



Galway County Council Archives

GALWAY COUNTY COUNCIL,

COUNCIL MINUTES

GC/1/51

26 MAY 2008 TO 27 APRIL 2009

CHOMHAIRLE CHONTAE NA GAILLIMHE

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL
HELD AT THE RAHEEN WOODS HOTEL, ATHENRY, CO. GALWAY ON
MONDAY 27th APRIL, 2009.**

CATHAOIRLEACH:

Cllr. P. Feeney

ILATHAIR FREISIN:

Baill:

Cllrs. W. Burke, S Canney, J.Conneely,
D. Connolly, M.Connolly, Comh. O'Cuaig,
Cllrs. J. Cuddy, M Fahy, M. Finnerty, M Carey,
M Hoade, P Hynes, J. Joyce, C Keaveney,
S Kyne, T Mannion, J McDonagh, T McHugh,
M. Maher, M. Mullins, Comh. C. Ni Fhatharta,
Comh O Tuairisg, Cllrs. M. Regan, T. Reilly, S
Walsh, T Walsh, T Welby, B. Willers.

Oifigigh:

Ms. M. Moloney, County Manager; Messrs. J.
Cullen, K. Kelly, F. Gilmore, J. Morgan,
Directors of Service; G. Mullarkey, Head of
Finance; M. Dolly, M. Lavelle, E. Molloy,
Senior Engineers; B. McDermott, County
Secretary; M. Owens, Senior Executive Officer;
C. McConnell, Senior Planner, G. Healy, Staff
Officer.

Thosnaigh an cruinniú leis an paidir.

RESOLUTIONS OF SYMPATHY

2088

A Resolution of sympathy was extended to the following:-

Mr. Sean Lyons, Brackernagh, Ballinasloe, Co. Galway.

CONFIRMATION OF MINUTES OF MEETINGS.

2089

The Minutes of the Monthly Meeting held on 23rd March, 2009 were approved by the Council and signed by the Mayor on the proposal of Cllr. McDonagh, seconded by Cllr. Regan.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION **2090**

The Report of the Oranmore Area Committee Meeting held on 26th January, 2009 was approved by the Council and signed by the Mayor on the proposal of Cllr. Hoade, seconded by Cllr. McDonagh.

The Report of the Tuam Area Committee Meeting held on 12th December 2008 was approved by the Council and signed by the Mayor on the proposal of Cllr. McHugh, seconded by Cllr. T. Walsh.

The Report of the Tuam Area Committee Meeting held on 18th February, 2009 was approved by the Council and signed by the Mayor on the proposal of Cllr. T. Walsh, seconded by Cllr. McHugh.

The Report of the Loughrea Area Committee Meeting held on 3rd February 2009 was approved by the Council and signed by the Mayor on the proposal of Cllr. Regan, seconded by Cllr. Willers.

The Report of the Loughrea Area Committee Meeting held on 24th February 2009 was approved by the Council and signed by the Mayor on the proposal of Cllr. Maher, seconded by Cllr. Regan.

The Report of the Corporate Policy Group Meeting held on 28th November, 2008 was approved by the Council and signed by the Mayor on the proposal of Cllr. T. Walsh, seconded by Cllr. Canney.

The Report of the Corporate Policy Group Meeting held on 4th December, 2008 was approved by the Council and signed by the Mayor on the proposal of Cllr. T. Walsh, seconded by Cllr. D. Connolly.

The Report of the Planning & Economic Development SPC Meeting held on 9th February, 2009 was approved by the Council and signed by the Mayor on the proposal of Cllr. Hoade, seconded by Cllr. Burke.

DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993 **2091**

On the proposal of Cllr. S. Walsh, seconded by Comh. Ó Tuairisg, the Council approved the declaration of the following road to be a public road, the statutory procedure having been complied with:-

Road commencing at junction with Regional Road R388 in the townland of Kilmeelickin and extending East as appropriate for a distance of 310 metres in the townland of Kilmeelickin and finishing at Joe O'Malley's house in the townland of Kilmeelickin.

Electoral Area: Conamara

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF
ROADS ACT 1993** **2092**

On the proposal of Cllr. Regan, seconded by Cllr. Maher, the Council approved the declaration of the following road to be a public road, the statutory procedure having been complied with:-

The Estate road commences at its junction with “Stonehaven” Housing Estate, Athenry in the townland of Ballydavid South and extends in a North/Easterly direction for approximately 40m before turning in a North/Westerly direction for approximately 57m and again turning in a North/Easterly direction for approximately 41m to finish.

Electoral Area: Loughrea

**TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL
GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.112 HECTARES AT
SLIABH CARRON, GORT, CO. GALWAY** **2093**

Report dated 9th April, 2009 was already circulated to each Member.

On the proposal of Cllr. Fahy, seconded by Cllr. Willers, the proposed disposal of 0.112 hectares at Sliabh Carron, Gort, Co. Galway was approved, as follows:

Lands to be transferred: 5 houses to be transferred comprising of a total area of 0.112 hectares.

**TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND
DEVELOPMENT REGULATIONS 2001 – SHEAUNROE, SPIDDAL, CO.
GALWAY LA12/08** **2094**

Report dated 15th April, 2009 was already circulated to Each Member.

On the proposal of Comh. Ó Tuairisg, seconded by Cllr. S. Walsh, the proposed construction of a new demountable dwelling at Sheanroe, Spiddal, Co. Galway, was approved.

**TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND
DEVELOPMENT REGULATIONS 2001 – MID GALWAY WATER SUPPLY
SCHEME** **2095**

Report dated 12th April, 2009 was already circulated to Each Member.

On the proposal of Cllr. Mullins, seconded by Cllr. McHugh, the proposed design, construction and commissioning of additional plant, equipment and civil works at the existing treatment building at the Danganbeg site, was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – BALLYMOE WATER SUPPLY SCHEME 2096

Report dated 12th April, 2009 was already circulated to Each Member.

On the proposal of Cllr. T. Walsh, seconded by Cllr. Reilly, the proposed design, construction and commissioning of additional plant, equipment and civil works at the existing treatment building at the Lisnageeragh site, was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – WILLIAMSTOWN WATER SUPPLY SCHEME 2097

Report dated 12th April, 2009 was already circulated to Each Member.

On the proposal of Cllr. T. Walsh, seconded by Cllr. Reilly, the proposed design, construction and commissioning of additional plant, equipment and civil works at the existing treatment building at the Springfield site and at the reservoir site at Kilnaleg, was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – GLENAMADDY WATER SUPPLY SCHEME 2098

Report dated 12th April, 2009 was already circulated to Each Member.

On the proposal of Cllr. T. Walsh, seconded by Cllr. Keaveney, the proposed design, construction and commissioning of additional plant, equipment and civil works at the existing treatment building at the Bushtown, Glenamaddy site, was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – DUNMORE/GLENAMADDY WATER SUPPLY SCHEME 2099

Report dated 12th April, 2009 was already circulated to Each Member.

On the proposal of Cllr. McHugh, seconded by Cllr. Canney, the proposed design, construction and commissioning of additional plant, equipment and civil works at the existing treatment building at the Gortgarrow site, was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – BALLYGAR WATER SUPPLY SCHEME 2100

Report dated 12th April, 2009 was already circulated to Each Member.

On the proposal of Cllr. Mullins, seconded by Cllr. D. Connolly, the proposed design, construction and commissioning of additional plant, equipment and civil works at the existing treatment building at the Cloonlyon site, was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – MOUNTBELLEW WATER SUPPLY SCHEME 2101

Report dated 12th April, 2009 was already circulated to Each Member.

On the proposal of Cllr. D. Connolly, seconded by Cllr. Finnerty, the proposed design, construction and commissioning of additional plant, equipment and civil works at the existing treatment building at the Meelick site, was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – TULLY/TULLY CROSS WATER SUPPLY SCHEME 2102

Report dated 12th April, 2009 was already circulated to Each Member.

On the proposal of Cllr. Conneely, seconded by Cllr. O'Tuairisg, the proposed design, construction and commissioning of additional plant, equipment and civil works at the existing treatment and reservoir sites at Tully, was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – LETTERFRACK WATER SUPPLY SCHEME 2103

Report dated 12th April, 2009 was already circulated to Each Member.

On the proposal of Cllr. Conneely, seconded by Cllr. S. Walsh, the proposed design, construction and commissioning of additional plant, equipment and civil works at the existing treatment site at Letterfrack, was approved.

In reply to queries from a number of the Members regarding the above Part 8 proposals, Mr. Cullen stated the following:

- The Council has gone to tender on some of the proposals and the tender process is commencing on others.
- It is hoped to provide details to the Members at a later Monthly Meeting of the value of the tenders, and the extent of the funding which will be provided by the Department of the Environment, Heritage & Local Government to implement the Remedial Action Programme.
- It is expected that most of the tenders will come in under the estimated cost, however the cost will still be high.
- The Council initially prepared a scheme setting out details of the Water Supply Schemes which needed to be upgraded and put an estimated cost on these. This scheme was submitted to the DOEHLG in order to determine the

Minutes of Monthly Meeting held on 27th April 2009

level of funding which they would provide to the Council. The Council will go back to the Department with costed proposals once the tenders have been received.

- In 2008, the Members had approved the raising of a loan to fund the upgrades and DOEHLG approval had been requested for the raising of the loan but this approval has not yet been received.
- The Members will be informed once DOEHLG approval has been received.

Cllr. Reilly asked if approval has been received from the DOEHLG for the raising of the loan in respect of Tuam Main Drainage Scheme and Mr. Cullen replied that the Council requested the DOEHLG for clarification on the amount of grant aid to be allocated to the Council, confirmation that the Department will recoup the grant monies to the Council in a speedy manner and approval for the raising of the necessary loan by the Council. He stated that the Council cannot enter into a contract to carry out the works until a response has been received from the Department in this regard.

Cllr. Reilly proposed that the Council write to the Minister for the Environment stating the following – “Galway County Council requests an immediate response with regard to the raising of the €8m loan towards the Tuam Main Drainage Project”. This proposal was seconded by Cllr. M. Connolly and agreed.

In response to a query from Cllr. Fahy, Mr. Cullen stated that the Council is awaiting approval from the DOEHLG regarding its proposals to upgrade the water treatment plant at Gort and if confirmation of the availability of funds is received, the Council can proceed with this work in the summer.

Cllr. Hoade proposed that the official opening of the Headford Sewerage Scheme be arranged before the next meeting of the Council and this proposal was seconded by Cllr. Mannion.

Mr. Cullen stated that he will check if this is possible.

In reply to a query from Cllr. S. Walsh regarding Oughterard Sewerage Scheme, Mr. Cullen stated that approval had been received from the DOEHLG for the shortlisting of Consultants and this is being arranged.

Cllr. Mullins stated that the Minister for the Environment proposes to give powers to Local Authorities under the Nitrates Directive to inspect farms and he stated that this would be an unnecessary burden on farmers and an extra layer of bureaucracy. Cllr. Mullins proposed that the following Resolution be sent to the Minister for the Environment, Heritage & Local Government - “that Galway County Council rejects the establishment of a second on-farm inspectorate, under the Nitrates Regulations and the Water Framework Directive as a wasteful and unacceptable burden on farmers and unnecessary costs that County Councils can ill-afford. This compliance and on-farm inspection work is already being carried out competently by a qualified Department of Agriculture Inspectorate and this proposal was seconded by Cllr. Finnerty, and agreed.

Minutes of Monthly Meeting held on 27th April 2009

On the proposal of Cllr. Cuddy, seconded by Cllr. Reilly, it was agreed that this Resolution be forwarded to all Local Authorities and to the General Council of County Councils.

Mr. Cullen stated that he understands the points of view of the Members and he agreed that there should be no duplication of work between the Department of Agriculture and the Council. However, he stated that Local Authorities need to have powers of inspection of farms in certain circumstances, for example where there is a threat of pollution due to farming activity. He also stated that there is ongoing discussion between the Department of the Environment and the Department of Agriculture regarding this proposal as the IFA has raised concerns in this regard.

TO APPROVE OVERDRAFT ACCOMMODATION OF €35M FOR THE PERIOD 01/07/09 – 31/12/09 **2104**

Report dated 17th April, 2009 was circulated to Each Member

In response to a query from Cllr. McHugh, Mr. Mullarkey confirmed that at the moment the level of overdraft is at €4m. However, he stated that at one point during 2008 the overdraft rose to €25m. He stated that the overdraft is monitored on a daily basis and the interest rate is very competitive. He asked for the Members approval to an overdraft accommodation of €35m in order to ensure that an adequate level of overdraft is available if required up to the end of 2009.

On the proposal of Cllr. McHugh, seconded by Cllr. McDonagh, it was agreed to approve the overdraft accommodation of €35m for the period 1/7/09 to 31/12/09.

PRESENTATION BY “3” - NATIONAL BROADBAND ROLLOUT **2105**

The Mayor welcomed Ms. Fiona D’Arcy and Robert Marshall of “3 Ireland” and Mr. Colm Sunderland of “BT Ireland” to the Meeting. Ms. D’Arcy made a Presentation to the Members regarding National Broadband Rollout by “3 Ireland”. She explained what the National Broadband Scheme (NBS) entails and outlined the benefits of Broadband. She then gave a national overview of the NBS and explained what the NBS means for Galway.

Following the presentation, a number of issues were raised by the Members as follows:

- The Members recommended that a high level of co-location should be used in order to roll out broadband and that existing infrastructure should be used where possible.
- Will “3 Ireland” go into areas where coverage already exists
- “3” has indicated that 45 greenfield sites have been targeted in Galway. When will the location of these sites be made known to the public.
- There is a restriction on the number of masts which can be erected in Conamara, so this causes a problem regarding Broadband availability

Minutes of Monthly Meeting held on 27th April 2009

- The Members welcomed the advances being made in relation to Broadband Rollout.

Ms. D'Arcy stated that where possible existing infrastructure and co-location will be used and the number of green-field sites proposed to be used will be reduced if possible. She also stated that in areas where there is currently 60% or more Broadband coverage, "3" will not get involved in these areas.

Mr. Sutherland stated that it will not be possible to confirm the sites to be identified until such time as the draft proposals are put together and submitted to the Council by the Company.

Ms. D'Arcy stated that "3 Ireland" wishes to engage with communities and they will be available to meet with communities if requested to do so.

AUDIT REPORT ON THE ACCOUNTS AND ANNUAL FINANCIAL STATEMENT FOR GALWAY COUNTY COUNCIL FOR THE YEAR ENDING 31/12/07 **2106**

Report dated 20th April, 2009 was already circulated to Each Member.

Mr. Mullarkey informed the Members that the Local Government Auditor had completed the Audit of Accounts for Galway County Council for the year 2007 and that the result of the audit was contained in the Audit Report before the Members for noting.

The Audit Report on the Accounts and Annual Financial Statement for Galway County Council for the year ending 31/12/07 were noted by the Members.

FINANCIAL UPDATE **2107**

Report dated 31st March, 2009 was already circulated to Each Member.

Mr. Mullarkey referred to the report circulated which gives a summary by Division and is an analysis of the expenditure and income to date.

The Members expressed concern regarding the fact that temporary roadworkers had been laid off recently stating that it is imperative that roads repairs are not neglected.

The Manager stated that the number of staff employed by the Council has reduced by 49 due to the non filling of posts at retirement and the termination of temporary employments on completion of contracts. She also stated that 14 staff on maternity leave have not been replaced, giving a total reduction in staff of 63 at present. She stated that it is expected that the 2009 Local Government Fund allocated to the Council will be reduced to between €1m and €1¼ m and this will add to the pressure on Council resources and staffing.

Cllr. O'Tuairisg asked if it would be possible to avoid the outsourcing of roadworks contracts in order to give this work to employees of the Council and Mr. Morgan

replied that where contracts have been signed with contractors, these contracts have to be honoured.

Mr. Morgan stated that at present many roads around the county are in a bad state of repair due to inclement weather conditions over the past number of months. He said that the maintenance of the road network will suffer as a result of the €9.3m reduction in funding for the Roads Programme by the DOEHLG and these cuts will have staffing implications also. He stated that the implications of the reduced funding are being examined at present by the Council.

In reply to a query regarding the Council's emergency after-hours callout service, he confirmed that this service is still in place at present.

In reply to a query raised by Cllr. Reilly, the Manager stated that it would be premature at present to comment on the question that staff might have to go on a 3-day week due to cuts in funding.

In reply to a query from Cllr. Joyce, Mr. Kelly stated that the Council cannot give a guarantee to temporary staff who have been laid off that they will be given preference if the Council is in a position to again recruit staff. However, he stated that their experience and training with the Council would be beneficial to them in any recruitment competition with the Council. He also stated that it is regrettable that staff had to be laid off but the Council had no choice due to the reduction in funding.

Cllr. Keaveney proposed that the Council send the following Resolution to the Minister for Finance and the Minister for the Environment, Heritage & Local Government "that the Department of Finance and the Department of the Environment reconsider the proposal that prevents the Executive/Management of Galway County Council from recruiting staff as a consequence of natural wastage and attrition. This Council deplores the dismissal of outdoor workers which arise as a direct result of the €9m cut in the Authority's Roads Programme". This proposal was seconded by Comh. Ó Cuaig and agreed.

DRAFT REVISED ROADS PROGRAMME 2009

2108

The Draft Revised Roads Programme was circulated to Each Member.

Mr. Morgan referred to the Summary of Revisions stating that the revised budget received from the Department of Transport shows a decrease in Grant Allocations for National, Regional and Local Roads for 2009 of €9.323m since the original grant allocations were announced in February, 2009. He said that this reduction in grant aid will leave the Council in a difficult position with regards the upkeep of roads and the employment of staff to carry out the works. He said that the Department of Transport had not engaged in any discussion with the Council before making the cuts outlined in the Roads Programme and they have indicated that their decision is final. He stated that there is some flexibility in the Road Restoration and Improvement Grants.

Minutes of Monthly Meeting held on 27th April 2009

Cllr. Mannion proposed the following: "that the Minister for Transport be requested to meet with a delegation from Galway County Council on Friday 1st May following the opening of the Quality Bus Corridor in Claregalway at 1.00pm to discuss the reduction in the Roads Allocation and the impact of same on Galway County Council's Roads Programme 2009". This proposal was seconded by Comh. Ní Fhatharta and agreed. It was agreed that the following Members form the Deputation: Cllr. Mannion, Cllr. Mullins, Cllr. Hoade and Mayor Feeney.

Cllr. Mullins referred to his Notice of Motion No. 39 and he proposed that the following Resolution be sent to the Minister for Transport - "That Galway County Council condemns in the strongest manner possible, the savage cuts made to our Roads Programme by the Department of Transport. This decision will ensure that many Road users of our County will have to travel on Surfaces that will be no better than what you would expect to see in a Third World Country, despite having paid their Motor Tax." This proposal was seconded by Cllr. Canney and agreed.

The Members expressed their concerns in relation to the Revised Roads Programme as a result of the cut in the Roads Grant Allocation of €9.3m.

Mr. Morgan replied to the queries raised by the Members as follows:

- Regarding the use of direct labour, Mr. Morgan stated that outdoor workers are trained in roadbuilding skills but a CSCS is still required under Health & Safety Regulations and this is absorbing a lot of funding.
- In relation to the Galway City Outer Bypass, Mr. Morgan stated that funding has been allocated for ongoing design works. He stated that the outcome of the Judicial Review in this regard will determine further progress on this project. He stated that the Council is fully in favour of the project.
- Regarding the N6 Haulage Route insurance claims, Mr. Morgan stated that claims received have been passed on to the Haulage Contractor as this is their responsibility
- Mr. Morgan stated that it is not yet clear if Roinn na Gaeltachta funding for roads will be forthcoming in 2009
- In relation to the Speed Limit Review, he stated that the Council awaits a reply from the Gardaí and NRA before progress can be made on same
- In relation to cuts made by the Department of Transport to the Roads Programme, Mr. Morgan stated that the only flexibility available to the Council is in respect of the Road Restoration Grants. The Council hopes that it may be allowed to improve sections of roads where there are problems with potholes.
- In reply to the point raised regarding superhighways, Mr. Morgan stated that these roads provide access to the west and this reduces peripherality. He also stated that motorways are designed for projected future needs, i.e. 20 years time, and not needs of today's traffic.
- He stated that it is necessary to avail of the velocity patching unit for certain road repairs in order to comply with existing guidelines and health & safety requirements associated with such works.
- He stated that the Council is of the understanding that no government funding is currently available for Park & Ride initiatives.

Minutes of Monthly Meeting held on 27th April 2009

- He stated that the NRA has given a commitment to repair and reinstate regional and local roads impacted by the construction of the N6 and that it is intended to commence such works in the near future following the completion of the major earthworks etc. associated with the N6 Project.

