar Water Scheme. Cllr. Welby referred to previous Water Services Investment Programmes from the DoE.H.L.G website and gave examples of Oughterard and Clifden as schemes where the start date was simply being put back on each programme. Cllr. Canney said the Assessment of Needs was a very factual account of the very great needs of the county and highlighted the need for services to enable settlement centres to develop. Cllr. Kyne referred to the sensitivity of Galway Bay for the Oyster Fisheries and the need for a sewerage scheme in Clarinbridge. Cllr. Healy-Eames also referred to Clarinbridge and asked what the position was with regard to land acquisition for the Claregalway Sewerage Scheme. Cllr. McHugh said it was impossible to say when the Council will ever be able to provide a decent level of water service based on the Capital Expenditure and Income in the Council's Annual Financial Statement as compared with the level of investment needed as set out in the Assessment of Needs. He said the funds should be made available to the Council so that the service can be provided. Cllr. O'Tuairisg said there is a need to introduce changes so that the process for advancing the schemes can be made quicker. Cllr. S. Walsh felt that there wasn't the necessary sense of urgency about getting schemes progressed. Cllr. Willers said that there is a risk that schemes will be outgrown by the time they are provided due to population changes. She said the DoE.H.L.G was responsible to release scheme approval more quickly. Cllr. Joyce proposed that the sewerage scheme for Aughrim, Caltra, New Inn, Monivea and Menlough be included in the next programme. This was seconded by the Mayor. Cllr. Mannion said that there needed to be greater co-ordination within the Council in the preparation of its plans and needs assessments. Cllr. Cuddy said it was up to the Department to make the funds available to advance schemes. Cllr. Keaveney pointed to the importance of water and sewerage schemes not just in the interest of economic development but also in the interest of public health and the environment. The Mayor proposed that an all party group of councillors and officials should request to meet with

the Minister and his officials with regard to the Councils needs. This was seconded by Cllr. Mc Hugh.

It was proposed by Cllr. Joyce, seconded by Cllr. Mannion, and agreed to suspend Standing Orders to allow the meeting continue after 6.00p.m.

Responding to questions raised on the current status of specific schemes, Mr Killeen said that Creggs was included in the Assessment at Schedule J, "Schemes to start in the period 2007-2009" and hoped it would be included in the next programme. With regard to Glenamaddy he said that it is already in the Water Services Investment Programme and listed as a scheme to start in 2007. He made reference to the fact that it will be necessary to obtain an EPA Licence for that scheme but was hopeful that would not give rise to undue delay. With regard to advance works on the Costello Regional Water Supply Scheme he said that a significant length of pipework would be laid as part of the Camus Group Water Scheme which had gone to tender recently. This would initially be supplied with water from the Spiddal scheme until the development of the Costello Regional Water Supply Scheme. He said it would not be possible to do reservoirs and other works on the Costello Scheme that were dependant on a successful outcome of the EIS. With regard to Ballygar Water Supply, he said this is included in Schedule G, "water schemes for the period 2007-2009". With regard to Clarinbridge, he said that the sensitivity of the bay and the importance to the oyster fisheries was fully appreciated. He said that the Galway Main Drainage Study would deal with Clarinbridge and the report was due within a few months. With regard to the Claregalway Sewerage Scheme he said that the necessary documentation was being prepared for the acquisition of the lands for the Treatment Works by CPO.

Mr. Cullen said that he understood and shared the frustration of Councillors about the time it takes to advance schemes through the various stages of approval. He referred to the Stop/Go nature of the process whereby approval was needed for each stage before being able to proceed to the next. He referred also to the procurement requirements not just for the award of contracts but also for the appointment of consultants and this together with compliance with planning and other statutory requirements added to the time needed to progress schemes. He acknowledged that the Council was very dependant on the DoE.H.L.G but stressed that there was close collaboration and a very good working relationship with officials of the Department. He said that the Assessment of Needs would represent a sound basis on which the Department would make decisions for the inclusion of schemes in the next and future Water Services Investment Programmes. He thanked the Councillors for their complementary remarks on the quality and content of the Assessment of Needs and expressed his gratitude to Rod Killeen, Senior Engineer and the Water Services team for their work in producing the Assessment in a very short space of time.