On the proposal of Cllr. Kyne, seconded by Cllr. S. Walsh, the Draft Revised Roadworks Programme 2009 was agreed.

DRAFT ANNUAL REPORT 2008

2109

On the proposal of Comh Ní Fhatharta, seconded by Cllr. Mullins, it was agreed that the Draft Annual Report 2008 be adopted by the Members

LOCAL ELECTIONS – ISSUE OF POLLING CARDS

2110

Report dated 17th April, 2009 was already circulated to Each Member

On the proposal of Cllr. Canney, seconded by Cllr. Cuddy, it was agreed that Polling Cards be issued to “L” Voters.

MAYORS BUSINESS

2111

It was agreed that the May Monthly Meeting will commence at 2pm and that the planned visit to the Meeting by a delegation from the Harbour Company be deferred until after the local elections.

NOTICE OF MOTIONS

NOTICE OF MOTION NO 25 – CLLR. B. WILLERS

2112

The following reply was given:-

“The funding allocated by the National Roads Authority for the National Primary Road Network in the County in the current year does not include provision for traffic calming measures in Ardahan.

Accordingly, in the absence of such funding the Council are not in a position to provide traffic calming measures.”

NOTICE OF MOTION NO 26 – CLLR. B. WILLERS

2113

The following reply was given:-

“There is no funding available for these works under the Disability Act.”

NOTICE OF MOTION NO 27 – CLLR. B. WILLERS

2114

The following reply was given:-

“The resources available for the maintenance of the local road network is determined by the level of funding provided by the Department of Transport and the level of funding provided in the Council’s Budget for this purpose.

The funding available from both of these sources in the current year is significantly reduced and accordingly shall impact on the level of routine maintenance that the Council can undertake.

The Council shall continue to maintain the local road network to the greatest extent possible within the limits of available funding.”

NOTICE OF MOTION NO 28 – COMH. C. NI FHATHARTA

2115

The following reply was given:-

“Le go mbeadh aitheantas Brat Gorm ag Trá na bhForbacha, caithfidh stádas an uisce a bheith ard agus chomh maith leis sin caithfidh leithris poiblí a bheith ar fáil don phobail. Tá an Chomhairle Chontae ag féachaint ar cén rogha bealaigh atá ann chun an seirbhís seo a chuir ar fáil. Bíonn an Chomhairle Chontae ag scrúdú torthaí na tástála a déantar ar an uisce agus ar an abhainn a thagann isteach ar an dtrá.”

NOTICE OF MOTION NO 29 – CLLR. J. MCDONAGH

2116

The following reply was given:-

“The current 50kmp/h speed limit in this area is a Roadwork’s Speed Limit and is in place in connection with works being undertaken to upgrade a water scheme

On completion of such works, the speed limit shall revert to 80kmp/h. It is not currently intended to impose a 50kmp/h speed limit at this location.”

NOTICE OF MOTION NO 30 – CLLR. J. MCDONAGH

2117

The following reply was given:-

“In the context of the reduced level of funding available for road maintenance in the current year, routine maintenance is being undertaken on a priority basis.

The Creganna Road will be scheduled for maintenance in the context of available resources.”

NOTICE OF MOTION NO 31 – CLLR. J. MCDONAGH

2118

The following reply was given:-

“The road has been inspected, and subject to funding being provided to facilitate the work required to bring the road to an acceptable standard, meets the Council’s criteria for taking in charge. An estimate for such work has been provided.”

NOTICE OF MOTION NO 32 – CLLR. M. FAHY

2119

The following reply was given:-

“The Council recognises the need for improvement works to the N18 in Gort and has submitted proposals for such works to the National Roads Authority. To date, no funding has been provided by the National Roads Authority to facilitate such works.

The Council is conscious of the benefits associated with the approach taken to the rehabilitation of Main Street, Loughrea. However, in order to replicate this approach, for the improvement of the existing road network in Gort Town following the opening of the N18 Gort – Crusheen Scheme, a simultaneous commitment of funding from all of the relevant stakeholders is necessary. There is currently no indication that the necessary funding required to facilitate this approach will be made available.”

NOTICE OF MOTION NO 33 – CLLR. M. FAHY

2120

The following reply was given:-

“The Council actively supports community employment and amongst other measures sponsors five Community Employment Schemes providing training and development opportunities for participants. The current criteria for participation on a Community Employment Scheme facilitates those who are unemployed for 12 months participating on a Scheme.”

NOTICE OF MOTION NO 34 – CLLR. M. FAHY

2121

The following reply was given:-

“The Council proposes to supply the Kilcolgan area and all associated group water schemes from the Luimnagh water supply via the Clarinbridge tower and Clarinbridge village. This work is ongoing and it is expected to be complete by July 2009.”

NOTICE OF MOTION NO 35 – CLLR. M. MAHER

2122

The following reply was given:-

“This matter has been raised with the National Roads Authority with a view to obtaining the required funding to facilitate the works. To date, the necessary funding

has not been allocated by the National Roads Authority. The matter will be raised again with the appropriate officials from the National Roads Authority.”

NOTICE OF MOTION NO 36 – CLLR. M. MAHER

2123

The following reply was given:-

“There is currently no funding allocated for the provision of a footpath at the railway bridge on the Monivea Road, Athenry. However, the Council are in discussions with Iarnrod Éireann and the relevant landowners with a view to undertaking the project as soon as the necessary funding becomes available.”

NOTICE OF MOTION NO 37 – CLLR. M. MAHER

2124

The following reply was given:-

“Speed Limits on the approach roads to the village of Kiltulla are currently the subject of review, in the context of the ongoing review of speed limits in towns and villages, and in the context of available resources for the implementation of the resulting Bye-Laws.”

NOTICE OF MOTION NO 38 – CLLR. M. MULLINS

2125

The following reply was given:-

“The inspection programme of Galway County Council is focused on areas with identified serious water quality issues. Prioritised areas include catchments upstream of drinking water sources, designated bathing areas and shellfish production areas. Farm surveys are one aspect of the investigations carried out to identify the source or sources of contamination. Other aspects include septic tank surveys and assessment of industrial and commercial discharges.

Farm inspections carried out by Galway County Council are focused on the protection of water quality and are therefore of significantly less duration than Department of Agriculture inspections. There is work ongoing on a national basis so as to minimise duplication of inspections.”

NOTICE OF MOTION NO 39 – CLLR. M. MULLINS

2126

The following reply was given:-

“Noted”.

NOTICE OF MOTION NO 40 – CLLR. M. MULLINS

2127

Minutes of Monthly Meeting held on 27th April 2009

The following reply was given:-

“Noted”.

NOTICE OF MOTION NO 41 – CLLR. P. HYNES

2128

The following reply was given:-

“Galway County Council will carry out an assessment of the housing needs of this applicant to establish the most appropriate accommodation option and will endeavour to provide same if feasible.”

NOTICE OF MOTION NO 42 – CLLR. P. HYNES

2129

The following reply was given:-

“The Council approved the construction of a single house for the applicant at the Council meeting of 27th September 2007 and are awaiting a response from the applicant with regard to his solicitor details so that the transfer of the site can be progressed.”

NOTICE OF MOTION NO 43 – COMH S. O'TUAIRISG

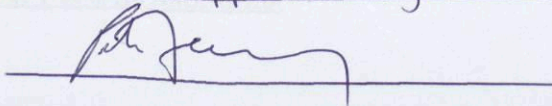
2130

The following reply was given:-

“Réitíonn Comhairle Chontae na Gaillimhe clár bhliantúil le haghaidh oibreacha agus síniú le na reileaganna sa Chontae. Tá tús áite tugtha sa chlar 2009 dos na hoibreacha is práinní, ó tharla go bhfuil ganntanas airgead ann. Béidh an Chomhairle Chontae ag athbreithniú an chláir i rith na bliana.”

Criochnaigh an Cruinniú Ansin

Submitted, Approved + Signed



25th MAY 2009
DATE

COMHAIRLE CHONTAE NA GAILLIMHE

MINUTES OF SPECIAL MEETING OF GALWAY COUNTY COUNCIL
HELD AT ÁRAS AN CHONTAE, PROSPECT HILL ON MONDAY 6th APRIL
2009.

CATHAOIRLEACH:

Cllr. P. Feeney

ILATHAIR FREISIN:

Baill:

Cllrs. W. Burke, S Canney, J. Conneely, D.
Connolly, M. Connolly, Comh. O'Cuaig,
Cllrs. J. Cuddy, M Fahy, M. Finnerty, M
Carey, M Hoade, J. Joyce, S Kyne, M.
Maher, T Mannion, J McDonagh, T
McHugh, M. Mullins, Comh. C. Ni
Fhatharta, Comh O Tuairisg, T. Reilly, S
Walsh, T Walsh, T Welby, B. Willers.

Oifigh:

Ms. M. Moloney, County Manager,
Messrs. J. Cullen, P. Ridge, K. Kelly,
J.Morgan, F. Gilmore, Directors of Services,
G. Mullarkey, Head of Finance M. Lavelle,
J. Eising, Senior Engineers, B. Mc Dermott,
County Secretary. A. Comer, Senior
Executive Officer, Mr. P. O'Neachtain,
Oifigeach Gaeilge

Thosnaigh an cruinniú leis an paidir.

TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS
RECEIVED DURING THE PUBLIC DISPLAY PERIOD FOR THE MATERIAL
AMENDMENTS TO THE DRAFT GALWAY COUNTY DEVELOPMENT PLAN
2009-2015 AS PER SECTION 12 (9) & (10) OF THE PLANNING AND
DEVELOPMENT ACT 2000 AS AMENDED.

2086

Minutes of Special Meeting held on 6th April 2009

Cllr Feeney explained that this Special Council meeting was for the consideration of the Manager's Report on the submissions received that related to the published amendments of the Draft County Development Plan 2009-2015 under Sections 9 and 10 of the Planning and Development 2000 as amended.

Ms McDermott referred the Members to Section 177 of the Local Government Act 2001 in relation to "Disclosure by Member of Local Authority of pecuniary or other beneficial interest" and read out the relevant section to the meeting.

Mr Ridge stated that when making the last County Development plan 2003-2009 as per the Planning and Development Act 2000 as amended, a County Settlement Strategy had been formulated. The Draft County Development Plan 2009-2015 has built on this Settlement Strategy. He also noted that a number of changes had occurred since the making of the last Development Plan including the implementation of the requirements of the Strategic Environmental Assessment (SEA) of the County Development Plan so as to comply with the provisions of the Planning and Development (Strategic Environmental Assessment) Regulations 2004. Mr Ridge also added that running parallel with the SEA are the requirements under Article 6 of the EU Habitats Directive where the Council is obliged to carry out an Appropriate Assessment of the County Development Plan

Mr Ridge explained that there were statutory obligations for the Council under both the Planning and Development (Strategic Environmental Assessment) Regulations 2004 and E.U Habitats' Directive 92/43/EEC to be adhered to so as not to leave the Council open to legal challenge. He noted that that the original advertisement for the review of the County Development Plan failed to state that it was the Council's intention to carry out an SEA and due to this omission the process had to be re-advertised again in order to fully comply with the requirements of Planning and Development (Strategic Environmental Assessment) Regulations 2004. Mr Ridge also acknowledged the cooperation of the Members in assisting the Planning Authority in retaining the process on target and completing it on time.

Mr Ridge stated that the Draft County Development Plan had focused on the potential of the County; it had allowed for the identification of strategic economic corridors and the development of the economic well being of the County.

The central strategy of the new plan was for the advancement of County Galway. He added that the County Development Plan 2009-2015 should be seen as a tool for the delivery of a sustainable economic strategy, as a plan that complies with all current rules and regulations and as a positive guide for future planning applications.

Mr. Ridge invited Ms. McConnell to present the Manager's Report on the submissions received that related to the published amendments of the Draft County Development Plan 2009-2015.

Ms McConnell stated that only submissions on the published amendments would be dealt at this meeting of which 26 were received. The closing date for submissions was on the 26th March 2009. She noted also that a number of submissions were received that did not relate to the published amendments and were listed at the end of the Manager's Report.

She explained that she would examine each submission in numerical order as they appeared in the Manager's Report and added that the Manager's response and recommendation were highlighted in red after the summary of each submission.

Ms McConnell commenced with Submission No.1 as follows:

1. Bryan Egan, Galway Architects & Engineers Group, 12 St. Francis St., Galway

Policy HP27 – Welcomes the principle of the policy which acknowledges that lifetime enurements will be considered to have expired after a period of 7 years of permanent occupancy but raises questions regarding the need to apply for planning permission for the removal of same.

Section 4.8.5 – in the Amended Draft, this entire section, including the sentences highlighted in yellow, has been struck out as a proposed omission from the Plan – this needs to be clarified

Section 6.3.4.1 – The omission of Rossaveel seaport from Policy RT32 implies that Galway County Council is indifferent to and will not support the expansion of the seaport there. Clarification is needed on this point.

Policy IS38 and DC Standard 47 – the sentiment expressed in Policy IS38 is welcome but is not acceptable as a policy – it should be an objective. Building Regulation is a separate legal code and the Planning Authority cannot require a BER rating as part of a planning application. IS38 and DC Standard should be removed or expressed differently.

DC Standard 24 – This standard needs to be re-worded to clarify which of the EPA Manuals is referred to in the wording “the above manual”.

Maps HL2 (Focal points/views) and HL4 (Landscape Sensitivity) – points out that these are a reproduction of the maps attached to the previous (current) Development Plan. Where possible, all new maps should be backgrounded on the 1:50,000 scale Discovery Maps from OSI to avoid any misinterpretation or mismatch between the paper maps and the GIS system used by Galway County Council.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

- **Policy HP27 - it is not possible to legally “waive” a condition attached to a planning permission. Furthermore, where the enurement condition has been entered into by the person to whom the permission was granted and by the planning authority, it is registered as a burden on the property. For this reason, it is necessary to legally “amend” the planning permission by requiring another application to supersede the original permission – retention or otherwise. The request to have the enurement condition omitted must also be clearly indicated on the planning permission so that it can be addressed and so that third parties are aware of the central issues in the**

planning application. No change to the Amended Draft Development Plan recommended.

Comh O'Tuairisg enquired if after 7 years an enurement clause is deemed to be gone. Ms McConnell stated that the enurement clause is a legally abiding agreement which can only be changed through a planning application. She added that the planning application must be for some type of development

Mr Ridge referred the meeting to a letter issued to them on the 21st January 2009 and presented to them again at this meeting outlining the issues involved with lifting an enurement clause from a planning permission.

It was agreed to accept the recommendation in the Manager's Report.

- RE:Section 4.8.5 – there is no section 4.8.5

It was agreed to accept the recommendation in the Manager's Report.

- Section 6.3.4.1 – it is acknowledged that the seaport at Ros a Mhíl should be included in this section. Cross reference is made to section 10.3.2 – Piers and Harbour policies. It is proposed to include mention of Ros a Mhíl in Section 6.3.4 and Section 6.3.4.1 immediately after the words “Galway Sea Port”.

Cllr Joyce stated that it was important to have rail connection with the sea port for heavy traffic.

On the proposal of Comh O'Cuaig and seconded by Cllr Feeney it was agreed to include Ros a Mhíl in Sections 6.3.4 and 6.3.4.1 as follows:

Galway County Council recognizes the strategic importance of Galway Port and Ros a Mhíl port as amenity and important transportation links to facilitate the growth and connectivity of the Galway Region.

Policy RT 33

The Council will support the expansion of Galway Sea Port and Ros a Mhíl port and potential benefits that can be delivered to the County through the development of rail distribution facilities at appropriate locations in the County

- Policy IS38 and DC Standard 47 – it is considered reasonable to require such a standard as a policy particularly as it reflects a statutory target set under the Building Regulation. This target is not set. No change recommended

It was agreed to accept the recommendation in the Manager's Report.

- DC Standard 24 – the sentence “The 30m distances....from the application site boundary” shall be omitted.

On the proposal of Cllr Mullins and seconded by Cllr T.Walsh it was agreed to accept the Manager's Report and delete the following sentence from DC Standard 24:

“The 30m distance from adjoining development in Table 4 of the above manual shall be read as 30m from the application site boundary”

- **Maps HL2 and HL4 – these maps were not the subject of published material amendments and changes to same cannot be considered. The council will consider new presentation methods for these maps in the published final document.**

It was agreed to accept the recommendation in the Manager's Report.

2. Christina Heneghan, Assistant Planner, West Regional Authority, 1st Floor, Woodquay Court, Woodquay, Co Galway.

Little arising in the material amendments that require comment.

Policy SP7 includes details of the Gateway Boundary as defined by the West Regional Authority but it is clarified in the text that it is conceptual. It has been necessary to define this Gateway area so that monitoring of progress, particularly population changes can be done in a consistent manner over time and by various working groups producing data for this area.

The Galway City Outer By-Pass has an important role to play in the future development of the Gateway and it would be anticipated that the majority of development for the gateway would take place within the GCOB area. This would facilitate the achievement of more sustainable development densities capable of supporting good public transport networks.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation

- No change to Amended Draft Plan.

It was agreed to accept the recommendation in the Manager's Report.

3. Adam Duffy, Northgate St, Athenry, Co Galway

This submission requests that elevated lands between Monivea and Abbey be included in lands identified as having wind farm potential. These lands have the required annual mean wind speed to be commercially viable. It has a low landscape sensitivity and character value and a low landscape rating. There is also a low population density and an existing power transmission network.

A map indicating the area which is the subject of this submission has also been submitted.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

- **The lands in question cannot be included as Map IS 1 was not a published amendment. Objective IS18 of the Amended Draft Development Plan includes a commitment to facilitate wind farm developments in suitable**

locations having regard to landscape designations, etc and the DOEHLG Guidelines for Planning Authorities on Wind Energy Development. IS19 also commits the Planning Authority to undertaking a review of the areas of Wind Energy Potential for the county. It would be more appropriate to consider these lands indicated in the map attached to the submission at that time.

No change recommended to the Amended Draft Development Plan.

It was agreed to accept the recommendation in the Manager's Report.

4. Roger Garland, Chairman - Keep Ireland Open, 43 Butterfield, Dublin 14

Multiple issues again raised in this submission most of which were in the original submission.

- **Plan Format-** Provide an index and sub-number all paragraphs. Cross reference between the DM standards and the main body of the Plan. Substitute the phrase "have regard to..." with more binding wording. All objectives should have a time limit or target.

- **Section 1**

1.3. Planning Issues: Recommend making particular reference to the Development Plan Guidelines (2007) and noted that there was little evidence of the influence to these guidelines in the wording of the Draft.

1.5. The need to consider future generations as per Clare App1-3.1. The need to avoid excessive suburbanisation is mentioned in DPG2.12- 3rd line. Mention is made of Local Agenda21 in Offaly – Vol 1- p. 24

- **Section 4**

While we are included in the list of Submitters on page 6 of the Manager's Report, our name doesn't appear on lists dealing with sub-sections. It appears that you have not taken our submission into account as you haven't commented on any of the issues which we raised. We must ask you to examine these now and make your recommendations. We give below our submission to this section:

Title – We submit that, as recommended in the DPG, that Tourism and Recreation should be combined. See – page 19 B –3rd pt. The section should then be re-entitled *Economic Development*. Roscommon has a combined Tourism and Recreation section.

3.1 - Rural Development – We submit that you should re-instate Policies 98 & 100 to 103 from the 2003 Plan.

Also Policies 182 to 184 and Objective 191 from **Roscommon**.

Minutes of Special Meeting held on 6th April 2009

6 - Extractive – Pol 16 (14) – We suggested that the 2nd sentence be replaced by: *No development will be permitted in landscape rated “unique” and there will be a presumption against any new quarry or extension of an existing quarry in landscape rated “special”.*

We submit that you should incorporate 6.2 from **Clare** on page 62.

You should also include ENV 16 from **Nth Tipp** (page 25).

Recycling of Construction and Demolition Waste – You should include **Nth Tipp** – ENV 17: *An effective use of C & D waste should, overtime, reduce the need for new quarries and extensions to existing ones.*

Rights of Way - You should include P/ED-E1 –5 from **Mayo**: *Developments which would impinge on existing Rights of Way or walking routes will not be permitted.*

6.2 – We submit that you should include from **Nth Tipp** – 4.5 – 2nd paragraph – list of points.

You should use 12.30 – 3rd paragraph from **Roscommon**.

7.1 - Pol 30(was 27) - We submit that *will be limited to* should be inserted after *development* in 1st line and that *will generally and is preferred* should be deleted.

Pol 32(was 29) - We submit that you should include *farm shops and eco-tourism* – P/ED –T8 – **Mayo**.

Pol 38 (was 35) – We strongly support amendment.

Pol 40 – While we support this we are concerned about the possibility of golf courses impinging on rights of way and walking routes. We note the Response – pt 7 on page 161 – which we don't understand. It seems to imply that some amendment would be made in Sec 4.7. However no amendment has been included. We would ask you to include a safeguard along the lines we have suggested.

Policies 41- 43 - We strongly support.

Additional policies:

Individual Holiday Homes - **Clare** CDP 31 (page 46). Also **Mayo**- P/ED-T 2 & (page 53).

Integrated Tourist and Recreation Developments – **Roscommon** 10.3 – Pre-amble, Policies and Objectives.

Sustainable Tourism – Roscommon – Sec 9 – page 10.

Minutes of Special Meeting held on 6th April 2009

Derelict Houses – **Clare** – CDP 33.

8 - While we strongly support 1 & 2 we submit that stricter planning controls are needed to preserve its status as a candidate SAC. We have received reports of numerous developments affecting the lake which either received planning permission when quite clearly shouldn't have, have not been conformed to the terms of the permission or have been erected without permission.

We have also received reports about fencing on the shore line which has hindered the traditional collection of May flies by anglers.

We suggest that these concerns should be addressed by the Council and that the Plan should be strengthened to provide more protection for this lake.

8.3 – You should add from **Mayo**: P/HC-NA 1 a) (page 75).

8.4 Pol 45(was 37) – After *development* insert *including agricultural or forestry practices* – See 2003 Plan – Pol 197. If agreed, this will require consequential cross-referencing to sections on agriculture and forestry.

Shorelines – We submit that you should re-instate Pol 198 from 2003 Plan.

Objective – You should provide an objective: *Bye-laws will be introduced to ban or severely control the use of jet-skis, including their use for water-skiing, in lakes and on the sea.* Heritage Plan – 3.9 & **Mayo** O/HC-ACC 1(page 75).

Additional Policy – Commercial Development in the Open Countryside – **Nth Tipp** 6.8 & ECON 7.

- **Section 5**

Land in or near villages – See **Mayo** CSS-3.7(page 37).

Relocation from Rural to Urban areas – See **Mayo** 2.1.3 – 3rd pt.

- **Section 6**

3.2 – We strongly support Obj 48.

- **Section 7**

Perhaps you might look at 6.1 again: 27 – We submit that this be replaced by P/TI-E 1 (page 65) from **Mayo**.

6.2 – While we support amended 23(was 18) we are wondering if you could include some basic safeguards to protect our environment in the broadest sense including landscape.

As the following weren't included in the Synopsis, please reconsider.

Pol 19 (was 14) - We submit that the concept of wind farm potential is of less importance than landscape suitability and that the *potential* aspects can be largely left the commercial good sense of prospective developers. Accordingly in Map ISI, *Potential* should be

Minutes of Special Meeting held on 6th April 2009

replaced by *Suitability*. It seems quite apparent that the map is trying to do two completely different things: firstly to flag areas of *potential* where wind speeds are higher, secondly to highlight areas where development is excluded or where cases will require special scrutiny.

Assuming you agree then we will deal with the altered criteria for Map. The *Yellow* areas will cover areas which are considered totally unsuitable for development for environmental reasons. On that basis while we strongly support the proposed yellow areas. These areas should be extended to include the entire island of Inismaan and all land west of Lough Corrib or at the very least you should use Map HL4 to draw the boundaries to include all class 4 & 5 landscapes. You hardly needed to be reminded of the unique nature of Conamara.

Policies in other counties which should be seriously considered for inclusion:

Clare – Almost the entire Atlantic coast and most of the Burren are designated as *no go* areas.

Offaly – *Wind Farms will not be permitted in NHAs, SACs, in areas above the 400-foot contour or areas of special control.* Vol 1 – 3.13.3.

We are pleased to support and we note that you have accepted our suggestion of a policy on hydro-power, although we would prefer if it could be more detailed on the lines of our submission:

You should also provide that: *Developments should not interfere with public rights of way and traditional walking routes.* – Wicklow – Chpt 9 –4.2.

Regarding **biomass** – We wonder could you include a short simple policy on this.

• **Section 8**

5.1 – Pol 26(was 18) while we are pleased that you have partly accepted our suggestion we wonder could you also include the last sentence: *The Council will take the appropriate action including legal action to keep them free of obstruction.*

We suggest that to be consistent this policy should be extended to Extractive Industries, Wind Energy, Telecommunication Antennae and other developments.

Pol 31 – We note that this is identical to Pol 40 in Sec 4.7. If you agree to amend Pol 40 then it follows that this policy would require similar amendment.

We would ask you to look again at the following, as they were not included in the Synopsis:

Nth Tipp 7.4 TRANS 1 has a policy on Pedestrian Rights

Minutes of Special Meeting held on 6th April 2009

The Council recognizes the importance of walking (including hill walking). We will facilitate and support the campaign of the Irish Heart Foundation through their Sli na Slainte, in their efforts to reduce obesity and diabetes. See Clare 3.2.6 on page 29 & Roscommon 10.3.1.

Public Rights of Way – We are most surprised with what you say on page 160 of the Report – 8 - *The issue of Public Rights of Way are legal matters and should not be addressed other than in a very general way.* We must ask you to re-visit our submission from which, inter alia, you will see that the Planning Acts provide that listing of rights of way is a matter to be considered for inclusion in development plans.

Noise Generating Sports – We note the Response on page 161 of Report (9) which recommends waiting for *the findings of the Recreational Needs Study.* We would ask you to provide that following a study of their findings that the Plan would be varied. We submit that this is an important issue and cannot await the next development plan.

Preservation of Natural Amenities – **Mayo** - P/HC- NA 1 – d) (page 75).

• **Section 9**

1.1 Pol 1 – We are particularly opposed to this amendment which would deny the important role played by DoEHLG and the Heritage Council. We are particularly incensed with the mention of *sporting heritage* which is inappropriate here.

Mayo – 2.1.4 – 1st & 2nd pts – As you have made no Response to this suggestion please reconsider.

Pol 3 – We are pleased that you have accepted our submission.

Pol 6 – Support this policy.

2.5 (was 2.4) - Pol 30 – We strongly support.

2.5.2 - Obj 17(was 16) – While we support this we suggest that you should substitute *two years* for *within the lifetime.*

We strongly support OBJ 20 & 21.

Pol 23(now 26) – We submit that this should be replaced by: *The council will ensure that access is available to the public, except where a qualified archaeological certifies that it is inadvisable, to archaeological sites or National Monuments, whether in State, Local Authority care or is privately owned*. All traditional access routes will be designated as public rights of way**. Otherwise the Council will acquire the routes either by agreement with the landowner or by compulsory powers under planning legislation. Appropriate signage will be put in place.*

*See Mayo – P/EH-AH 1 d) (page 90) & i)

**See also Meath HER OBJ 8.

You should also include from **Mayo** – e) & f)

Minutes of Special Meeting held on 6th April 2009

We note your Response (page 181) *that the issue of rights of way would have to be addressed*. This is precisely what we hope you would address.

3.1- While we support these amendments, we suggest that you should add: *Eu Directives and the National Heritage Plan*.

3.1.1 (was 3.2) – Pol 33(was 29) – We suggest that you should omit: *as far as practical and prudent* in line 1.

Pol 34(was 30) – While we are pleased that you partly accepted our submission we suggest that you omit: *insofar as it is practical* in line 1.

Pol 35 (was 31), 36 & 37. - We are pleased you have accepted our submission.

Hedgerows – We note the Response on page 187 which we strongly support. It hasn't been included in the Draft. Hopefully this can be put right.

3.1.2 (was 3.3) – We strongly support Obj 25 – 27.

Obj 28 – We are pleased that you have accepted our submission.

3.2 – Eskers – While we that you have included this we suggest that you should that you should consider including a Table – Offaly – Vol 4 – 1.3.1.

3.3.1 (was 3.3) - We are pleased that you have accepted Obj 19(was 22),

We suggest that you should re-visit our Submission for additional policies as they aren't included in the Synopsis:

TPOs, SAAOs & Landscape Conservation Orders – **Mayo** O/EH –NH 1(page 88).
Regarding SAAOs, obviously the specifics will require amendment. You might consider the islands both off-shore and on Lough Corrib as possible Areas.

Objectives from **Roscommon**:

Peatlands, Turloughs, & Wetlands, Waterways and Fens.

Historic Parkland, Landscaped gardens and Heritage gardens – **Clare** 7.13 & 15 on page 67 & **Roscommon** – Chpt 8 -page 15.

3.3.1 (was 3.5) - We are pleased that you have accepted amendments to Pol 40, & 42 and that you have accepted new policies 43 & 44.

Map HL 1 should also include **Nature Reserves, Wildfowl Sanctuaries and Ramsar sites**.

We note that you have not accepted this. As an alternative you might consider including them in a separate Map,

Minutes of Special Meeting held on 6th April 2009

Tables or Lists should be provided as recommended in the DPG 4.38 for each type of designated sites. See also Mayo Append VI, **Roscommon** – Chpt 8 – page 5 and **Offaly** – Vol 4 – page 4.

We note that this wasn't mentioned in the Synopsis. Perhaps you might re-consider.

Additional policy from **Mayo** - P/EH-NH 4(page 88).

We note that you haven't mentioned this in your Response. Perhaps you might re-consider.

3.4 (was 3.6) – We strongly support these amendments.

3.4.1(was 3.7) - Policies 45 – 47(were 36 – 38) – We submit that these be replaced by Pol 164 to 166 from the 2003 Plan. The present wording implies that the Council will seek from some other body protection of these amenities, whereas the Council has a direct role in their protection. If you accept this submission consequential changes will be required in Pols 39 to 42, policies which we otherwise strongly support.

We have to say we don't accept the reasoning behind your non-acceptance. As a compromise, we suggest that you should consider in the case of Pols 45(was 36) & 46(was 37) adding: *in co-operation with other Government Departments, State Agencies and other statutory and non-statutory bodies, after practicable*".

Finally we suggest that *in so far as is practicable* considerably weakens the policies and should be deleted.

With regard to Pol 47(was 38) – We find it difficult to accept that the *protection of views* are the concern of any Agency etc other than the Planning Authority.

Pol 48(was 39) - We submit that *where possible* be deleted.

As you haven't mentioned this in the Synopsis perhaps you could re-consider.

Pol 49(was 40) – We strongly support amendments.

Pol 56(was 47) - We submit that you should add Pol P/HC-IS 3(page 77) from **Mayo**. As you haven't made a Response to this, may you could re-consider.

Additional policy:

Roscommon – Chpt 8 – page 6 – Preamble, Table, Policies and Objectives.

Similar comment.

3.4.2 (was 3.8) – Obj 32(was 21) – While we support this amendment, we note that you haven't accepted our suggestion of substituting *Prepare an* for *Consider the preparation of*, perhaps you could consider accepting our suggestion with the rider that *subject to funding being made available*.

Obj 35 & 36 – We are pleased you have accepted our suggestions.

Minutes of Special Meeting held on 6th April 2009

3.5 - We are pleased that you have added this new sub-section which seems excellent.

3.7(was 3.11) – We are pleased that you have accepted our submission

4.1 – The preamble is excellent, but we submit that you should reinstate 3rd paragraph in the 2003 Plan.

We note that this has not been referred to in the Synopsis. Please re-consider.

4.2 – We are pleased that our submission has been accepted,

4.2.4 - Pol 84(was 70) - While we support this amendment we note that you haven't responded to our suggestion about incorporating Pol P/EE-LC 1(page 80) from **Mayo**. Please re-consider.

Pol 85(was 71) – In some ways the additional of: *where possible* weakens the policy, especially when taken in conjunction with the last sentence. We note that you haven't accepted our suggestion of its omission.

4.2.5 – Obj 42(was 26) – We oppose these amendments as they considerably weaken the protection of Sensitive landscapes.

Obj 43(was 27) – We submit that generally be deleted.

We note that this has been responded to. Please reconsider.

• **Section 10**

1.7 - Rural Land-Use – We note that have not accepted any of the points made in our suggestions and that, in particular, we rejected our suggestion that: *farmers be expected to act as custodians of the countryside*. You then went on to say that: *this is beyond the scope of the CDP*.

We regret that we omitted to mention in our submission that this appears in Louth – Pol 3.4 – pt 4. There is also an excellent short policy from **Clare** – 7.3(page 54) which incorporates some of the ideas in our submission. We would suggest that you should consider using this.

1.7 – Pol 4- We note that you haven't accepted our suggestion on the grounds that is: *outside the remit of the CDP process*. While we respect your views nevertheless **Roscommon** included the wording and a similar provision appears in **Mayo**. We would ask you to reconsider.

Pol 6 – We are pleased that you have accepted our submission.

Additional policy from Roscommon – Obj 183 – We note that this has been omitted from the Synopsis. Please reconsider.

2.1 - Additional policy: *If afforestation requires planning permission, no permissions will be given in those areas coloured pink on Map AM1(except broadleaves)*.

Minutes of Special Meeting held on 6th April 2009

As you omitted this from the Synopsis, please reconsider.

Additional policies:

Nth Tipp – In the list of pts on page 24, you should include the list of alphabetically listed pts, which includes a provision on the minimum hardwood planting as does **Mayo** – P/ED-A 6(page 51).

As you omitted this from the Synopsis, please reconsider

Make use of Government sponsored schemes such as Native Woodland Scheme and Neighbourhood - See **Offaly** – Vol 4 – 1.10 – 4th paragraph, Heritage Plan 1.35 and **Roscommon** – 11.4.2.

We note that you consider this outside your remit, please reconsider

Protect access routes to upland walks and rights of way – **Donegal** NRD 27 on page 74. We note your response but would point out that AM 9 isn't a new policy. We suggest that you should add the above sentence to this policy

2.2 We are pleased you have accepted our proposal,

3 - We note that you haven't accepted an additional policy from **Mayo** – P/ED-AF 3(page 52) dealing with the protection of lake and coastal SACs & SPAs on the grounds that this issue was already covered in 9.3.7. We have re-examined these policies and we find that there is no reference to them. We would ask you to reconsider. Perhaps you could include it in 9.3.7.

• **SECTION 11:**

DM 6 – On 2nd line the reference to *Class 3* should presumably be omitted as this class is dealt with in the next sentence.

You don't appear to have dealt with this in the Report Please reconsider.

We wish to oppose the amendments as they weaken the protection of landscape sensitive areas.

Also we notice that **Offaly** – Vol 1 - page 91 – require higher design and site treatment in areas of Special Control which approximates to classes 4 & 5. We suggest that you should consider including these sections in the Plan.

You should use from **Roscommon** – Pols 209 & 222 to 227.

DM 7- We oppose this weakening of the Standard.

DM 12 – As above.

We submit that you should add 4.12.3 from **Mayo**.

We note that you haven't referred to our submission. Please reconsider.

DM 13 – 2.1 – We submit that you should the 2nd to 4th sentence from Mayo – 4.12.1.

We note that you haven't referred to our submission. Please re-consider.

Minutes of Special Meeting held on 6th April 2009

2.3 – We submit that you should substitute *Except as provided in the 2nd sentence for In general.*

Comment - Same as above.

DM 23 – In general, we support this, but you should use **Clare** CDP 44.

Comment – Same as above.

DM 25(was 26) - 4. Landscape Sensitivity – While we support the treatment of class 5 Landscape, we suggest that class 4 also requires protection.

Additional provisions from **Mayo** – 4.10.5 – on Site Selection, Design, Conditions & Wind Measurement Masts (with the rider that no permissions should be granted in “No go” areas) should be added.

You should note that the last matter for consideration on site selection provides for *Impacts on existing rights of way or established walking routes.* See also **Offaly** – Vol 1 – 3.13.3 – 3rd sentence.

Nth Tipp 8.13 has some excellent material which you submit you should include, including Table 8.4: **Exclusion and Separation Zones** –particularly pts 6 and the last two and General requirements – 1 to 4.

Comment – All of above – Same as before..

DM 26(was 27) 1 & 2.2 – We submit that these should be replaced by **Nth Tipp** Pol SERV 4(page 63).

As usual you have made no comment.

DM 27(was 28) - 1 - We strongly oppose this amendment as it degrades the most sensitive class – Class 5.

We suggest that you should add: *and except in exceptional circumstances on Class 4 – Special.*

You should extend this prohibition to designated sites. – **Offaly** – Vol 1 – 3.12.4 – 4th pt *in or around the visual setting of designated sites.*

As usual you have made no comment on our submission.

3. We strongly support amendment.

4 – We submit that this should be replaced by **Mayo** 4.10.6 – Location/Site Selection – pts 1, 2, 5 & 6.

In relation to the last pt please note the last clause – *shall not impinge on any right of way or established walking route.*

Also pt 6 – 2nd last line refers to *damage to archaeological sites.* This is also referred to in **Offaly** – 3.12.4 – 3rd pt.

7. – We submit that *in general* should be deleted.

Minutes of Special Meeting held on 6th April 2009

Additional issue:

Individual cable and wire connections will normally be located underground – Clare App 3 – 15 1st pt also Access Roads – 2nd pt(see also **Mayo** – 4.10.6 – General – 2nd paragraph – 2nd pt) and Grid Connections – 3rd pt.

You have made no comment on our submission on any of the above.

DM 31(was 32) – 2 – We are opposed to this amendment.

DM 33(was 34) - We fully support the amendments.

DM 34 (was 35) – We are pleased that you have accepted our suggestion.

DM 35(was 36) - Additional standard: Temporary Planning Permission – We submit that you should include **Clare** 6.9 – Preamble and pts a) c),d) & f)(page 53). As you haven't commented on this please consider.

DM 37(was 38) we fully support these amendments.

Additional standard: **Mayo** – P/EH –NH 3 (page 88). As you haven't commented on this please re-consider.

DM 38(was 39) - 1 Existing Features - We suggest that you should also mention ponds – DPG 4.38 – 1st line. Ditches are also worth a mention.

4 Hedgerows – We submit that you should incorporate Roscommon – 12.4.6,

Additional standard – Site Boundaries – **Mayo** – 4.4.

None of the above has been commented on. Please re-consider.

DM 39(was 40):

2 Sea level Change and Flooding – 1. We submit that you should add: *and below the 3m contour* – Wexford – 9.5 – CZ 4. A strong case can be made to increase this to 5m in view of the continuing problem of global warming.

3 - We submit that you should replace this with P/EH-CZ 4 from **Mayo** (page 81).

Once again, none of the above has been commented upon. Please re-consider.

DM 45 (was 46) - While we support this standard we submit that you also provide for an archaeological assessment – DPG 4.28 – 2nd paragraph – 1st sentence.

Other material from **Roscommon**:

7.8.4 & 12.28.3.

Additional Standards:

EAI – 6 - **Clare** App 3 & **Mayo** 4.1.3.

Minutes of Special Meeting held on 6th April 2009

Once again, none of the above has been commented upon. Please re-consider.

DM – 48 – We are pleased that you have accepted our submission.

Advertising – See DPG page 19 – B - Economic Development – 4th pt. We submit that you should use **Roscommon** 12.17.3: *No advertising hoardings will be permitted in open countryside.*

Also **Roscommon** 12.17 – 2nd paragraph – pt 9.

Planning Enforcement – Meath 9.6

Unauthorised Development – Meath 9.6.2.

No Comments. Same as before.

OMMISIONS

Environmental Nuisance – Nth Tipp 4.6.1 & ENV 21.

Noise Pollution – Mayo – P/EH-AN 3 (page 80). Also **Nth Tipp** 8.11.11 & **Clare** CPD 28.

Light Pollution – **Clare** – CDP 27. Also **Offaly** Vol 1 –3.2.8, **Nth Tipp** 8.11.10, and **Roscommon** – 2.2.3.

Zoning Matrix – **Offaly** – Vol 1 - page 96.

Roadside Verges – **Heritage** Plan 1.36.

Green Belts – **Cork** 32.

None of the above has been commented upon. Please re-consider.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

This submission contains comments and observations both on matters that were the subject of published amendments and on issues that were not the subject of published amendments. The content of both of Mr. Garland's submissions were reviewed by the Planning Authority and were reported on accordingly. Only those deemed appropriate were entered into the Draft Plan.

1. **Plan Format:** index, layout, cross referencing, text 'have regard to', time limits have already been commented on in a previous Report.

Not a published amendment - No change possible

It was agreed to accept the recommendation in the Manager's Report.

2. Section 1.3 Galway Planning Issues: The Draft CDP 2009-2015 has been prepared in accordance with and informed by the **Development Plan Guidelines (DPG)**

Not a published amendment - No change possible

It was agreed to accept the recommendation in the Manager's Report.

3. Section 1.5 This refers to the reinstatement of Section 1.5 of the 2003 CDP Sustainability and the Development Plan. Amendment to S. 12 of the Draft Plan has expanded sustainable development. **No change to amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

4. Section 4: While we are included in the list of Submitters on page 6 of the Manager's Report, our name doesn't appear on lists dealing with sub-sections.