On the proposal of Cllr. McHugh seconded by Cllr. T. Walsh it was agreed to support the Assessment of Needs as prepared and to request a meeting with the Minister and his officials.

**TO APPROVE RAISING OF A LOAN OF €8M FOR THE FINANCING OF THE DBO CONTRACT WITH CELTIC ANGLIAN WATER FOR THE METERING OF ALL NON-DOMESTIC CUSTOMERS, UNDER THE GOVERNMENT'S WATER PRICING POLICY FRAMEWORK** 945

On the proposal of Cllr. T. Walsh, seconded by Comh. Ní Fhatharta, the Members agreed to the raising of a Loan of €8m for the financing of the Design/Build/Operate Contract with Celtic Anglian Water for the metering of all non-domestic customers, under the Government's Water Pricing Policy Framework.

**MAYORS BUSINESS** 946

The Mayor referred to the many fatal accidents which had taken place throughout the Country and within the County and he extended sympathy to the families of the bereaved. He said that road safety was one of the issues he mentioned on his appointment as Mayor and the fact that he wanted the Council to adopt a more proactive approach in addressing the problem. He recommended that road safety be discussed in detail at the September meeting and he asked the County Manager to bring forward proposals for a County campaign which can be discussed, debated and enhanced if necessary with a view to formulating a County Action Plan on Road Safety.

Cllr. Fahy stated that verge trimming was prohibited by law from 1<sup>st</sup> March to the 31<sup>st</sup> August every year and this could be the cause of road traffic accidents due to visual impairment. Cllr. Fahy proposed that the Council write to the Department of the Environment Heritage & Local Government and ask them to allow the Council to carry out verge trimming from the 1<sup>st</sup> July in the interests of road safety. This proposal was seconded by Cllr. M. Connolly.

Mr. Morgan stated that the Council could, on the grounds of road safety, trim verges on bends or the approaches to junctions during the prohibited months, but the Council could be prosecuted under the Wildlife Act and would have to be able to justify their actions in court.

Cllr. Regan referred to the situation whereby signs were being obscured by overgrowth and he produced photographs giving examples of same. The County Manager said that the photographs would be examined and other proposals which may be made at the September monthly meeting for improving road safety would be relayed to the Roads Safety Authority.

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Cllr. Cuddy stated that it appeared that the National Roads Authority would not sanction the Claregalway By-pass and he stated that the people of Claregalway were very disappointed about this. He proposed that the Council call on the Minister for Transport to direct the N.R.A. to provide the necessary funding to put a by-pass in place in Claregalway and Cllr. Healy Eames seconded this proposal.

Cllr. McHugh stated that it was up to the Oireachtas Members to convince the Minister for Transport that a by-pass was required for Claregalway

Mr. Morgan stated that it was proposed that the Environmental Impact Statement and Compulsory Purchase Order would be published in 2007 for the new N17 Road and that the provision of this road would solve much of the problems at Claregalway. He stated that currently, the N17 was a very dangerous Road and he said that if a by-pass was provided at Claregalway, this could slow down progress on the new N17.

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It was proposed by Cllr. Joyce seconded by Cllr. Mannion and agreed that "Galway County Council call on the Israeli Government to immediately cease its terrible attacks on the Lebanon and the Lebanese people because of the disproportionate number of deaths and injuries they have inflicted on the ordinary people of Lebanon and he outrageous destruction they have done to the economic and structural well being of the Lebanon "

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It was proposal by the Mayor and seconded by Cllr. Joyce and agreed that "Galway County Council strongly endorse the campaign by Community Groups in the Woodlawn catchments area to persuade Iarnrod Éireann to re-introduce a service from recently upgraded Woodlawn Station by the 07:45 Galway – Dublin strain and to provide a fully comprehensive service in future timetable diagrams for Woodlawn in consultation with local Community Groups."

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Cllr. D. Connolly complimented the officials who organized the recent collection of farm plastics stating that it was a great success and that a further collection should be organized.