Section 4: Economic Development of The Manager's Report (page 44) makes reference to this submission. The format of the Report grouped all submissions under issues and although this particular submission was not referenced at sub section level, the contents of the issues raised have been considered.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

Title for Section 4: The Planning Authority has already commented on this issue and recommended no change to title.

Rural Development- Recommend to re-instate Policies 98 & 100 to 103 from 2003 CDP. Also add Policies 182-184 and Objective 191 from Roscommon.

Under the Amendments to the Draft Plan the PA has included a number of additional policies and objectives as well as a new **Subsection S. 4.9 Industry and Enterprise** have been inserted. Cross referencing has also been used to Section 8.3.1.1 Preserving and Promoting the Gaeltacht in the Planning Process in relation to Rural Development. **No further amendments are required.**

It was agreed to accept the recommendation in the Manager's Report.

S. 4.6 Extractive – Pol 16 (14) Under the Amendments to the Draft Plan the PA has considered to include a number of new policies and objectives and including the amendment of existing policy (Policy ED 4416).

Recommend to re-instate the original content of this Policy to read as follows:

Policy ED 16: Facilitate the extraction of stone and mineral material from authorised sites having regard to its location in the landscape sensitivity rating. In this regard there shall be a presumption against any new quarry or an extension of an existing quarry in the landscape rated as "unique".

It was agreed to accept the recommendation in the Manager's Report.

On the proposal of Comh O'Tuairisg and seconded by Cllr Welby it was agreed not to accept the recommendation in the Manager's Report and to revert back to the published amendment as follows:

Policy ED 16: Facilitate the extraction of stone and mineral material from authorised sites having regard to its location in the landscape sensitivity rating.

Cllr Canney state that there was no enforcement of conditions of planning permissions and planning licences in relation to unauthorised extractions and that it was imperative that this be examined.

Cllr Mullins supported Cllr Canney and added that the Local Authority was extremely lax with the enforcement of planning conditions and that now with the reduction in planning applications resources should be concentrated in the enforcement area.

Cllr. Cuddy also added that planning applications should not be accepted on sites on which enforcement notices are currently issued.

Cllr. Joyce stated that there were some excellent quarries producing natural products and creating very necessary employment in the current economic climate.

Cllr Canney agreed with Cllr. Joyce's comments but added that the law has to be abided by in relation to unauthorised quarrying and that everyone must be treated equally.

Cllr. Kyne added that it must be acknowledged that the natural resources that are being quarried in these quarries would otherwise have to be imported

Recycling of Construction and Demolition Waste: The PA has already considered that Objective IS11 is appropriate regarding Construction and Demolition Waste. New policies and objectives have been included under the Amendments as well as amendments to Development Management Standard 36. No further amendments are required. **No change to Amended Draft Plan**

It was agreed to accept the recommendation in the Manager's Report.

Rights of Way: The Draft CDP already supports the inclusion of policies to give effect to the provision of hill walkways, coastal walks and select amenity facilities spread across the county. Walkways over private land shall be with the co-operation of the landowners. No further amendments are required. **No change to Amended Draft Plan.**

Cllr D. Connolly stated the rights of way were set in stone and that it was important to protect them.

Cllr M. Connolly added that public rights of way were not an issue for the County Development Plan and that there were specific regulations in relation to rights of way and that it was almost impossible to extinguish a public right of way.

Mr Ridge stated that it probably was not a matter for the County Development Plan but referred the meeting the Sections 207 and 208 of the Planning and Development Act 2000 which relates to public rights of way.

It was agreed to accept the recommendation in the Manager's Report.

Individual Holiday Homes: Policy ED 27-30 has been amended accordingly. New policies and objectives as well as cross referencing to S. 11 Development Management Standards have also been included under the Amendments. No further amendments required. **No change to Amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

Derelict Houses: Policy ED 19 is deemed appropriate. Refer also to new Policies (Policy HP6 and HP 24) under S.5. No further amendments required.

Lakes and Beaches: Policy 37-45 has been already deemed appropriate. New text regarding the Green Coast Award has also been inserted within the Preamble to this Section under the Amendments. No further amendments are required. **No change to Amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

Bye-laws: Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

Additional Policy – Commercial Development in the Open Countryside – **Nth Tipp 6.8 & ECON 7.** A new policy ED10 addresses enterprise and businesses that wish to establish in rural areas. No further amendments are required. **No change to Amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

Section 5: Existing Policy HP 2 is already deemed appropriate for the maintenance of land banks in towns and villages. Under the amendments a number of new policies have been included within the Draft Plan including a new policy (Policy ED23) in relation to the **DoEHLG circular SP5/08** regarding freedom of establishment. No further amendments are required. **No change to amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

Section 7: Energy Policies IS27 be replaced by P/TI-E1 from Mayo.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

Map ISI: Map IS 1 was not a published amendment. Objective IS18 of the Amended Draft Development Plan includes a commitment to facilitate wind farm developments in suitable locations having regard to landscape designations, etc and the **DOEHLG Guidelines for Planning Authorities on Wind Energy Development.** IS19 also commits the Planning Authority to undertaking a review of the areas of Wind Energy Potential for the county. No change until a review of the Windfarm Potential within the County has been under taken. Provisions of the Map Legend shall apply inter alia. No further amendments are required.

It was agreed to accept the recommendation in the Manager's Report.

Minutes of Special Meeting held on 6th April 2009

-hydro power: Amended Objective IS 18 23 caters for hydro power.
No further amendments are required.

It was agreed to accept the recommendation in the Manager's Report.

-Biomass –Amended Objective IS 18 23 caters for biomass.
No further amendments are required.

It was agreed to accept the recommendation in the Manager's Report.

Section 8: Pol CS 26(was 18). Consider including the last sentence: *The Council will take the appropriate action including legal action to keep them free of obstruction.* The PA considers the amended wording appropriate.
No further amendments are required.

It was agreed to accept the recommendation in the Manager's Report.

Pol 31 – We note that this is identical to Pol 40 in Sec 4.7. If you agree to amend Pol 40 then it follows that this policy would require similar amendment.

It is recommended to delete Policy CS31 (p. 78 of the Amended Draft) within S. 8.5.1 as it is a repeat of Policy 40 under S. 4.7

On the proposal of Comh O'Tuairisg and seconded by Cllr Cuddy it was agreed to accept the recommendation in the Manager's Report and to delete Policy CS31 in Section 8.5.1

Public Rights of Way –

A new policy (Policy HL6) has been included under the Amendments which specifically mentions a number of national programmes of way-marked ways including the Beara Breifne- Hymany Way, The Western Way and The Suck Valley Way and the traditional walking ways in Ballinasloe to Clontuskert Abbey and Poolboy within the County. Continue to support the Architectural Walking and Ecclesiastical Driving Tours. The Draft Plan will facilitate the improvement and development of these way-marked ways.
No further amendments are required. **No change to amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

Noise Generating Sports – We note the Response on page 161 of the Manager's Report (Item No. 9) which recommends waiting for *the findings of the Recreational Needs Study*. Amended Objectives CS 4-5 are considered appropriate.

No further amendments are required. **No change to amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

Section 9.1 Pol 1 –

Recommend to re-instate the original content of this Policy to read as follows:

Policy HL1: Conserve, protect and enhance the special character of the County as defined by its natural heritage and biodiversity, its built environment, landscape and culture in co-operation with the Department of Environment, Heritage and Local Government, the Heritage Council and all relevant agencies, bodies etc.

Minutes of Special Meeting held on 6th April 2009

Comh O'Tuairisg stated that he did not support the recommendation in the Manager's Report in relation to Policy HL1; He proposed that it revert back to the published amendment HL1 as follows:

"Conserve, protect and enhance the special character of the County as defined by its natural heritage and biodiversity, its built environment, landscape and cultural, social and sporting"

Cllr. M. Connolly proposed that the Draft Development Plan be adopted without reference to the Designations of the EU Habitats Directive as the Department of the Environment Heritage and Local Government has failed to produce the science used to decide on the designations.

He added if the Members accept the proposals of the National Parks and Wildlife Services it will create problems for the development of roads and other developments in the County for years to come.

Cllr Welby stated that the presentation given by the National Parks and Wildlife Services, Department of the Environment Heritage and Local Government did not instill confidence in him. He added that 80% of Conamara was designated. He seconded Cllr. M. Connolly's proposal in relation to the removal of all references to the designations in the Draft County Development Plan. He added that it was necessary to get this discussion on the issue of designations back to national level and for the Council to make a presentation to the Joint Oireachtas Committee on Environment Heritage and Local Government.

Cllr Canney added his support to Councillors Connolly and Welby and also stated that the presentation given by the NPWS did not inform him adequately so as to allow him make informed decisions on the designations. He added that the quality of life of people of the County was a bigger issue than trying to satisfy the EU Habitats Directive.

Comh O'Cuaig stated that the EU Habitats Directive designations were causing real problems for Conamara and the islands. He added that according to the NPWS, the designations cannot be changed yet Séan O'Neachtáin MEP would not agree with this. Mr Ridge agreed that facilitating development would be uncertain due to the current environmental legislation. He added however that rather than lashing out their frustration at the County Development Plan and ignoring the issue, that carefully worded policies should be included in the plan. He added that the EU Directives were binding on the Council and that this situation would not change by ignoring it.

Mr. Ridge stated that the Members were flagged 18 months ago as to the enormity of this issue at the outset of the County Development Plan process.

However, he added that planning applicants relying on the County Development Plan would be led astray if the Members proceeded as proposed, and at national level the County Development Plan as proposed would not be allowed proceed if it flouts the existing rules and regulations. He added that he does not agree with the Members removing the references to the designations in the County Development Plan but agrees that a submission should be made at national level and that he would fully support the Members in getting clarity.

Cllr O'Tuairisg stated that Conamara is trying to retain sustainable communities
He referred to the following section in the Appropriate Assessment:

“Ecological networks have been adversely impacted upon by the development of infrastructure such as roads which result in the habitat fragmentation as well as by the development of housing which results in the removal of hedgerows or stone walls, or housing which occurs along the edges of inland surface waters.”

He added that it is the depopulation and the decimation of Conamara that he is concerned with.

Cllr Willers stated that it was important to find out if changes can be made to the designations. She added that the Councillors do not have the power to change the current situation and that delaying the County Development Plan process was just a waste of time. She added that the Members should vent their anger towards Europe via the MEPs.

On the proposal of Cllr Canney and seconded by Cllr Willers it was agreed that Galway County Council support bog owners' right to continue cutting turf for domestic use and this resolution should be circulated to all Local Authorities for support.

Mr. Ridge referred to the EU Habitats Directive and stated that the problem is how the EU Habitats Directive is being interpreted.

Cllr M. Connolly stated that it was as disaster both nationally and locally and that this needs to be highlighted. He proposed that the County development plan be adopted omitting references to designations under the EU Habitats Directive.

The Manager stated that this was a very major issue and that it was imperative that the people of Galway have access to a County Development Plan that complies with all current legislation and that it stands up in Court. She referred the meeting to the Planning and Development Act 2000 Section 10(1) (c) which states:

“10-(1) A development plan shall set out the overall strategy for the proper planning and sustainable development of the area of the development plan and shall consist of a written statement and a plan or plans indicating the development objectives for the area in question,

(2) Without prejudice to the generality of Subsection (1) a development plan shall include objectives for-.....

....(c) the conservation and protection of the environment including, in particular, the archaeological and natural heritage and the conservation and protection of European Sites and any other sites which may be prescribed for the purposes of this paragraph.....”

She added that she wants to draw attention to the legal framework within which the Council must operate. She added that if the Members remove the policies and objectives in relation to the EU Habitats Directive the County Development Plan will not be a valid plan and in accordance with legislation and would not be accepted by the DoEHLG.

Mayo – 2.1.4 –The PA still considers that **Policy HL1** is appropriate for the Draft Plan as it has a wider framework than that from the Mayo Plan.

No further amendments required. **No change to amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

2.5.2 - Obj 17(was 16) –No further amendments are required. **No change to amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

Minutes of Special Meeting held on 6th April 2009

Pol 23(now 26) –Pol 23(now 26) remains appropriate. No further amendments required.

No change to amended Draft Plan.

It was agreed to accept the recommendation in the Manager's Report.

3.1.1 (was 3.2) – Pol 33(was 29) –Pol 29 (now 33) remains appropriate. No further amendments are required. **No change to amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

Pol 34(was 30) –. No further amendments required.

It was agreed to accept the recommendation in the Manager's Report.

Hedgerows –

Recommend including additional new policy within S. 6: Infrastructure: Roads and Transportation

Policy RTxx : Employ the appropriate management methods for the maintenance of roadside habitats to minimize damage (in particular to hedges) and observe the hedge cutting closed season.

On the proposal of Cllr Burke and seconded by Cllr. McDonagh it was agreed to accept the recommendation in the Manager's Report and include the above text in the Plan but in Section 11 under Development Management Standard 38 Item 4 as follows

“Employ the appropriate management methods for the maintenance of roadside habitats to minimize damage (in particular to hedges) and observe the hedge cutting closed season.”

Eskers –consider including a Table – Offaly – Vol 4 – 1.3.1.

Under the Amendments a new subsection (S. 9.3.2) has been created for Eskers and has included a preamble and an objective (Objective HL29). No further amendments are required. **No change to amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

TPOs, SAAOs & Landscape Conservation Orders – Mayo O/EH –NH 1 (page 88).Regarding SAAOs, obviously the specifics will require amendment. You might consider the islands both off-shore and on Lough Corrib as possible areas.

Objectives from **Roscommon**: Peatlands, Turloughs, & Wetlands, Waterways and Fens. S. 9.3.3 Designated Sites, Habitats and Species has been revised under the Amendments - No further amendments are required. **No change to amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

MAP HL1: The PA considers that the existing Map HL1 is appropriate and does not recommend any changes to the Draft at this time. No further amendments are required. **No change to amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

Tables or Lists should be provided as recommended in the DPG 4.38 for each type of designated sites. See also Mayo Append VI, **Roscommon** – Chpt 8 – page 5 and **Offaly** – Vol 4 – page 4.

The PA is not obliged to list all of the Designated Sites within the Draft CDP. A full listing at national level is contained within the DoEHLG Document **Natura 2000 Sites for Nature Conservation**. No further amendments are required. **No change to amended Draft Plan**

It was agreed to accept the recommendation in the Manager's Report.

3.4.1(was 3.7) - Policies 45 – 47(were 36 – 38) – We submit that these be replaced by Pol 164 to 166 from the 2003 Plan. We suggest that you should consider in the case of Pols 45(was 36) & 46(was 37) adding: *in co-operation with other Government Departments, State Agencies and other statutory and non-statutory bodies, after practicable*". Finally we suggest that *in so far as is practicable* considerably weakens the policies and should be deleted.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

With regard to **Pol 47(was 38)** – We find it difficult to accept that the *protection of views* are the concern of any Agency etc other than the Planning Authority.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

Pol 48(was 39) - We submit that *where possible* be deleted.

As you haven't mentioned this in the Synopsis perhaps you could re-consider.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

Pol 56(was 47) - We submit that you should add Pol P/HC-IS 3(page 77) from **Mayo**.

As you haven't made a Response to this, may you could re-consider.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

3.4.2 (was 3.8) – Obj 32(was 21) –This Objective has been revised under the Amendments. No further amendments are required.

4.2.4 - Pol 84(was 70) - While we support this amendment we note that you haven't responded to our suggestion about incorporating Pol P/EE-LC 1(page 80) from **Mayo**. Please re-consider.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

Minutes of Special Meeting held on 6th April 2009

Pol 85(was 71) – In some ways the additional of: *where possible* weakens the policy, especially when taken in conjunction with the last sentence. We note that you haven't accepted our suggestion of its omission.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

4.2.5 – Obj 42(was 26) –.

This Objective has been revised under the Amendments. No further amendments are required. **No change to amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

Obj 43(was 27) – We submit that generally be deleted.

We note that this has been responded to. Please reconsider.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

Section 10: We regret that we omitted to mention in our submission that this appears in Louth – Pol 3.4 – pt 4. There is also an excellent short policy from **Clare** – 7.3(page 54) which incorporates some of the ideas in our submission. We would suggest that you should consider using this.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

1.7 – Pol 4- We note that you haven't accepted our suggestion on the grounds that is : *outside the remit of the CDP process*. While we respect your views nevertheless **Roscommon** included the wording and a similar provision appears in **Mayo**. We would ask you to reconsider.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

Additional policy from Roscommon – Obj 183. We note that this has been omitted from the Synopsis. Please reconsider.

A new policy (Policy AM6- which refers to intensive agriculture) has been included under the Amendments. No further amendments are required. **No change to amended Draft Plan**

It was agreed to accept the recommendation in the Manager's Report.

Additional policy: *If afforestation requires planning permission, no permissions will be given in those areas coloured pink on Map AM1(except broadleaves).*

As you omitted this from the Synopsis, please reconsider.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

Additional policies:

Nth Tipp – Under the Amendments a new objective (Objective AM1) has been included to support mixed use forestry. No further amendments are required. **No change to amended Draft Plan**

It was agreed to accept the recommendation in the Manager's Report.

Make use of Government sponsored schemes such as Native Woodland Scheme and Neighbourhood - See **Offaly** – Vol 4 – 1.10 – 4th paragraph, Heritage Plan 1.35 and **Roscommon** – 11.4.2.

No further amendments are required. **No change to amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

Protect access routes to upland walks and rights of way – **Donegal** NRD 27 on page 74. We note your response but would point out that AM 9 isn't a new policy. We suggest that you should add the above sentence to this policy

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

The PA considers that Section 9.3.4 of the Draft Plan has already responded to the issue of protection of the coastal landscape. No further amendments are required. **No change to amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report.

10. SECTION 11: DM 6 –

No further amendments are required. **Amended Draft Plan re Section 5**

It was agreed to accept the recommendation in the Manager's Report.

Also we notice that **Offaly** – Vol 1 - page 91 – require higher design and site treatment in areas of Special Control which approximate to classes 4 & 5. We suggest that you should consider including these sections in the Plan.

You should use from **Roscommon** – Pols 209 & 222 to 227.

The PA will have regard to the Sustainable Rural House Guidelines 2005, Sustainable Residential Guidelines for Urban Areas and the Urban Design Manual issued by the DoEHLG in 2008 as well as the Galway Clustered Housing Guidelines in the assessment of any proposals for multiple unit housing developments in settlement centres and rural areas.

The PA considers that the above provide ample guidance both in rural and urban areas.

No further amendments are required. **No change to amended Draft Plan**

It was agreed to accept the recommendation in the Manager's Report.

DM 7- We oppose this weakening of the Standard.

No further amendments are required. **No change to amended Draft Plan**

It was agreed to accept the recommendation in the Manager's Report.

DM 12 – As above.

We submit that you should add 4.12.3 from **Mayo**.

Minutes of Special Meeting held on 6th April 2009

Under the Amendments this DM has been amended to include that the PA will consider appropriate extensions to existing facilities.

No further amendments are required. **No change to amended Draft Plan**

It was agreed to accept the recommendation in the Manager's Report.

DM 13 – 2.1 We note that you haven't referred to our submission. Please re-consider.

2.3 – We submit that you should substitute *Except as provided in the 2nd sentence for In general.*

Under the Amendments the numbering of policies has been amended.

Recommend to include additional new item no under DM13.2.4

2. Holiday Villages: Holiday Villages shall have regard to the following:

4. All new developments must have regard to the Galway Design Guidelines for the Single Rural House, which form part of this Plan.

On the proposal of Cllr McDonagh and seconded by Cllr Burke it was agreed to accept the recommendation in the Manager's Report and include an additional item (no 4)

Under DM Standard 13.2 Holiday Villages as follows:

4. All new developments must have regard to the Galway Design Guidelines for the Single Rural House, which form part of this Plan.

DM 25(was 26) - 4.

Offaly – Vol 1 – 3.13.3 – 3rd sentence.

Nth Tipp 8.13 has some excellent material including Table 8.4: **Exclusion and Separation Zones** –particularly pts 6 and the last two and General requirements – 1 to 4.

As indicated previously the undergrounding of wires is mainly undertaken in urban areas where there are high population numbers. The cost of such works in rural areas would be huge. The PA considers this to be inappropriate.

Under the Amendments the inclusion of the wording avoid 'where possible' interconnecting with the electricity grid either overground or underground across the landscape where sensitivity rating is Class 5- Unique.

No further amendments are required. **No change to amended Draft Plan**

It was agreed to accept the recommendation in the Manager's Report.

DM 27(was 28) -

Under the Amendments DM Standard 28 27.1 States that 'in general' masts shall not be permitted in landscape sensitivity Class 5 – Unique. This shall apply to wind measurement masts also.

Additional text has been included under DM27.3 regarding access roads and the lessening of their impact on the landscape, cross referencing is also made to Section 9.4.2.3 Landscape Sensitivity.

The provision of essential infrastructure is a prerequisite for development in rural areas and for living rural communities.

Recommend that no further change is required to this DM Standard.

No further amendments are required. **No change to amended Draft Plan**

It was agreed to accept the recommendation in the Manager's Report.

DM 31(was 32) – 2 – We are opposed to this amendment.

Original submission made no mention to this DMS therefore it is considered a new presentation.

Under the Amendments DM Standard 32-31.2 the following new text has been included 'in general, new buildings shall be proximate to existing farmhouse'.

Recommend that no further change is required to this DM Standard.

No further amendments are required. **No change to amended Draft Plan**

It was agreed to accept the recommendation in the Manager's Report.

DM 35(was 36) - Additional standard: Temporary Planning Permission – We submit that you should include **Clare** 6.9 – Preamble and pts a) c),d) & f)(page 53). As you haven't commented on this please consider.

Under the Amendment this DMS has been revised to include compliance with the Planning and Development Act as well as other Government Guidelines, the expansion of Item No 9. EIS and the inclusion of an additional item No 12 Heritage and Biodiversity.

Item No 8. Rehabilitation provides for restoration and reinstatement.

Recommend that no further change is required to this DM Standard.

No further amendments are required. **No change to amended Draft Plan**

It was agreed to accept the recommendation in the Manager's Report.

DM 37(was 38)

Under the Amendments this DMS has been revised to include Appropriate Assessment and Ecological Assessment which shall be applied in respect to designated sites on applications where it is considered that the proposed development may impact (directly or indirectly), or in a combination with other projects, on a Natura 2000 designated site.

Cross reference has also been made to Section 9.3 Mitigating Measures of the Environmental Report on the SEA of the Draft CDP 2009-2015.

Recommend that no further change is required to this DM Standard.

No further amendments are required. **No change to amended Draft Plan**

It was agreed to accept the recommendation in the Manager's Report.

DM 38(was 39) - 1 Existing Features - We suggest that you should also mention ponds – DPG 4.38 – 1st line. Ditches are also worth a mention.

4 Hedgerows – We submit that you should incorporate Roscommon – 12.4.6,

Additional standard – Site Boundaries – **Mayo** – 4.4.

None of the above have been commented on. Please re-consider.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

DM 39(was 40): 2 Sea level Change and Flooding – 1. We submit that you should add: *and below the 3m contour* – Wexford – 9.5 – CZ 4. A strong case can be made to increase this to 5m in view of the continuing problem of global warming.

3 - We submit that you should replace this with P/EH-CZ 4 from **Mayo** (page 81).

Once again, none of the above has been commented upon. Please re-consider.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

DM 45 (was 46) - While we support this standard we submit that you also provide for an archaeological assessment – DPG 4.28 – 2nd paragraph – 1st sentence.

Other material from **Roscommon**:

7.8.4 & 12.28.3.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

Additional Standards:

EAI – 6 - Clare App 3 & Mayo 4.1.3.

Once again, none of the above has been commented upon. Please re-consider.

Not a published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

DM – 48 – We are pleased that you have accepted our submission.

Advertising – See DPG page 19 – B - Economic Development – 4th pt. We submit that you should use **Roscommon 12.17.3: No advertising hoardings will be permitted in open countryside.**

Also **Roscommon 12.17** – 2nd paragraph – pt 9.

Planning Enforcement – Meath 9.6

Unauthorised Development – Meath 9.6.2. No Comments. Same as before.

None of the above are published amendments – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

OMMISSIONS

Environmental Nuisance – **Nth Tipp 4.6.1 & ENV 21.**

Noise Pollution – **Mayo** – P/EH-AN 3 (page 80). Also **Nth Tipp 8.11.11 & Clare CPD 28.**

Light Pollution – **Clare** – CDP 27. Also **Offaly Vol 1 – 3.2.8, Nth Tipp 8.11.10,** and **Roscommon – 2.2.3.**

Zoning Matrix – **Offaly** – Vol 1 - page 96.

Roadside Verges – Heritage Plan 1.36.

Green Belts – Cork 32.

None of the above are published amendment – no change possible.

It was agreed to accept the recommendation in the Manager's Report.

5. Mr. Walter King - C/O McCarthy Keville O'Sullivan Ltd, Block 1, GFSC, Moneenageisha Rd, Galway.

This submission relates primarily to Material Amendments in respect of Irish language enurements with particular reference to Mr. King's lands at Claregalway (Baile an Chláir). Specific mention of policies HP14 and HP16 in the original Draft Development Plan (removed in the Amended Draft Plan) suggested that Irish language enurements would not be required in certain areas where the use of the Irish language was relatively low. By removing these policies, the relaxation of the requirement for Irish language enurements has been removed.

Furthermore, the inclusion of Policy CS1 in Section 8 of the Amended Draft Plan gives a commitment to implementing the policies and objectives set out in the Gaeltacht Local Area Plan 2008. Paragraph 5.6.2.1 of the Gaeltacht Plan states that in residential developments of 2 or more houses within the Local Area Plan of Claregalway (Baile an Chláir), a language enurement clause will be applied to 20% of the housing units for a period of 15 years.

The submission states that it is of the opinion that the daily useage of the Irish language in the Baile an Chláir area does not merit status as a community language and that it is not appropriate to maintain a strict adherence to policies requiring a proportion of new houses to be reserved for Irish speakers.

The Amended Draft County Development Plan should address this issue and a flexible approach to development in the Baile an Chláir area on a case by case basis should be adopted. The previous policies included in the first Draft plan should be re-instated.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

- **The issue of policy and objectives relating to that part of the county that is within the Gaeltacht area has already been agreed as being best dealt with in the Gaeltacht Local Area Plan 2008. In the interest of avoidance of confusion or any conflict with regard to applicable policies and objectives, it is clearly stated that the policies and objectives of the Local Area Plan for the Gaeltacht shall be the policies of the Development Plan – see Policy CS1 in Section 8. It is not recommended to introduce a further set of conflicting policies and objectives into the County Development Plan which relate to the Gaeltacht area.**

Comh O'Cuaig queried if An Bord Pleanala were fully aware of the policies of the Council in relation to the Gaeltacht.

Comh Ní Fhartharta stated that Bord Pleanala appeared not to be taking on board the intentions of the Council through their interpretation of the Gaeltacht Plan.

Cllr Cuddy stated that the reason behind this is the difficulty in getting Irish speakers into the area.

Ms. McConnell stated that this issue was the subject of a lot of discussion at the last meeting and that it was agreed that the polices and objectives of the Gaeltacht Local Area plan would continue to apply. She added that introducing a further set of conflicting policies and objectives into the County Development Plan which relate to the Gaeltacht area would cause confusion.

Cllr Welby refers to the words 'unless otherwise agreed' on some conditions of planning permissions in the Gaeltacht areas

Mr Ridge stated that this allows flexibility as the basis for a condition may change, over time, the suitability of a condition may change.

Cllr Welby suggests that the Bord do not see the certainty with these words and seem to see it as an out clause.

Mr Ridge stated that it was very disappointing to see the Irish language as an obstacle for getting planning permission rather than a positive attribute. The Planning Authority insert conditions as it sees fit and as the councillors have agreed.

Mr Ridge pointed out that the 'letter of comfort' issued by the planning Authority in cases of financial difficulties, allowing a Bank to sell a property that has an enurement clause attached would not be possible if the words 'unless otherwise agreed' were not attached to the planning condition.

On the proposal of Cllr. D.Connolly and seconded by Cllr Carey it was agreed to accept the recommendation in the Manager's Report

6. Sheehan Medical – C/O McCarthy Keville O'Sullivan Ltd, Block 1, GFSC, Moneenageisha Rd, Galway

This submission relates primarily to client's lands at Kilcornan, Clarinbridge, Co. Galway.

Amendments to policies on Rural Enterprise – ED3 and ED10 are welcomed. It is important to include provisions in the Plan to facilitate appropriate employment generating proposals in all areas including in the more rural areas outside the boundaries of settlement centres.

Notwithstanding these general objectives, the submission is requesting that specific objectives are included in the new Development Plan to support the development of a Medical Campus with significant educational and research elements together with community had recreational facilities at Kilcornan Estate, Clarinbridge. The following wording is suggested in the submission:

- i. To promote, within the framework of diversification, where vital services presently exist or will be installed, the further development of community services under the particular headings of health and medical care.
- ii. To promote the continued improvement and expansion of health and medical care facilities within the county in a planned and co-ordinated way, by accommodating projects that assist in providing such medical care facilities, together with their necessary support services and developments, as well as their infrastructural requirements.
- iii. To facilitate the proposed development and establishment of a Medical and Educational Campus with ancillary services within the lifetime of the present Plan. The planned location of this self contained village style medical campus is to be on the Kilcornan Estate, Co. Galway and adjoining lands where appropriate. Care services and facilities already exist at this location and the Council will facilitate the further establishment of this Medical and Educational village style campus together

with any ancillary developments necessary to support and/or enhance these facilities and services including, among others, research, recreation and accommodation.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

- It is not appropriate or compatible with the principles of proper planning and sustainable development to include a specific objective in the Development Plan to facilitate a specific private development. It is recommended that (i) and (ii) can be included in the Plan under policy CS16 which relates to community services policies.

On the proposal of Cllr Mullins and seconded by Cllr Willers it was agreed to accept the recommendation in the Manager's Report and to include the following text in Policy CS 16:

To promote, within the framework of diversification, where vital services presently exist or will be installed, the further development of community services under the particular headings of health and medical care.

To promote the continued improvement and expansion of health and medical care facilities within the county in a planned and co-ordinated way, by accommodating projects that assist in providing such medical care facilities, together with their necessary support services and developments, as well as their infrastructural requirements.

**7. Imelda Condon, Higher Executive Officer, Management Services Unit,
Dept of Transport, 25 Clare Street, Dublin 2.**

Raises the issue of Public Safety Zones in the vicinity of aerodromes/airports. The Department of Environment, Heritage and Local Government is drawing up planning guidelines for Planning Authorities regarding Public Safety Zones at the 3 state airports. The question of applying similar safety zones to regional and privately owned aerodromes/airports is also being considered.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation – no change to Amended Draft Plan.

It was agreed to accept the recommendation in the Manager's Report

**8. Gael Gibson, Principal Planning Advisor, Transmission Asset
Management, Grid Development & Commercial, 160 Shelbourne Rd,
Ballsbridge, Dublin 4.**

The Mayor informed the Members that the County Manager had notified him of her interest in submission No. 8 and the County Manager absented herself from the meeting while this issue was being debated even though she was not statutorily required to do so.

Minutes of Special Meeting held on 6th April 2009

Eirgrid are concerned that the Development Plan should support the provision for new high Voltage electrical infrastructure which will be required for reinforcement of the transmission network as well as facilitating new connections (both generating and demand customers).

Objective IS24 - Eirgrid are in favour of the reservation of a strategic overhead infrastructure corridor between Galway and Screeb. The term "Grid Development Services" should be replaced with the correct "Grid Development Strategy".

MapIS2 – there are a number of existing power stations and 110kV lines which have been omitted and the map should be amended to reflect same (map attached). These include:

- 110kV line between Galway and Screeb – could be shown as a proposed line.
- Cashla Loop.
- New 110kV station at Carnmore, Oranmore.
- Existing Cloon sub-station at Tuam.
- Existing 110kV line from Cloon to Castlebar, Co. Mayo.
- Existing 110kV station at Somerset.
- Power station at Tynagh.
- Existing generation station at Derrybrien and existing 110kV line south to Agannygal in Co. Clare.
- Existing Shannon Bridge to Athlone 110kV line.

Eirgrid's Grid 25 strategy lists projects for investment in the transmission grid to meet the long term needs of the country and to facilitate sustainable growth and balanced regional development. In particular, there may be merit in providing another high voltage circuit into the North West region from a strong point on the network, such as Cashla 220kV station or at Oldstreet 400kV station, both of which are located in Co. Galway.

The North-West will also benefit from investment in the network as the growth of renewable energy (wave and wind) will be encouraged. The region has the potential to become a power exporter to the rest of the country and could be a critical factor in attracting investment to the region.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

- **Amend Map IS2 to include infrastructure as listed above.**

On the proposal of Cllr Willers and seconded by Cllr Canney it was agreed to accept the recommendation in the Manager's Report and to amend Map IS2.

9. S. Flanagan, Chairman – Lakeview Estate Residents Assoc., C/O 9 Lakeview, Claregalway, Co Galway.

Expresses satisfaction at the amendments to the 1st Draft Plan but is concerned about the allocation of 600 more residential units to Claregalway where traffic congestion

continues to be an issue. It is also stated that the infrastructure is not in place to support this additional population, with a particular concern for effluent disposal and traffic volumes through the village. These infrastructural deficiencies are at variance with the principles of proper planning and sustainable development.

The recognition of flood issues and flood risk assessment and an understanding that development will not be allowed to create flooding problems for the Lakeview estate are welcomed.

Support is expressed for policies as set out in Section 9.4.1 and in DC Standard 7 – protection of natural diversity, including stonewalls, hedgerows, etc.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation

- The allocation of 600 additional units to the village of Claregalway over the lifetime of the plan is in recognition of the potential of the village as a sustainable settlement within the greater metropolitan area of the Gateway and the imminent delivery of investment in road and water services infrastructure.

Plans for a new waste water treatment facility are advanced and the provision of the new National Roads network (M17 and Claregalway By-Pass scheme) are listed roads priorities in the Draft County Development Plan.

It should be noted that this figure is not a target and is based on the most recent population forecasting (Draft Housing Strategy). It is unlikely that this figure will be achieved during the lifetime of the plan. Furthermore, development shall not be permitted in the absence of proposals for the necessary infrastructure to service the populations of the new developments.

No change to Amended Draft Plan

On the proposal of Cllr Cuddy and seconded by Cllr McDonagh it was agreed not to accept the recommendation in the Manager's Report and that the Housing allocation units for Baile Chláir Na Gaillimhe be retained at 450 as in the Draft County Development Plan.

10. Vincent Lyons, Chairman – Claregalway Community Development Assoc., Cloonbigeen, Claregalway, Co Galway.

1. Settlement Strategy

The increased allocation of 6,300 units to the Galway Metropolitan Area is proposed without any reference as to how the services and infrastructure needed to support this additional population will be provided.

Objective SS7 – should be incorporated into SS1 as they are similar settlements and account for 2/3 of the planned expansion of the Galway Metropolitan Area.

2. Economic Development and Tourism

Policy ED 38 is too narrow and discriminates against the Gaeltacht to the east of the Corrib.

Minutes of Special Meeting held on 6th April 2009

Policy ED 44 gives no guidance with regard to what signage or other information should be provided for a tourism project and does not define what is meant by “limited, innovative, sensitive and of the highest quality” and is thus, meaningless.

OBjective ED10 should be expanded to state that sufficient serviced and suitably located lands should be identified and zoned for different types of Industry and Enterprise.

3. Infrastructure, Roads and Transportation

Policy RT51 should include wording to ensure that facilities are available to make the use of public transport more attractive – bus shelters and bicycle parking.

Section 6.1.3 – National Routes should be listed in ascending order.

Objective RT 8 – change “Claregalway” to “Baile an Chláir”.

Objective RT9 – omit Oughterard from this Objective as it is included in RT8.

Objective RT10 – Athenry already mentioned in RT8. The Station Link Road could be listed in RT 8 and omit this RT objective.

Policy RT 25 - should be re-written to include the linkage to the Western Rail corridor at Athenry.

4. Infrastructure – Waste Water, Energy and Telecommunications

Section 7.4 – points out that Galway County Council has abdicated its responsibilities for enforcing litter laws. Illegal dumping should be dealt with vigourously and this should be stated clearly in this paragraph.

Objective IS9 – should be expanded to include IS15 and the following wording “at appropriate locations in selected towns and villages in cooperation with local communities”. IS15 could then be deleted.

5. Cultural, Social and Community Development

Policy CS18 should be expanded to include provision of a second level school in Baile an Chláir as set out in the Commission on School Accommodation document entitled “A survey of South Galway including Oranmore / Clarinbridge, Claregalway, Athenry, Gort/Ardrahan and Kinvara 2007 – 2012 (and beyond)”.

Policies should also take note of the guidance from the DOEHLG – “The provision of schools and the Planning System”.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation

- 1. The increase in unit allocation is in response to strong submissions from the Department of Environment, Heritage and Local Government, Galway City Council and the Environmental Protection Agency amongst others, pointing out the need to plan for the expansion of sustainable growth and development of the Galway Gateway, having regard to National and Regional policies and objectives as set out in the National Development Plan, the National Spatial Strategy, the West Region Planning Guidelines and the Galway Transportation and Planning Study. Development in these new nodes shall not proceed in the absence of masterplans or Local Area Plans and the provision of social infrastructure will be incorporated into the integrated, phased development of these nodes. The enabling physical infrastructure – roads, water and waste water facilities, public**

transportation facilities will also have to be delivered in tandem with development at these locations.

No change to Amended Draft Development Plan recommended.

Objective SS1 and SS7 to remain independent objectives as they relate to different priorities and different planning/transportation issues.

This was dealt with under Submission No 9

2. Policy ED38 does not differentiate between any parts of the Gaeltacht. The highlighted amendment includes a specific reference to the importance of the islands but this does not discriminate against any other locations within the Gaeltacht. No change recommended.

It was agreed to accept the recommendation in the Manager's Report

Policy ED44 – it is not intended that the policy should give clear exact guidance on signage as a rigid format for signage may not be appropriate at all locations.

The avoidance of uniformity or inappropriate design is important. No change recommended to the Amended Draft Plan

The inclusion of the word “serviced” is considered acceptable – amend the Draft Plan accordingly.

On the proposal of Cllr Maher and seconded by Cllr McDonagh it was agreed to accept the recommendations in the Manager's Report and include the word 'serviced' in Objective ED10.

3. The proposed amendment to include wording to ensure that facilities to make the use of public transport more attractive is worthwhile. Amend Policy RT1 as follows: “Seek to promote... including a safe road network, a range of bus services and rail services *and associated facilities to make the use of public transport more attractive such as bus shelters, bike parking, etc at appropriate locations as well as adequate facilities for walking and cycling and opportunities for air travel...*”

Section 6.1.3 – list routes in ascending order – N17 before N18.

Objective RT8 – amend Claregalway to “Baile an Chláir”.

Objective RT9 – not a published amendment – no change possible.

Objective RT10 – not a published amendment – no change possible.

Policy RT25 – include mention of linkage to the Western Rail Corridor.

On the proposal of Cllr Mullins and seconded by Cllr McDonagh it was agreed to list routes in ascending order-N17 before N18 in Section 6.1.3.

On the proposal of Cllr Hoade and seconded by Cllr McDonagh it was agreed to amend 'Claregalway' to Baile Chláir in Objective RT8

It was agreed to accept the recommendation in the Manager's Report in relation to Objectives RT9 and RT10.

On the proposal of Cllr Hoade and seconded by Cllr M. Connolly it was agreed to include mention of linkage to the Western Rail Corridor in Policy RT25(now RT 26) as follows:

..... Consideration should also be given, where appropriate, to the creation of additional lanes or alteration to existing lanes for Quality Bus Corridors on the N6, N17, N59, N84 and the Galway City Outer By-Pass and **linkage** to the Western Rail Corridor.

4. **Waste Management is not a function of Planning and is dealt with more appropriately in the Connaught Waste Management Plan – No change recommended to the Amended Draft Plan.**

It was agreed to accept the recommendation in the Manager's Report

Objective IS9 – no change recommended – both objective IS9 and IS15 can be interpreted differently to facilitate commercial and household recycling and bring facilities.

It was agreed to accept the recommendation in the Manager's Report

5. **Policy CS18 – it is not appropriate to single out any one of the settlements mentioned in the Department of Environment Report. It is the role and intention of Galway County Council to facilitate the development of new schools at appropriate locations in conjunction with the Department of Education and other local groups seeking to provide educational facilities. This policy should be expanded to state that regard shall be had to the guidance document “The Provision of Schools and the Planning System – A Code of Practice for Planning Authorities, the Department of Education and Science and the Department of Environment Heritage and Local Government”. No other change to Amended Draft Plan.**

On the proposal of Cllr McDonagh and seconded by Cllr Mullins it was agreed to include the following text in Policy CS18:

‘Regard shall be had to the guidance document “The Provision of Schools and the Planning System – A Code of Practice for Planning Authorities, the Department of Education and Science and the Department of Environment Heritage and Local Government”.

11. John Heffernan, Killeen, Bushypark, Galway

This submission was a query for clarification on the meaning of “free flow interchanges” in relation to Mr. Heffernan’s lands at Killeen.

This query has been passed to the Roads and Transportation Department for comment and reply.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation –

No change recommended to the Amended Draft Development Plan.