**NOTICE OF MOTIONS.**

**NOTICE OF MOTION NO. 12 – COMH. C. NI FHATHARTA**

**947**

*The following reply was given: -*

"Is mian lion a chur in iúl go ndéanfaidh an Comhairle Contae gach iarracht na ballaí ar droichead Béal an Daingean a dheisiú, de réir airgead cothabháil atá ar fáil."

**NOTICE OF MOTION NO. 13 - COMH. C. NI FHATHARTA**

948

*The following reply was given: -*

“Tá tiomantas tugtha ag an gComhairle, sa bPolasaí Caitheamh Aimsire & Taitneamhachta – Páirceanna Spraoi atá glactha leis ag an gcomhairle, páirc spraoi amháin a sholáthar i ngach Toghcheantar chuile bhliain i rith an treimhse 2006-2008.

Tá cineadh tógtha maidir le Toghcheantar Chonamara go gcuirfear páirc spraoi ar fáil sa gClochán i 2006. Níl aon chinneadh déanta go fóill maidir leis na Páirceanna Spraoi a bheidh dhá sholáthar i 2007.

Mar a comhairlódh do na baill roimhe seo, cuirfear an riachtanas do scaipeadh tíreolaíoch a chinnteoidh rochtain réasúnta don mhéid is mó daoine sa bpobal san áireamh nuair atá ionaid na bpáirceanna spraoi dhá roghnú.”

**NOTICE OF MOTION NO. 14 – COMH. C. NI FHATHARTA**

949

*The following reply was given: -*

“Cé go dtuigeann Comhairle Chontae na Gaillimhe an tábhacht turasóirachta a bhaineann le trána a bhfuil Brat Gorm acu, faoi Polasaí Uisce Snámha 2006 an Comhairle, socraíodh, go ndéanfaí iarratas ar Bhrat Gorm do thrá, sa gcas go bhféndfaí an infrastructure cuí a chur ar fáil ar chostas réasúnta nó go bhfuil an infrastructure ar an suíomh cheanna féin.

Breathnoidh an Chomhairle ar thrána a comharthaig, ag tábhairt san áireamh úsáid na trá, suíomh na trá agus aon rioscaí a bheadh congarach maidir le caighdeán an uisce.”

**NOTICE OF MOTION NO. 15 – CLLR. D. CONNOLLY**

950

*The following reply was given: -*

“Déanadh imscrúdú ó Aibreán-Iúil 2004 chun na foinsí truaillithe a d’fhéadfadh a bheith i gceist a mheas. D’athain an t-imscrúdú seo líon áirithe teaghlaigh agus áiseanna ar dóchúil iad a bheith ina bhfoinsí truaillithe.

Tá sé beartaithe tuilleadh measúnaithe a chur i gcríh i Meitheamh-Lúnasa 2006 i gceantar na bhForbacha, a bheidh bunaithe ar thorthaí na n-imscrúduithe i 2004. Tá sé beartaithe chomh maith, bróisiúr a sholáthar ar chothabháil na n-umar seipteacha do gach teaghlach sa cheantar. Níl aon áiseanna leithris ar thrá na bhForbacha faoi láthair ach tá rún ag Comhairle Chontae na Gaillimhe dhá Portaloo a shuíomh ag na trále linn tréimhse an tsamhraidh seo.”

**NOTICE OF MOTION NO. 16 – CLLR. D. CONNOLLY**

**951**

*The following reply was given: -*

“This junction is located on the N6 between Aughrim and Ballinasloe. The junction layout is in accordance with standards for National Roads with right turning lanes and markings. Road markings are renewed on a regular basis but due to high levels of traffic using this route it can become worn from time to time. All the required signs are in place including no overtaking etc.”

**NOTICE OF MOTION NO. 17 – CLLR. D. CONNOLLY**

**952**

It was proposed by Cllr. D. Connolly, seconded by Cllr. S. Walsh and agreed that the Council call for a public inquiry into the murder, by unionist paramilitaries, of Councillors Eddie Fullerton in County Donegal in 1991.