It was agreed to accept the recommendation in the Manager's Report

12. Cllr. Sean Canney, Claretuam, Tuam, Co Galway.

This submission seeks to include clarification in Section 3.3.11 for the definition of “settlement centres” in the context of the Draft Development Plan as locations which

have basic services such as Church, School or Convenience Store. It also states that settlement centres should not be named as it discriminates against settlement centres not named.

The Planning Authority should also clarify what constitutes basic infrastructure in light of recent An Bord Pleanála decisions on development proposals in named settlement centres.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation –

The proposed suggestion of not naming settlement centres would constitute a radical amendment to the Settlement Strategy and most of the settlements were not included in published amendments therefore no change is possible.

The inclusion of a definition of small settlements is already included in a more generalised way in Section 3.3. This element of the Draft Plan was not subject to a published amendment so no further amendments are possible.

Cllr Canney stated that he had concerns over the lists of settlement centres in the Draft Plan and also the attitude that An Bord Pleanála is taking to the settlement centres, in deciding that they are premature due to the lack of infrastructure. He added that a false sense of hope is being created by the County Development Plan for people submitting planning application in these settlements centres.

He stated that planning applications should be accepted from anywhere in the County not just from the settlement centres identified and that each application should be treated on its own merits and that it should be demonstrated clearly how a particular development is going to add to the area or the community such as footpaths, lighting, parks, playgrounds etc.

It was agreed to accept the recommendation in the Manager's Report

13. Cllr, Jim Cuddy, Lydican, Carnmore, Oranmore, Co Galway

This submission expresses concerns about the increase in housing unit allocation in the Settlement Strategy in Section 4 for the Baile an Chláir settlement to 600 units over the lifetime of the plan.

Policy HP15 – the term “functionally dependent on the land” be removed

And replaced with “applicants wishing to build their first house on family lands”.

Policy HP16(1)(c) – this paragraph to be amended.

Planning on Restricted Roads – where an applicant seeks to build their first family home along a restricted road and where there are no other family lands available, planning permission should be granted to family members on the family farm subject to sightlines and environmental considerations.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

The increase in unit allocation is in response to strong submissions from the Department of Environment, Heritage and Local Government, Galway City Council and the Environmental Protection Agency amongst others, pointing out the need to plan for the expansion of sustainable growth and development of the Galway Gateway, having regard to National and Regional policies and objectives as set out in the National Development Plan, the National Spatial Strategy, the West Region Planning Guidelines and the Galway Transportation and Planning Study.

Development in these new nodes shall not proceed in the absence of masterplans or Local Area Plans and the provision of social infrastructure will be incorporated into the integrated, phased development of these nodes. The enabling physical infrastructure – roads, water and waste water facilities, public transportation facilities will also have to be delivered in tandem with development at these locations. **No change to Amended Draft Development Plan recommended.**

This has already been dealt with under Submissions 9 and 10

Policy HP15 and HP16 were not the subject of published amendments and therefore cannot be considered for amendment at this stage in the plan making process.

However, the submissions proposed amendments to Policy HP16(1)(c) are exactly as the original text included in the Amended Draft Development Plan.

Restricted roads – this was not the subject of a published amendment and cannot be considered at this stage in the plan making process

It was agreed to accept the recommendation in the Manager's Report

Cllr Cuddy referred to the granting of planning permission to applicants building their first family home along restricted roads where they have no other family lands available to them

Ms McConnell explained that this issue was not part of the published amendments but referred him to DM Standard 16 Item 1

Cllr Hoade stated that despite this Development Management Standard in the County Development Plan, the National Roads Authority (NRA) still object to planning applications on family farms along National and other restricted routes.

Ms McConnell stated that the NRA have outlined that what is in the Galway County Development Plan is bordering on excessive and that anything beyond this would not be entertained i.e. sons and daughters of the landowner using the same access. She added that the Planning Authority will consider an existing safe access.

Cllr Canney stated that the NRA will make their recommendations on planning applications regardless of what the Members agree for the Development Plan.

Cllr M.Connolly stated that this had already been discussed at length and agreed and added that care should be taken not to push it too far.

Following a query from Cllr Cuddy in relation to the minutes of Council meeting of 16th January 2009, Mr Ridge confirmed that his query was documented by outlining the following to him from the minutes

"Cllr Reilly referred to shared entrances onto restricted routes and Ms. McConnell referred him to DM standard 16 subsection 1

Ms McConnell stated that the NRA will restrict development exiting out onto National and other restricted roads and that the policy in the plan is only in place to facilitate farmholdings.

Cllr Cuddy referred to the restrictions on the R 339. Mr Morgan stated that there is a lot of traffic on this route with very poor sightlines and very few opportunities to overtake. He added that by putting more entrances out onto this route and increasing the level of services the more dangerous this route will get and therefore the need for restrictions. He further added that the number of restricted routes in the county is very low. Any application granted on this route will be challenged by the National Roads Authority and An Bord Pleanala.

Cllr Burke stressed that it must be possible for the Council to implement whatever policies and objectives that are being agreed on for the County Development Plan.

It was proposed by Cllr Cuddy and seconded by Cllr Reilly to remove the words, 'for the purpose of ensuring continuity on the holding' from DM Standard 16 No 1 Housing Need Eligibility."

14. Mr. James Gavin – C/O Declan Commons, Planning Consultant, Planning Workshop, 41 Creagan, Barna, Co Galway.

Comments on HP 23 and suggests that this policy be expanded to accommodate persons who include entrepreneurs and persons who provide significant permanent investment, provide employment and will live locally. Such persons should qualify for Housing need and /or transfer of enurements on existing permissions.

Response and Recommendation –

No change to the Amended Draft Plan. The suggested amendments would not comply with the guidance set out in the Ministerial Guidelines for Sustainable Rural Housing. Persons who can demonstrate that they are long standing residents in a community can be considered for planning permission under the proposed provisions of the Draft Development Plan. There are no restrictions on any persons seeking to build a home in the 100+ settlements identified in the Settlement Strategy in the Draft Development Plan. There are also plenty of opportunities for non-local persons to acquire property in the settlements and in rural areas throughout the county.

It was agreed to accept the recommendation in the Manager's Report

15. Des Glynn, Grealish Glynn & Associates, Gort House, Gort, Co Galway.

Comments on HP24 – an enurement shall not be imposed where the re-development of a property is in the ownership of a local farm holder on their holding. Proposes that an enurement is not appropriate in any case as there is an existing dwelling on the site

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

**Response and Recommendation –
No change to the Amended Draft.**

It was agreed to accept the recommendation in the Manager's Report

**16. Paddy Grealish, Chairperson – Gort Chamber of Commerce, Ballyhugh,
Gort, Co Galway.**

States that the full potential of Gort as a major strategic settlement has not been recognised in the Amended Draft Plan. It poses that the town is the only major Galway town strategically located along the rail corridor from Limerick to Athenry and seeks to have the Strategic Corridor provided along the Atlantic Corridor.

Seeking to have tourism, education and crafts included in the economic engine for the Gort region.

The completion of the southern element of the new M18 – Ennis to Gort will mean that the town is closer to Ennis and Limerick – in the current economic climate, the M18 scheme northwards from Gort to Rathmorrissey may not be constructed and this would have the effect of alienating Gort from Galway city.

The Burren has not been recognised as a major tourism attraction for South Galway – Gort is the natural gateway to the Burren. This should be recognised in the amended Plan. The Galway Retail Strategy has been written to facilitate large multinationals and shopping outlets. The CDP should recognise the importance of farm markets and locally produced crafts and services. This could have a positive impact on the cultural heritage of the traditional market towns such as Gort and street trading in the Market Square should be protected and encouraged under the retail strategy. Tierneevin and Kiltartan should be recognised as settlements.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation

It is unclear whether this submission relates to any published amendments to the Draft County Development Plan.

The recognition of the Burren as a major tourist attraction for south County Galway can be included into Policy ED43 (page 40) as follows; “Support a geographical spread and diversification of Tourism Product throughout the county through the provision of infrastructural development which complements the area’s natural and built heritage. Ensure that cultural and natural aspects of tourism, such as the ecclesiastical heritage of East Galway and the recognition of the Burren as a major tourist attraction for south Galway, are developed and promoted in an appropriate fashion”.

On the proposal of Cllr Fahy and seconded by Cllr Willers it was agreed to accept the recommendation and include the following in Policy ED43:

“Support a geographical spread and diversification of Tourism Product throughout the county through the provision of infrastructural development which complements the area’s natural and built heritage. Ensure that cultural and natural aspects of tourism, such as the ecclesiastical heritage of East Galway and the recognition of the Burren as a

Minutes of Special Meeting held on 6th April 2009

major tourist attraction for south Galway, are developed and promoted in an appropriate fashion”.

There is no Retail Strategy for county Galway – it is an objective of the Amended Draft Plan (objective ED4) to engage with Galway City Council to prepare a new joint retail strategy within 2 years of the adoption of the new Development Plan. No change recommended.

It was agreed to accept the recommendation in the Manager’s Report

Tierneeven and Kiltartan were previously considered for inclusion in the Draft Settlement Strategy and it was decided for various reasons not to include them in the Amended Draft Plan. As these locations were not included as published amendments their inclusion cannot be considered at this stage in the plan making process.

It was agreed to accept the recommendation in the Manager’s Report

17. Kennedy Fitzgerald Solicitors – C/O Alan Cunnane, Cunnane Stratton Reynolds, 3 Molesworth Place, Dublin 2 – Lands at Claregalway.

The submission intends to ensure that Baile an Chláir is identified as a key growth centre for the county and identified as a centre for employment generating uses, including commercial.

It is suggested that Section 4.9 be re-titled “Employment” to cater for all types of employment generating uses, including commercial.

An additional strategic objective indicating that a balanced range of land uses including employment generating uses will be sought in all settlements within the county commensurate with the role and potential of each and consistent with the proper planning and sustainable development of the County.

Policy ED3 should be amended to replace the word “enterprise” with “employment”.

Policy SP1 be amended to include the following sentence at the end of the amended policy - “Future development within settlements within the Tuam transport corridor will be considered in terms of proper planning and sustainable development and be consistent with relevant local development plans”.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

No change recommended to the title of Section 4.9

It is not possible to add objectives that do not relate to published amendments at this stage in the plan making process. No change recommended.

It was agreed to accept the recommendation in the Manager’s Report

The replacement of the word “enterprise” with “employment in Policy ED3 (page 33) is not appropriate as it would not make sense in the context of the policy. No change recommended.

It was agreed to accept the recommendation in the Manager’s Report

Policy SP1 – it would not be appropriate to single out a Tuam Corridor for specific mention of development potential. The appropriate development of the settlement centres is provided for in the overall County spatial strategy, the settlement strategy and can be expanded upon in the relevant Local Area Plans for settlements. Development must be planned for in the context of national and regional policy which seeks to develop the Gateway and Hub settlements as priority, with secondary priorities given to strengthening settlements which support enhanced public transportation opportunities and/or which fulfil a supporting role for the rural populations of the county. No change recommended.

It was agreed to accept the recommendation in the Manager’s Report

18. The O’Dwyer Estate, C/O Kennedy Fitzgerald Solicitors – C/O Alan Cunnane, Cunnane Stratton Reynolds, 3 Molesworth Place, Dublin 2 – Lands at Ballard East Bearna

Seeks confirmation that the previous submission was considered in the making of the amendments to the Draft County Development Plan.

Supports amendments to Objective CS5 but seeks modifications to same as follows: this objective should refer to the Council supporting the development of sports, recreation and amenity facilities in appropriate locations consistent with proper planning and sustainable development. The policy as currently worded is biased towards the council developing these facilities when in fact they could be provided by private parties or under partnership arrangements as already referred to in the text.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation –

Amend Objective CS5 as follows “Develop sport, recreation and amenity facilities in appropriate locations *consistent with proper planning and sustainable development in the County in partnership with local communities and sports groups and/or private parties* and maximise revenue from the Sports Capital Programme for investment in local facilities.

Cllr D.Connolly expressed concerns that local communities would be at a disadvantage for access to public funding if ‘private parties’ were also included

Ms. McConnell stated that it ensures that all options are made available for the provision of facilities.

On the proposal of Cllr Joyce and seconded by Cllr Mullins it was agreed to amend Objective CS5 as follows;

“Develop sport, recreation and amenity facilities in appropriate locations consistent with proper planning and sustainable development in the County in partnership with local communities and sports groups and/or private parties and maximise revenue from the Sports Capital Programme for investment in local facilities”

19. Kennedy Fitzgerald Solicitors – C/O Alan Cunnane, Cunnane Stratton Reynolds, 3 Molesworth Place, Dublin 2 – Lands at Cartron, Garraun.

This submission is following on from the original submission by this party (Submission No.99). The submission seeks to have maximum flexibility to encourage development at the location of Ardaun / Garraun strategic node as identified in the Amended Draft County Development Plan. The objective to prepare a masterplan for this area is welcomed together with the increased household unit allocation for the node. It is requested that a stated requirement for a range of supporting land uses for a fully sustainable node in land use and transportation terms be inserted into amended objective SS1 and that “at an early stage” is replaced with “at the earliest opportunity” consistent with the phrase “as a priority” in the same objective.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation –

Replace “at an early stage” with “at the earliest opportunity” in Objective SS1.

On the proposal of Cllr Canney and seconded by Cllr Burke it was agreed to amend Objective SS1 by replacing the words “at an early stage” with “at the earliest opportunity”

It is not appropriate to pre-empt the master planning process for the Eastern Environs Framework Plan or for the various nodes identified as suitable for masterplans / local area plans within the Eastern Environs area. No change recommended.

It was agreed to accept the recommendation in the Manager’s Report

20. Tadhg O’Mahony, Senior Scientific Officer, SEA Section – Environmental Research Centre, Office of Environmental Assessment, Environmental Protections Agency, Regional Inspectorate, Inniscarra, Co Cork

a) Strategic Environmental Assessment

The EPA reminds GCC that it is the Competent Authority to determine whether or not the implementation of the proposed Amendments would be likely to have significant effects on the environment, in accordance with the requirements of the SEA Directive and the SEA Regulations, and the requirement to prepare an SEA Statement.

Minutes of Special Meeting held on 6th April 2009

Relevant information and/or the SEA screening determination should be made available and GCC should clarify whether the SEA report has been updated or an addendum prepared, where appropriate, any likely significant effects. The SEA Statement should summarise how environmental considerations have been integrated into the plan, the reasons for choosing the plan adopted and all monitoring measures proposed. The SEA statement should be sent to all environmental authorities consulted.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation –

GCC as the Competent Authority is fully aware of the obligations under the SEA Directive/Regulations and has determined that the implementation of the Amendments as proposed in the Manager's Report will not be likely to have significant effects on the environment, in accordance with the requirements of the SEA Directive and the SEA Regulations. This is set out under the SEA Statement, which includes all information as required, and will be made available as part of the public display process and forwarded to the environmental authorities consulted. In the event that further changes are made to the proposed amendments, these would need to be screened for any likely significant impacts on the environment and, if necessary, addressed further through the SEA process as appropriate.

b) Appropriate Assessment

The EPA reminds GCC of the requirements of Article 6 of the Habitats Directive to carry out Appropriate Assessment and the current legal requirements and advice regarding same (including the DoEHLG circular), including that: "*any mitigation measures or measures proposed to avoid impacts on Natura 2000 sites should be incorporated into the Draft Plan before finalization*".

The EPA requests that GCC confirm the status of the above and the Habitats Directive Screening determinations and, where relevant, clarify how the Draft Plan and the proposed Material Amendments have addressed the outcome of any appropriate assessment undertaken in accordance with the Habitats Directive and the Circular Letter.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation – GCC is fully aware of the obligations under the Habitats Directive and are in the process of undertaking Appropriate Assessment (AA) screening for the plan. The outcomes of the AA screening and any AA and/or mitigation measures required will be addressed prior to the adoption of the plan as required under the Habitats Directive.

c) Other Obligations

The EPA refers GCC to their responsibilities and obligations in accordance with all national and EU environmental legislation. It is a matter for Galway County Council to ensure that, when undertaking and fulfilling their statutory responsibilities, they are at all times compliant with the requirements of national and EU environmental legislation.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation – GCC is fully aware of the obligations set out under national and EU environmental legislation and these will be implemented through the development planning and management processes and other activities of the Local Authority.

d) Recommendations – General

Where reference is made to sections of the Environmental Report in the Draft Plan the relevant text should, as appropriate, be included in the Draft Plan by way of a specific Policy, Objective or explanatory text.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation – The Amended plan makes reference to the Environmental Report on Page 1 (Section 1.1), Page 92 (Policy HL43), Page 140 (DM Standard 37). These refer to the Mitigation Measures set out under Section 9.3 of the Environmental Report. This is considered to be appropriate for the purposes of the plan.

e) Recommendations – Water Framework River basin Management Plans

Where River Basin District River Basin Management Plans (RBMPs) are being referred to in the Draft Plan the full title of the Western River Basin Management Plan and Shannon International River Basin Management Plan should be referred to as appropriate.

It should be noted that the Draft Western and Shannon International RBMPs and associated environmental assessment and Habitats Directive Assessment are currently available as a consultation documents. These should be taken into account where relevant and appropriate prior to the adoption of the Plan.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation – The plan refers to the above on Page 95 (Flood Risk Management and Assessment), Page 97 (Policy HL66), Page 98 (Policy HL79) and Page 141 (DM Standard 40).

It is recommended that the wording on Page 95 (Flood Risk Management and Assessment) be amended as follows:

The Water Framework Directive (WFD) and the Water Policy Regulations allocate the responsibility for implementation of the WFD to the Environmental Protection Agency (EPA), Local Authorities and relevant Public Authorities. The Local Authorities acting jointly within each river basin district are given the primary responsibility for the development and implementation of the statutory River Basin Management Plans. The Western River Basin Management Plan and the Shannon International River Basin

Minutes of Special Meeting held on 6th April 2009

District Management Plans will be adopted in 2009. The Strategic aim of the Directive is to protect and restore all waters to good status by 2015.

The Flood Management Strategy shall have regard to the Western River Basin Management Plan and Shannon International River Basin District Management Plans when adopted. The Council, in consultation with the Office of Public Works, will identify those areas of the county susceptible to flooding which must be reserved for flood protection. The Western River Basin District Management Plan will be implemented in 2009 and GCC will work with other authorities to best manage the water bodies in the Western River Basin District.

Cllr M. Connolly stated that he could not agree to adopt The Western River Basin Management Plan and the Shannon International River Basin Management Plan as these plans were only in Draft format.

The Manager explained that these were consultation documents and the proposal is to include reference in the County Development Plan that regard must be given to them, she added that these plans would have to be adopted.

Mr Ridge explained that the Western River Basin Management Plan and the Shannon International River Basin Management Plan were the guidance on how to interpret the Water Framework Directive (WFD) and the Water Policy Regulations. If this is not included in the Development Plan now it would require a variation to the Development Plan when these plans are adopted.

Ms McConnell stated that as a requirement of Article 6 of the Habitats Directive, an Appropriate Assessment of the Draft County Development Plan 2009-2015 has been carried out which is a testing of the plan against the Environment. The incorporation of the River Basins Plans into the County Development Plan is a fundamental part of this. It is fundamental that we comply with the Appropriate Assessment.

Cllr T. Walsh stated that it was necessary to find some way of dealing with this problem which Galway County Council has not created; he feared that whatever bartering power the Members had would be gone if this plan as presented was adopted.

Mr Ridge advised the Members to adopt the development plan as presented to them and to accept what it is, an overall strategy for the proper planning and sustainable development of the County including economic development, social development, and environment protection. He added that in relation to the designated sites, it was possible that a development would not have a significant effect on a particular designated site and that once this is proven there is no longer a problem.

Ms McConnell stated that the preparation of an Appropriate Assessment of the Draft County Development Plan demonstrates the Local authority's commitment and approach to protecting the environment which in turn protects the social economic and environmental needs of the people of the County.

She added that not accepting the outcomes of the Appropriate Assessment would result in leaving applicants for planning applications in a state of limbo as the development plan might not be accepted by the Department of the Environment Heritage and Local Government.

Minutes of Special Meeting held on 6th April 2009

She stated that by incorporating mitigations measures or the necessary policies at a more appropriate level would allow Galway County Council as the Environmental Authority to adjudicate on the projects that will impact on Natura 2000 sites, which can be backed up by their own policies under the social, economic, and environmental aspects of sustainable development.

She added that it would be better for the Local Authority to have the technical knowledge and micro level evidence rather than the National Parks and Wildlife's (NPWS) generalised specifications so that the LA can be on a better footing to refute the recommendations of the NPWS.