**NOTICE OF MOTION NO. 18 – CLLR. F. HEALY EAMES**

**953**

*The following reply was given: -*

“Galway County Council has carried out a review of all discharge licences in Clarenbridge. Premises that are not licensed have been requested to apply for a discharge license.

Septic Tank surveys have been carried out, an information meeting was arranged and information brochures have been circulated to over three hundred houses in the area.”

**NOTICE OF MOTION NO. 19 – CLLR. J. MCDONAGH**

**954**

*The following reply was given: -*

“I wish to inform you that the bridge at Cloonbiggeen is not narrower than the approach roads and as such the bridge is not viewed as a traffic hazard in itself. However, to highlight the possible danger, reflective plates will be attached to the end of the parapet walls on both approaches.”

**NOTICE OF MOTION NO. 20 – CLLR. J. CUDDY**

**955**

*The following reply was given: -*

“The Department of Environment Heritage & Local Government have initiated a nationwide campaign with a view to having a more accurate and comprehensive 2007/2008 Register of Electors. A new procedure has been agreed at national level which requires that

- the field worker calls to every house and if necessary leaves a form for completion.
- each field worker will be provided with a Register Work Book with a view to obtaining all necessary details of each elector and also including date(s) on which field worker called.

A meeting has been held with the Council's field workers and the new procedures have been explained to them.

Extra funding is being made available and a bonus will be payable to field workers who verify that they have contacted every household.

It is also proposed that the Council will employ four extra field workers and also administrative staff with this funding. A local publicity campaign will also be conducted to make the public more aware of their responsibilities of ensuring they are registered."

**NOTICE OF MOTION NO. 21 – CLLR. J. CUDDY**

**956**

*The following reply was given: -*

"The location for the proposals has been identified and documents will be prepared to allow the completion of the scheme in the present year."

**NOTICE OF MOTION NO. 22 – CLLR. J. CUDDY**

**957**

*The following reply was given: -*

"The provision of footpaths on National routes in and on the periphery of Towns and Villages was raised with Mr. Fred Barry, CEO, NRA by the Elected Members of Galway County Council at a recent meeting. Mr. Barry explained that the NRA priority works for the next few years would be related to the improvement of pavements throughout the County as identified by the International Roughness Index. He further explained that footpaths were excluded from these works. However, he did state that his priorities could be changed by the Oireachtas Members and if they decide that footpaths were now to be priority that he would reduce the pavement monies and transfer the monies to the priority National footpaths. The ramifications of such a decision would have serious implications for Galway County Council as we could lose up to €12 million in pavement grants. There would be no guarantees that the provision of footpaths in County Galway would be high on the priority list."

**NOTICE OF MOTION NO. 23 – CLLR. M. FAHY**

958

*The following reply was given: -*

“Galway County Council is project managing the proposed new N 18 Dual carriageway from Oranmore to Crusheen. For logistical reasons the scheme has been divided into two separate projects N 18 Gort to Crusheen and N 18 Oranmore to Gort. The Environment Impact Statement (EIS) and the Preliminary Design Report (PDR) have been published for the N 18 Gort to Crusheen scheme and an Oral Hearing for this scheme, under the supervision of An Bórd Pleanála is due to commence in the Lady Gregory Hotel Gort on Tuesday 25<sup>th</sup> of July 2006. The N 18 Oranmore to Gort Scheme is scheduled to publish the EIS, PDR and the CPO for the scheme on Thursday 10<sup>th</sup> August 2006. These documents will address all relevant road design issues in the Kiltiernan area, including the issue of road water drainage. It is the intention of the project design team to provide adequately for road drainage in this area in order to ensure that the proposed road scheme does not cause pollution or worsen the flooding situation in the area. It is not intended to use the road scheme to address the current situation of surface water lying in the fields in this area as happens after periods of heavy rainfall.

As part of the project management process, staff from the National Roads Design Office have met with the Board of Management of Kiltiernan School and with local residents on several occasions. These meetings have been useful for both sides and have resulted in several improvements to the design of the scheme where issues of local concern have been addressed.