Cllr Hoade referred to page 18 of the SEA Environmental Report: Addendum II and to the list of roads projects and to where it states that "these changes would be likely to have potential negative environmental effects-....."

Ms. McConnell states that these access routes may have environmental effects but can be mitigated against. She added that appropriate assessments on all of these projects would be carried out during the design stage and mitigated against for any impacts involved.

Cllr Hoade referred to the situation with the Galway City Outer By-Pass.

Mr Ridge stated that appropriate assessments are require to identify the impacts and the corresponding mitigation measures

Cllr Hoade stated that it was possible therefore that vital pieces of infrastructure may not proceed.

Comh Ní Fhartharta enquired if there was a possibility that the entire plan could be modified by the Minister and not just the issues pertaining to the EU Habitats Directive.

Mr Ridge stated that he did not want to anticipate what the Minister might do but added that there are some issues such as the objectives of the National Spatial Strategy that the Development Plan deals with differently. He referred to aspects of the submission from the Dept of Environment Heritage and Local Government. He added that if the development plan is rejected now it may be modified to a less palatable version than that presented to the Members today.

It was agreed to take a 30 minute recess to allow for group discussion on this issue.

Following the recess,

It was proposed by Cllr Joyce and seconded by Cllr Mullins to accept the amendments to Section 9.3.5 Flood Risk Management and Assessment as above but to also amend the word "implemented" above to "completed and adopted"

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

AR SON: Cllr Burke, Cllr Canney, Cllr Carey Cllr Conneely, Cllr Feeney, Cllr Hoade, Cllr. Joyce, Cllr. Kyne, Cllr Mannion, Cllr. McHugh, Cllr Mullins, Comh O Tuairisg, Cllr S.Walsh, Cllr T.Walsh, Cllr Welby, Cllr Willers (16)

IN AGHAIDH: Cllr. M.Connolly, Cllr Reilly, (2)

GAN VOTÁIL: Cllr Cuddy (1)

The Mayor declared Cllr Joyce's proposal carried.

SUSPENSION OF STANDING ORDERS

2087

Cllr. Cuddy proposed that the Standing Orders be suspended so that the Meeting could continue after 6 p.m. and this was seconded by Cllr. S. Walsh and agreed

It is recommended that the wording on Page 97 (Policy HL66) be amended as follows:

Adopt and implement the provisions of the River Basin District Management Plan for the Western River Basin Management Plan and Shannon International River Basins District Management Plan. Have regard to recommendations that may result from the applicable River Basin District Management Plans.

It was agreed to accept the recommendation in the Manager's Report and make the above amendments to Policy HL66

It is recommended that the wording on Page 98 (Policy HL79) be amended as follows:

Have regard to the programme of measures set out in the Western River Basin Drainage District Management Plans and Shannon International River Basin Management Plan to bring water up to a good standard, as defined in the EU Water Framework Directive, by 2015.

It was agreed to accept the recommendation in the Manager's Report and make the above amendments to Policy HL79.

It is recommended that the wording on Page 98 (Policy HL79) be amended as follows:

EU Water Framework Directive and the provisions of any relevant associated River Basin District Management Plans produced during the lifetime of the County Development Plan the Western River Basin Management Plan and Shannon International River Basin Management Plan.

It was agreed to accept the recommendation in the Manager's Report

It is acknowledged that the Draft Management Plans are now available. It is recommended that text dealing with the Water Framework Directive on Page 95 be restated on Page 97 and that a specific objective be included to address the River Basin Management Plans:

The EU Water Framework Directive, 2000, provides the legal framework for managing the protection of natural waters. The Directive sets out a comprehensive and integrated approach to management and protection of natural waters, with an objective of achieving "good status" by 2015. Natural waters include ground water, rivers, lakes, estuarine and coastal waters. The Local Authorities acting jointly within each river basin district are given the primary responsibility for the development and implementation of the

statutory River Basin Management Plans. The Western River Basin Management Plan and the Shannon International River Basin Management Plan will be adopted in 2009. On the proposal of Cllr Carey and seconded by Cllr Willers it was agreed to accept the recommendations in the Manager's Report

Objective HL41:

Incorporate the recommendations and measures in the Western River Basin Management Plan and Shannon International River Basin Management Plan once adopted into the Development Plan, as necessary and appropriate. In the interim, seek to ensure that all developments and activities that flow from the Development Plan contribute to the requirement under the EU Water Framework Directive to bring water up to a good standard by 2015 and are guided, where appropriate, by the information and guidance contained in the Draft Western River Basin Management Plan and Draft Shannon International River Basin Management Plan.

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

f) Recommendations – Water Supply Policies

Policy IS13 - Consideration should be given to the inclusion in this Policy of specific reference to "Water Safety Plan approach for the protection of drinking water supplies in County Galway".

Policy IS14 - Consideration should be given to the inclusion of "source management and protection zones" in this policy.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation – It is recommended that the wording of the policy be amended as suggested:

Policy IS13

To promote an ecosystem approach to water and wastewater management through the integrated management of land, water and living resources, a Water Safety Plan approach for the protection of drinking water supplies in County Galway and consideration for hydrological and natural processes, where appropriate.

On the proposal of Cllr Mannion and seconded by Cllr Mullins it was agreed to accept the recommendations in the Manager's Report and make the above amendments to Policy IS13

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation –
It is recommended that the wording of the policy be amended as suggested:

Policy IS14

*The local authority shall seek to establish 'source management **and protection** zones' around drinking water supply (ground and surface) sources and develop appropriate management and maintenance for same.*

On the proposal of Cllr Mullins and seconded by Cllr Burke it was agreed to accept the recommendations in the Manager's Report and make the above amendments to Policy IS14

g) Recommendations – Water Supply Objectives

Objective IS1 – Consideration should be given to the strengthening of this Objective and to the inclusion of a firm commitment to the preparation and implementation of a "Water Conservation Strategy" for County Galway.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation –

It is recommended that the wording of the objective be amended as suggested:

Objective IS1

*Implement Water Conservation measures in the County **and seek to prepare a Water Conservation Strategy for County Galway.***

On the proposal of Cllr Willers and seconded by Cllr Mannion it was agreed to accept the recommendation in the Manager's Report and make the above amendments to IS1

h) Recommendations – Natural Heritage and Biodiversity Policies

While it is acknowledged that wetlands are referred to in Policy HL33, as amended, *consideration* should be given to the inclusion of a specific Policy promoting "the protection and conservation of wetlands and associated surface and groundwater systems".

Response and Recommendation –

The policy mentioned has not been the subject of an amendment and changes to this policy or additional policies cannot be considered at this stage in the process. No change recommended.

It was agreed to accept the recommendation in the Manager's Report.

i) Recommendations – Marine Policies

It is recommended that a specific Policy be included to ensure the protection of "Shellfish Growing Areas".

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation –

Objective HL32 refers to shellfish as follows:

Consider the preparation of integrated coastal zone management plans for specific areas of the county's coastline and off-shore Islands as the need arises, based on identified zones of vulnerability such as shellfish farming areas or expanding harbours.

Additional policies cannot be considered at this stage in the process. No change recommended.

It was agreed to accept the recommendation in the Manager's Report

j) Recommendations – Forestry Policies

It is recommended that reference to "sustainable forestry development and related management activities" should be included in the relevant Forestry activities.

The inclusion of the term sustainable/ sustainable development should also be considered in the context of energy, renewable energy, agriculture, industry, extraction industry, tourism, transport etc. policies and objectives.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation –

Objective AM1 refers to forestry and it is recommended that this objective be amended as suggested as follows:

Objective AM1

Encourage sustainable forestry development and related management activities, including the promotion of ~~Promote~~ mixed species forestry and selective rather than clear felling.

On the proposal of Cllr Mullins and seconded by Cllr McHugh it was agreed to amend Objective AM1 as outlined above.

The term sustainable and sustainable development are utilised frequently throughout the Development Plan and apply to the sections outlined above. It is therefore not considered appropriate to insert additional references – no change recommended.

It was agreed to accept the recommendation in the Manager's Report.

21. Michael McCarthy, Environment Section, Dept. of Agriculture, Fisheries & Food, Johnstown Castle Estate, Wexford.

The Department has no further comments to make regarding the proposed amendments. Some updated statistical data has been submitted for inclusion in the document. No comments are possible regarding fisheries policies as the Department feel that insufficient time was allocated for a considered response. Additional comments will be forwarded when available.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation –

As the revised statistics are a correction of information in the text of the plan and do not affect policies and objectives of the plan, it is recommended to include these updated statistics.

Section 10.2 to be amended accordingly,

On the proposal of Cllr Joyce and seconded by Comh Ní Fhartharta it was agreed to include the updated statistics to reflect 2008 figures in Section 10.2 of the Plan as follows;

Ireland has one of the lowest proportions of land devoted to forestry of all the EU nations. The national target as set out in the government document “Growing for the Future: A Strategic Plan for the Development of the Forestry Sector in Ireland” 1996 is to have a forestry cover of 17% by 2030. The actual forest cover of Co. Galway is c. 9.5% of the total land area of the county or 56,933 53,303 hectares. Of this c.38,926 38,724 is state sector and c.18,007 14,579 hectares is privately owned. In order to assist in achieving the national target, the current area of forestry cover in Galway will need to be doubled by 2030.

**22. T. Connell, Director of Services Planning & Economic Development,
Community & Enterprise, Galway City Council, City Hall, College Rd,
Galway**

Submission acknowledges that the amendments as proposed have taken cognisance of the previous submission made by Galway City Council.

Ardaun

Requests that Garraun and Ardaun are included in the settlement strategy as two independent entities and be clearly identified as such to allow for progression of the Ardaun Local Area Plan.

The projected growth for Briarhill as a settlement is not appropriate or logical in the context of the proximity and priority for other growth areas.

Map SP5 should acknowledge the interchange of the Galway City Outer By-Pass with the N6 as a strategic transport node.

There is no definite commitment to a statutory LAP for Ardaun and the initiation of the process should be clear – a 6 month deadline from the adoption of the County Development Plan is suggested.

Environs Plan

The reference to a Master plan for the city environs (Objective SS1) appears to be, in reality, an integrated transportation and settlement plan as indicated in the SEA report. Participation in such a masterplan is considered to be “open for consideration” only at this early stage pending sanction by SPC and full City Council. The City Council is willing to explore this concept should it be compatible with emerging plans and acceptable on a political and public level.

Galway Metropolitan Area

Minutes of Special Meeting held on 6th April 2009

City Council acknowledges this boundary definition as set out by the Regional Authority.

Retail

Concerns relating to the inclusion of a potential Regional Retail facility still apply. It is suggested that a reference to Paragraph 68 of the Retail Planning Guidelines be included. It is felt that this is essential in the event of joint strategies being required under the imminent revised guidelines as the City Council operates a policy of restriction currently on locations within the city boundaries and have a policy of protecting and sustaining existing commercially designated sites.

Airport

Amendment regarding the airport is noted and welcomed. It is suggested that there is an inclusion of a commitment from both local authorities to support the preparation of a Public Safety Zone in conjunction with the Galway Airport Authority, the Department of Transport and the DoEHLG. (see also submission No. 7)

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation

Ardaun and Eastern settlements

See also Submission No. 24.

There is no hindrance in the Amended Draft Development Plan to the progression of a LAP for the Ardaun area in conjunction with Galway City Council. The commitment to securing the planned expansion on Galway Gateway based on sound and sustainable development principles and closely aligned to public transportation options for the area is a key element of Section 3 of the Amended Draft Plan. The development a Local Area Plan for Ardaun is clearly stated as an objective – Objective SS1 – and is not linked to any other settlement mentioned in this objective. The linking of Garraun/Ardaun in terms of household allocation under Section 3.4 is to allow for maximum flexibility and responsiveness to planned investment in public transportation, roads infrastructure and water services and so as not to prejudice the outcome of any Local Area Plan for either or both of these areas.

The growth of Briarhill is considered desirable given its location in proximity to the existing residential, neighbourhood centres and business/employment areas already developed within the city boundary (Briarhill), to existing and emerging public transportation routes and new and existing local road infrastructure. It is a node that can be developed in a sustainable manner in the short to medium term and in the context of an overall framework plan for the expansion of the Eastern Environs of the Gateway to help achieve the overarching principle of gateway growth based on integrated transport and land use planning. No Change to Amended Draft Development Plan recommended.

It was agreed to accept the recommendation in the Manager's Report.

The interpretation of the permitted interchange at the confluence of the GCOB and the existing N6 as a strategic transport node is questionable, given the clear NRA policy statement on protecting such interchanges from inappropriate development. This interchange design has been specifically amended by An Bord Pleanála to discourage local traffic from using same and in the absence of any specific reason to consider this location as a strategic transport node, Galway County Council should comply with the National Road Authority policy for the protection of major inter-urban interchanges. No change to the Amended Draft Plan recommended.

It was agreed to accept the recommendation in the Manager's Report.

Environs Plan

The indication of the City Council of openness to consider the merits of such an overarching framework plan is welcomed. No change to the Amended Draft Plan necessary.

It was agreed to accept the recommendation in the Manager's Report.

Galway Metropolitan Area

Acknowledgement of the merit of the West Regional Authority's definition of the Gateway is welcome. No change to the Amended Draft Development Plan necessary.

It was agreed to accept the recommendation in the Manager's Report.

Retail

Original Comments still apply. The inclusion of reference to paragraph 68 of the Retail Planning Guidelines in Policy ED14 is not considered necessary as the preceding Policy ED13 specifically states that regard will be had to the Retail Guidelines in the discharge of Development Management Functions with regard to retail developments. No change recommended to the Amended Draft Development Plan.

It was agreed to accept the recommendation in the Manager's Report.

Airport.

See also Submission No. 7.

Consider amending Policy RT30 by inserting the following text at the end of the existing text: *The Planning Authority, together with Galway City Council shall consider the preparation and implementation of Public Safety Zones in the vicinity of the Galway Regional Airport in the event of same being recommended by the Department of Transport and/or the Department of Environment, Heritage and Local Government.*

On the proposal of Cllr Cuddy and seconded by Cllr Joyce it was agreed to accept the recommendation in the Manager's Report and include the following text in Policy RT 30(now Policy31):

"The Planning Authority, together with Galway City Council shall consider the preparation and implementation of Public Safety Zones in the vicinity of the Galway Regional Airport in the event of same being recommended by the Department of Transport and/or the Department of Environment, Heritage and Local Government."

23. Fáilte Ireland West – C/O Helen O’Keeffe, Planning Consultant, AOS Planning Ltd, 4th Floor, Red Cow Lane, 71/72 Brunswick St. North, Smithfield, Dublin 7.

Suggests amendments to the following policies:

Policy ED38 – add the following to the end of the statement – "...while protecting the social, cultural and environmental sensitivity of these areas and the Council's commitment to the protection of the linguistic and cultural heritage of the County".

Policy ED40 – add the following to the end of the statement – "Such proposals will be assessed against a list of sustainable tourism criteria as set out below (see submission):

Policy ED 41 – modification to amended text with the end of the statement to read "...having regard to proper planning and sustainable development".

Policy ED42 – Modification to amended text with the start of the statement to read – "Implement a strategy for the development of a sustainable tourism industry, *in consultation with Fáilte Ireland (West Region) and relevant tourism authorities*, which minimises..."

Policy ED43 – modification to the end of amended text to read, "having regard to the County Settlement Strategy, proper planning and sustainable development".

Policy ED 44 – modification to the end of the statement to read – "Establish a Signage Policy committee to design, and investigate funding opportunities for integrated welcome, directional and interpretative signage with a timeframe for implementation in the county, and guidance for the appearance and location of these. Opportunities to create additional themed trails with appropriate sign posting will be explored with a view to creating overlapping trails throughout the county – e.g. a folklore trail, music trail, maritime trail, wildlife trail, etc. all of which follow different but overlapping routes through the county. There is a need to ensure joined up thinking in this area and to firstly ensure that developments are in tune with visitor demand and requirements, and secondly to ensure cohesion and integration".

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

Policy ED38 –amend as per submission

On the proposal of Cllr Mullins and seconded by Cllr Joyce it was agreed to accept the recommendation in the Manager's Report and to include the following text to Policy ED38:

"...while protecting the social, cultural and environmental sensitivity of these areas and the Council's commitment to the protection of the linguistic and cultural heritage of the County".

Policy ED 40 – this is a general checklist that could apply to any development. It is not recommended that this be incorporated into this section – No change.
It was agreed to accept the recommendation in the Manager's Report.

Policy ED41 – amend as per submission

On the proposal of Cllr McHugh and seconded by Cllr S Walsh it was agreed to accept the recommendation in the Manager's Report and to include the following text to Policy ED41:

"...having regard to proper planning and sustainable development".

Policy ED42 – amend as per submission.

On the proposal of Cllr Joyce and seconded by Cllr McHugh it was agreed to accept the recommendation in the Manager's Report and to amend the text in Policy ED42

"Implement a strategy for the development of a sustainable tourism industry, in consultation with Fáilte Ireland (West Region) and relevant tourism authorities, which minimises..."

Policy ED43 – amend as per submission

On the proposal of Cllr Carey and seconded by Cllr Hoade it was agreed to accept the recommendation in the Manager's Report and to include the following text to Policy ED43:

".....having regard to the County Settlement Strategy, proper planning and sustainable development".

Policy ED 44 – amend as per submission.

On the proposal of Cllr Mullins and seconded by Cllr Willers it was agreed to accept the recommendation in the Manager's Report and to include the following text to Policy ED44:

"Establish a Signage Policy committee to design, and investigate funding opportunities for integrated welcome, directional and interpretative signage with a timeframe for implementation in the county, and guidance for the appearance and location of these. Opportunities to create additional themed trails with appropriate sign posting will be explored with a view to creating overlapping trails throughout the county – e.g. a folklore trail, music trail, maritime trail, wildlife trail, etc. all of which follow different but overlapping routes through the county. There is a need to ensure joined up thinking in this area and to firstly ensure that developments are in tune with visitor demand and requirements, and secondly to ensure cohesion and integration".

24. Patrick O'Sullivan, Spatial Policy Section, DoEHLG, Custom House, Dublin 1.

Mr Ridge reads out the full content of submission 24 to the meeting as requested by Cllr Welby.

Ms McConnell then commences the consideration of this submission

General

The Department welcomes the proposed amendments and efforts geared towards addressing the previous submission, particularly those regarding the improvement of the focus of the settlement strategy to ensure consistency with the strategic planning frameworks within which the development of the county must proceed.

The absence of a completed Appropriate Assessment under the Habitats Directive remains a serious concern.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

Galway County Council is aware of the need to carry out Habitats Directive Assessment of the County Development Plan. Members shall be advised of any changes that are required to the Draft Development Plan as a result of HDA prior to the making of the plan and will be fully informed with regard to their statutory obligations under the Habitats Directive.

Settlement Strategy

1. Changes on foot of the previous submission are noted. The overall number of households to be accommodated in the county has increased from 20,500 to 20,750 (increase of 250 units) and no rationale for such an increase has been provided.
2. The refocusing of growth into the Gateway / Metropolitan area is a positive change. However, in order to comply with the overarching national and regional documents referenced by the DOEHLG in their previous submission, the priority for development should be the Ardaun corridor with other settlements following. There is a commitment to preparing plans for settlements to the east – Garraun / Ardaun and Briarhill as a priority but it would be helpful if it was clear that the priority for LAP preparation would be the Ardaun/Garraun corridor in consultation with Galway City Council. Wording to reflect this priority status should be included in the Plan.
3. The increase in household allocations to settlements which have public transport options is acknowledged but the inclusion of Craughwell in this range of settlements is queried.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

1. **The increase of 250 households arose from members seeking to retain household allocations to certain settlement centres, contrary to recommendation in the previous manager's report. Amend Section 3.4.5 A reduction of 250 on the**

allocation to Tier 5 settlements (Small Settlements/Rural Areas) is recommended to maintain the overall household allocation in line with that originally recommended in the first Manager's report. Reduce overall allocation to Tier 5 to 5,700 from 5,950.

On the proposal of Cllr Feeney and seconded by Cllr Carey it was agreed not to accept the recommendation in the Manager's Report as the reduction of housing allocation units in Claregalway (Tier1) from 600 proposed in the amendments to the Draft County Development Plan to 450 units as already agreed under Submissions 9&10 will deal with the reduction proposed above

2. The three development nodes of Ardaun, Garraun and Briarhill are considered to be compatible with the overarching strategy as set out in the National Spatial Strategy and the Regional Planning Guidelines of increasing the critical mass in the Galway Gateway. Galway County Council is committed to the delivery of Local Area Plans as appropriate for these development nodes as a priority action for the Planning Department. No change to the amended draft recommended.
It was agreed to accept the recommendation in the Manager's Report.