Galway National Roads Design Office is satisfied that the issue of road drainage relevant to the proposed road has been satisfactorily addressed in the design of the scheme. General drainage works in the manner carried out by OPW are outside the scope of this scheme and will not be addressed by the scheme. Anyone seeking further information on either of the two N 18 schemes is invited to contact the National Roads Design Office at (091) 705387.

**NOTICE OF MOTION NO. 24– CLLR. M. FAHY**

959

*The following reply was given: -*

“The speed limit review was commenced and all the Elected Members were requested to forward their proposals. The Roads & Transportation Strategic Policy Committee on 13/7/2006 decided to propose the alterations on an electoral area basis subject to the submission of electoral area road maps to each Elected Member. The Elected Member replies will be completed before the 30/9/2006 and will be analysed by the County Manager before advertisement. The approval of extensions on National Roads requires approval from the NRA. The roads suggested are part of the N67 and will require NRA sanction.”



**NOTICE OF MOTION NO. 25– CLLR. M. FAHY**

960

*The following reply was given: -*

“I wish to inform you that an estimate for replacement of paths in Ardrahan will be prepared by the Gort Area Office and will issue to you shortly. At present there is no allocation of funding for footpaths in Ardrahan.”

**NOTICE OF MOTION NO. 26 – CLLR. P.HYNES**

961

*The following reply was given: -*

“This NOM refers to a letter from Martin Collins, Derrybrien Development Society Ltd regarding the condition of the access road to the Windfarm site at Derrybrien and of the R353 in the area.

The L-4214 which connects the site entrance with the R353 regional road has been reconstructed by the contractor as part of the overall project. The Council is in contact with the contractor with a view to the completion of works on this road to the Council’s satisfaction. The R353 from its junction with the L-4214 to its junction with the N66 was jointly inspected by Engineers from Galway County Council and representatives from Hibernian Wind Farms. No specific deterioration or damage to the road structure of the R353 was observed that could be contributed to the construction traffic travelling to and from the site.

The matters raised in the letter from the Derrybrien Development Society have been brought to the attention of the contractors.”

**NOTICE OF MOTION NO. 27 – CLLR. P.HYNES**

962

*The following reply was given: -*

“I wish to inform you that the referenced road is a local tertiary road and can therefore be considered for funding for restoration work under the Department of Environment Tertiary Roads Grant in Autumn 2006 or the Clár Programme, if the condition of the road is such that restoration works are recommended.”

**NOTICE OF MOTION NO. 28 – CLLR. S. CANNEY**

963

*The following reply was given: -*

“It has been decided to tender for demolition and enabling works in advance of the main contract. This should achieve lower costs and will speed up the process. The main construction contract will be advertised using the restricted procurement procedures.

This approach will allow time for the detailed design to be completed before October in order to invite tenders as listed below.

Estimated programme:

- (a) Demolition and enabling works
  - Tender notice – August 2006
  - Return of tenders – September 2006
  
- (b) Main contract and sub-contract works:
  - Restricted procedure tender notice – August 2006
  - Return of applications – September 2006
  - Invitation of tender – October 2006
  - Return of tenders – November 2006

Main contract scheduled to commence as soon as possible after tendering process is complete. Demolition scheduled for October 2006.”

**NOTICE OF MOTION NO. 29 – CLLR. S. CANNEY**

964

*The following reply was given: -*

“Galway County Council have made a formal offer for the purchase of a site for the new forestations in Tuam. To date no reply has been received from either the vendor or the Auctioneer on this matter. We are actively seeking for other sites if the vendor refuses our offer.”

**NOTICE OF MOTION NO. 30 – CLLR. S. CANNEY**

965

*The following reply was given: -*

“Cedar Court Housing Estate has not been taken in charge to date. Galway County Council will only be in a position to take some estates in charge from 2006 onwards as there is currently no provision in the budget for the taking in charge of developments”.

**Criochnaigh an Cruinniú Ansin.**

submitted, Approved & Signed

Michael J. Kelly

25th September 2006.

Date