3. Craughwell is a settlement along the Western Rail corridor. Furthermore, the opening of the new N6/M6 will remove national route traffic from the village, making it a suitable location in principle for additional residential development. No change recommended.
It was agreed to accept the recommendation in the Manager's Report.

Strategic Corridor

Amendments that provide a more focussed approach to the corridor are welcomed

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation

No changes necessary.

It was agreed to accept the recommendation in the Manager's Report.

Transportation Issues

The Department previously indicated that the Council should engage with the NRA and include clear policy statements on a number of issues. The Council are reminded that the Department, in consultation with the Department of Transport and the NRA are currently preparing statutory guidelines to ensure that roads planning, development planning and development management processes are appropriately aligned. These guidelines will address, inter alia, inappropriate development around national primary route interchanges.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

Some amendments have been proposed to policies regarding road access and NRA issues (see submission No.25). Policy RT1 to be amended to include the following additional statement at the end of the existing statement: *“The Planning Authority shall have regard to any new guidance on the integration of roads planning, development planning and development management practices that may issue from the DOEHLG and/or Dept of Transport during the lifetime of this Plan”.*

On the proposal of Comh Ní Fhartharta and seconded by Cllr Mullins it was agreed to accept the recommendation in the Manager’s Report and include the following statement in Policy RT1:

“The Planning Authority shall have regard to any new guidance on the integration of roads planning, development planning and development management practices that may issue from the DOEHLG and/or Dept of Transport during the lifetime of this Plan”.

Rural Housing

1. The Department concerns still arise with regard to the quantum of development allocated to the rural areas of County Galway – approximately 30% of the total household allocation.
2. Concern is also expressed to the manner in which categories of rural generated housing need are being accommodated through policies and objectives of the Plan – in particular, two proposed amendments to the Plan
 - families of emigrants who are not themselves returning to be given special consideration if they wish to locate in a rural area
 - proposed amendment to the current policy to replacement dwellings to allow the vacated dwelling to be used to accommodate bone fide housing need of a family member of the original owner who has been accommodated by the new permitted dwelling or for tourist or related economic activity.

The Council have exceeded the categories of persons who are an intrinsic part of the local community as set out in the Ministerial Guidelines on Sustainable Rural Housing in including these amendments which will, in the Department’s view, allow for categories of persons more appropriately accommodated in the smaller settlements.

The proposed policy on replacement dwellings conflicts with existing Policies in the Draft Plan specifically DM Standard 15.

The Department considers both amendments to be unsustainable and not in accordance with policies on rural generated housing need as set out in the Sustainable Rural Housing Guidelines and in the Draft Plan and should therefore be omitted.

Comh O’Tuairisg stated that the approach by the DoEHLG is totally anti rural development and rural community.

Comh Ní Fhartharta stated also that the DoEHLG was anti Gaeltacht and anti rural and she proposed that the policy in relation to returning emigrants be retained as it appeared in the published amendments to the Draft County Development Plan.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

1. **It is considered that the allocation of less than 30% of total new households to the rural area in a county of the size, geographical spread and socio-economic profile of Galway county (27.4% if proposed amendments outlined above are adopted) is not unreasonable. Furthermore, it represents a significant shift towards urbanisation in the overall urban-rural balance in the county over the previous plan period. No change recommended.**

It was agreed to accept the recommendation in the Manager's Report

2. **The inclusion of amendments to policy HP18 and HP19 are not in accordance with the Sustainable Rural Housing Guidelines and it is recommended that the published amendments, highlighted in yellow in the Amended Draft Development Plan, be omitted from both policies.**

On the proposal of Comh Ní Fhartharta and seconded by Comh O'Tuairisg it was agreed not to accept the recommendation in the Manager's Report and to retain the wording of policies HP 18 and HP 19 as they appeared in the amendments to the Draft County Development Plan as follows:

Policy HP 18

"The weaker agricultural base and weak urban structure outside the GTPS area in other parts of the County have led to a population and economic decline. These areas are generally distant from major urban areas and the associated pressure for residential development.

In general, any demand for permanent residential housing in these areas should be accommodated as it arises, subject to good practise in matters such as design, location and the protection of landscape and environmentally sensitive areas. This shall apply to returning emigrants/migrants and their families who have not returned but who have a family member who may wish to locate will be given special consideration on a case by case basis. Housing need and its associated enurement clause will not apply outside the GTPS. However, language enurement, restrictive road enurement and Classes 3, 4 and 5 landscape sensitivity enurement will apply as appropriate in this area"

Policy HP 19

"Applicants, who require the demolition or replacement of an existing dwelling house shall be accommodated without the requirement to establish a Housing Need or proof of residence and will not be subject to an enurement clause. Where such existing dwellings are vacated they shall not be used for human habitation except to accommodate the bone fide housing need of a family member of the original owner who has been accommodated by the new permitted dwelling or for tourist or related economic activity."

Flood Risk Management

It would be desirable to re-visit the policies and objectives relating to Flood Risk Assessment and Management in the Amendments to ensure that they reflect key principles set out in the Draft Ministerial Guidelines on the Planning System and Flood Risk Management – firstly and most importantly – to avoid development in areas where flood risk has been identified, ideally at Development Plan stage. Proposals for mitigation and management of flood risk should only be considered where avoidance is not possible and the development can be clearly justified with the Guidelines Justification Test.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

Amend Paragraph 4 of Section 9.3.5 to read Flood Risk Management Strategy -
“The council shall adopt a comprehensive risk based planning approach to flood management to prevent or minimise future flood events. In accordance with the Draft Ministerial Guidelines on the Planning System and Flood Risk Management, the avoidance of development in areas where flood risk has been identified shall be the primary response. Proposals for mitigation and management of flood risk will only be considered where avoidance is not possible and where development can be clearly justified with the Guidelines Justification Test”.

On the proposal of Cllr Burke and seconded by Cllr Joyce it was agreed to accept the recommendation in the Manager’s Report and amend Section 9.3.5 to include the following text:

“In accordance with the Draft Ministerial Guidelines on the Planning System and Flood Risk Management, the avoidance of development in areas where flood risk has been identified shall be the primary response. Proposals for mitigation and management of flood risk will only be considered where avoidance is not possible and where development can be clearly justified with the Guidelines Justification Test”.

Insert the following into Objective HL39 at the end of the statement: *“The avoidance of development in areas where flood risk has been identified shall be the primary response of the Planning Authority. Development proposals which include proposals for mitigation and management of flood risk will only be considered where avoidance is not possible and where development can be clearly justified with the Guidelines Justification Test”.*

On the proposal of Cllr Joyce and seconded by Cllr Mullins it was agreed to accept the recommendation in the Manager’s Report and to include the following statement to Objective 39(now40):

“The avoidance of development in areas where flood risk has been identified shall be the primary response of the Planning Authority. Development proposals which include

Minutes of Special Meeting held on 6th April 2009

proposals for mitigation and management of flood risk will only be considered where avoidance is not possible and where development can be clearly justified with the Guidelines Justification Test”.

Nature Conservation and Appropriate Assessment.

Reiterates advice that appropriate assessment of the Plan under Article 6 of the Habitats Directive is necessary. The council are also reminded of the contents of Circular Letter SEA 1/08 and NPWS 1/08 Appropriate Assessment of Land Use Plans and in particular – “Incorporation of outcomes of appropriate assessment” with the following emphasised “Any mitigation measures or measures proposed to avoid impacts on Natura 2000 sites should be incorporated into the policy or detail of the draft plan before finalisation”. If appropriate assessment now being undertaken at this late stage in the plan making process is to have any validity, it must inform all sections of the plan, its policies and objectives and must amend the content and detail of the plan as necessary. The findings of the assessment must be taken into account by the competent authority, Galway County Council, in reaching its decision to authorise or adopt the plan, and only the amended plan should be presented for adoption.

In general, Section 9 of the plan would benefit from substantial re-working to give a clear hierarchical approach to natural heritage issues ranging from internationally to locally important. An objective for the conservation and protection of European (Natura 2000) sites (SAC and SPA areas including any proposed or candidate sites) and Natural Heritage Areas is required as a mandatory objective for a development plan and is not adequately met among current objectives.

DM Standard 37 – should be titled “Nature Conservation Sites” or “Sites with Nature Conservation Designations” and requires revision that should emerge from the Appropriate Assessment exercise. The un-amended version of measure I was more accurate and clearer for ensuring that prospective developers were aware of the need for impact assessment in the case of proposed developments in or adjacent to sites with nature conservation designations and would ensure that potential effects were assessed and recorded if and as they arise.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

Amend Section 9.1.1 to be titled General Heritage Policies

Move Policy HL6 to Section 4.7.1 – Tourism Policies.

On the proposal of Cllr Mullins and seconded by Cllr Burke it was agreed to accept the recommendation in the Manager’s Report and to amend the title of Section 9.1.1 to “General Heritage Policies” and to move Policy HL6 to Section 4.7.1 Tourism Policies as new Policy ED45 as follows

Minutes of Special Meeting held on 6th April 2009

Policy ED 45

“Facilitate the improvement and development of the National Programme of Way-Marked Ways including the Beara Breifne-Hymany Way, The Western Way, The Suck Valley Way and traditional walking ways in Ballinasloe to Clontuskert Abbey and Poolboy within the County. Continue to support the Architectural Walking and Ecclesiastical Driving Tours within Galway County.”

Section 9.3.3, Section 9.3.3.1 and Section 9.3.3.2 – move to before section 9.3.1.1 (Natural Heritage and Biodiversity).

Move policy HL43 and policy HL44 to the beginning of Section 9.3.3.1 (in new location)

On the proposal of Cllr Burke and seconded by Cllr Mullins it was agreed to accept the recommendations in the Manager's Report.

Include the following text into the end of Section 9.3.3

Candidate Special Areas of Conservation

The Candidate Special Areas of Conservation (SACs) have been selected because they support habitats and plant and animal species that are rare or threatened in Europe and require particular measures, including the designation of protected sites, to conserve them.

Together with the SPAs they form part of the ‘Natura 2000’ network of sites throughout Europe.

Special Protection Areas

The Special Protection Areas (SPAs) and proposed Special Protection Areas have been selected because they support populations of birds of particular species that are rare or threatened in Europe and require particular measures, including the designation of protected areas to conserve them.

Natural Heritage Areas

The Natural Heritage Areas (NHAs) cover nationally important semi-natural and natural habitats, landforms or geomorphological features, wild plant and animal species or a diversity of these natural attributes.

New objective to be included in Section 9.3.3.2 (in new location) as follows: *It is an objective to provide protection to all natural heritage sites designated or proposed for designation in accordance with National and European legislation. This includes Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas, Statutory Nature Reserves and Ramsar sites.*

(This is required under Planning legislation and as a result of Habitats Directive Assessment of the Plan).

DM Standard 37 – to be re-titled “Sites with Nature Conservation Designations”.

Minutes of Special Meeting held on 6th April 2009

On the proposal of Cllr McHugh and seconded by Cllr Mullins it was agreed to accept the above recommendations in the Manager's Report and make the necessary changes to Section 9.3.3 and include new objective HL24 as follows:

"It is an objective to provide protection to all natural heritage sites designated or proposed for designation in accordance with National and European legislation. This includes Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas, Statutory Nature Reserves and Ramsar sites".

It was also agreed to re-title DM 37 as follows; "Sites with Nature Conservation Designations".

Architectural Heritage

New text introduced in Section 9.2.3 (Architectural conservation areas) contains a typographical error which confuses the intended meaning.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:
Amend typographical error - " ;" incorrectly placed.

It was agreed to accept the recommendation in the Manager's Report and make the necessary correction.

Archaeological Heritage

It would be advisable to draw attention to the fact that it may not always be possible for the Department to grant extensions to medieval graveyards for archaeological reasons. The following policy insertion is recommended: "Archaeologically, significant medieval burial grounds will not be considered for extension if such an extension would constitute a risk to the archaeological heritage".

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendations:
Amend Policy CS21 to add the following statement at the end of the existing policy statement – "Archaeologically significant medieval burial grounds will not be considered for extension if such an extension would constitute a risk to the archaeological heritage".

On the proposal of Cllr Joyce and seconded by Cllr Hoade it was agreed to accept the recommendation in the Manager's Report and add the following text to Policy CS21 but to also include an amendment as follows:

Minutes of Special Meeting held on 6th April 2009

“Archaeologically significant medieval burial grounds will not be considered for extension if such an extension would constitute a proven risk to the archaeological heritage”.

**25. Michael McCormack, Policy Advisor (Planning), St Martins House,
Waterloo Rd, Dublin 4.**

The NRA outlines its support for a number of the proposed amendments and further outlines specific comments:

Strategic Planning Issues

Welcomes and supports policy RT2. The Authority requests that such a policy approach to protect significant strategic investment in road infrastructure be to the forefront in the preparation of Local Area Plans and that the NRA would be a consultee in the preparation of such plans where the Authority can be considered a stakeholder.

Raises concerns with the identification of Athenry as a major growth hub and in particular, it's potential as a goods transportation hub (Section 3.3.4) due to its location at the confluence of the M6 and M18. this may be inconsistent with Policy RT2 and the NRA request that the statement in Section 3.3.4 be cross-referenced with Policy RT2 to clearly indicate that any such proposals will be considered within the context of the need to protect the significant strategic investment in the national road network in the area.

Economic Development and Tourism (including Retail)

NRA welcomes Policy ED1 and supports the reference to Paragraph 29 of the Retail Planning Guidelines and the requirement for TTA included in the revision of Policy ED14.

Rural Housing

NRA requests that a specific reference to restricting access onto National Roads for rural housing in accordance with Section 3.3.4 of the sustainable Rural Housing Guidelines be included in Section 5.3.1.

Infrastructure: Roads and Transportation

NRA welcomes and supports Policy RT3 and RT4. However, the NRA does not support the inclusion of an exception to the general restriction onto National Roads for development of strategic importance as set out in RT3 and contends that this is at variance with national policy. It requests that this exemption is removed from the Plan.

Both DM Standard 16 and DM Standard 17 include exceptions to the restriction onto national roads. Having regard to the Authority's "Policy Statement on Development Management and Access to National Roads", section 3.2.6 of this document sets out exceptional circumstances where the restrictive approach to development on National Roads to which speed limits greater than 50kph apply may be reviewed as part of the interface between the NRA and the local authority to take account of any relevant

Minutes of Special Meeting held on 6th April 2009

exceptional circumstances. The NRA does not consider that an exceptional circumstance has been outlined in the Plan to justify a departure from the official policy. The NRA is willing to review proposals with the Planning Authority with a view to establishing an agreed approach.

Traffic and Transport Assessment

The NRA welcomes the provision for a requirement for such assessment under revised Policy RT9. However, the relevant DM Standard also needs to be updated as well as a review of policy numbering.

The NRA does not support statement to the end of Policy RT18 that indicates that “in exceptional circumstances, direct access may be considered onto national routes to accommodate strategic infrastructure or regionally significant development”. This should be reviewed with the NRA in order to establish an agreed approach.

Park and Ride Sites (Policy RT29)

A policy to consider such sites favourably should only be implemented in accordance with an agreed and coordinated strategy for the provision of park and ride sites in the Gateway area. This strategy should be developed with Galway City Council and in consultation with statutory and other relevant stakeholders including the NRA.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation:

Strategic Planning Issues.

The NRA welcomes the inclusion of proposed amendments to Policy RT2. The identification of Athenry as a growth centre in the settlement strategy is fully consistent with the overarching aims of developing settlements with good potential for increased public transportation links. The potential of the town for development at a goods transportation hub also aims to capitalise on planned private and state (IDA) investment in the town as a major industrial campus and make best and most economic use of investment in new and planned infrastructure, including the new northern and southern relief roads and the re-opening of the Western Rail Corridor.

No change recommended to the Amended Draft Plan.

It was agreed to accept the recommendation in the Manager's Report

Economic Development and Tourism (including Retail).

The NRA welcomes the inclusion of amendments to Policy ED1 and to Policy ED14. No change necessary to Amended Draft Plan. A cross reference to these policies can be included in Section 5.3.1 of the Plan (Housing).

DM Standard 16

On the proposal of Cllr Mullins and seconded by Cllr Joyce it was agreed to accept the recommendation in the Manager's Report and include the cross referencing.

Rural housing

The restrictions on development accessing onto the National Road Network is clearly set out in Section 6 – Policy RT3, Policy RT18 and Policy RT19.

DM Standard 16 sets out the exception to the general presumption against development accessing National roads. This was not a published amendment and as such, no further amendment can be considered at this stage. No change recommended.

Cross referencing of relevant RT policies can be included in Section 5 of the Plan.

On the proposal of Cllr Mullins and seconded by Cllr Joyce it was agreed to accept the recommendation in the Manager's Report and include the cross referencing.

Infrastructure: Roads and Transportation.

Policy RT3 was drafted with close regard to the NRA Policy on Development Control and Access onto National Roads published in May 2006. This statement of exception comes directly from that policy document. A suitable amendment to Policy RT3 is suggested as follows for inclusion at the end of the existing policy statement: *"The Planning Authority shall consult with the NRA on a case by case basis for any proposals of this nature and shall have regard to their advice and recommendations for same"*.

Ms McConnell referred the meeting to the later recommendation in the Manager's Report in relation to Policy RT3 which was presented to the meeting.

On the proposal of Comh Ní Fhartharta and seconded by Cllr Willers it was agreed to accept the later recommendation in the Manager's report and amend Policy RT3 as follows:

Policy RT3:

As a general policy, the location of new means of access to the National Primary Road and National Secondary Road network, for residential, commercial, industrial or other development dependent on such means of access, shall not be permitted except in areas where a speed limit of 50-60 km/h applies, or in the case of infilling, in the existing built-up areas. The Planning Authority shall in the first instance, seek to channel traffic from new development onto existing local roads and in this way use established access points to gain entry onto national roads.

The only exemptions to this general restriction that may be considered would be developments of national or regional strategic importance which by their nature are most appropriately located outside urban centres and where the developments proposed have specific locational requirements or are dependent on fixed physical characteristics. In this regard, Galway County Council shall engage with relevant stakeholders including the NRA, Dept of Environment, Heritage and Local Government and, if appropriate, neighbouring Local Authorities to develop a strategy to identify such strategic activities or strategic locations and a set of criteria which would guide development in such circumstances.

Relevant considerations may include:

- relevance and appropriateness of the proposed development in supporting the aims and objectives of the National Spatial Strategy and the Regional Planning Guidelines.
- The nature of the proposed development and the volume of traffic to be generated by it

Minutes of Special Meeting held on 6th April 2009

- The implications for the safe and efficient operation of the national road as well as any proposed upgrades or routes for new roads
- Implications for the traffic carrying capacity and service life of the road
- Suitability of the location vis-à-vis other locations
- Existing development in the area
- The precedent that could be created for follow-on development of a similar nature and potential implications for national roads

Traffic and Transport Assessment.

Policy RT18 was drafted with close attention being paid to the NRA Policy on Development Control and Access onto National Roads. The final sentence in this policy is taken directly from section 3.2.6 of this policy document. An acceptable addendum to RT18 is proposed as follows: “In exceptional circumstances, direct access may be considered, *in consultation with the NRA on a case by case basis*, onto national routes (non-motorways) to accommodate strategic infrastructure or regional significant development”

On the proposal of Cllr Joyce, seconded by Cllr. Mullins it was agreed to accept the recommendation in the Manager’s Report and make the necessary amendment to RT18(now RT19) as follows:

....In exceptional circumstances, direct access may be considered, in consultation with the NRA on a case by case basis, onto national routes (non-motorways) to accommodate strategic infrastructure or regional significant development.

Park and Ride (Policy RT29)

It is recommended that Policy RT29 be amended as follows: *To consider the development of a strategy for the provision of Park and Ride sites at appropriate locations on the major approaches to Galway City area in consultation and cooperation with Galway City Council and the relevant statutory and other relevant stakeholders, including the National Roads Authority.*

On the proposal of Cllr Joyce and seconded by Cllr Reilly it was agreed to accept the recommendation to the Manager’s Report and make the following amendments to Policy RT29(now Policy 30):

“To consider the development of a strategy for the provision of Park & Ride sites at appropriate locations on the major approaches to Galway City area in consultation and cooperation with Galway City Council and the relevant statutory and other relevant stakeholders, including the National Roads Authority.”

No 26. Mary Colohan, Higher Executive Officer, Forward Planning Section,
Department of Education and Science, Portlaoise Road, Tullamore, Co.
Offaly.

The submission outlines the estimated potential primary school classroom deficit and the potential post primary school deficit of places based on projected household allocations set out in the amended Draft Plan (using Department of Education standard calculations).

Based on these figures and assumptions, it is likely that additional primary school places in Garraun/Ardaun, Oranmore, Tuam, Maigh Cuillinn and Baile Chláir would have to be met by new green field provision (new school sites)

A new post-primary school would be warranted in Tuam and if development as planned for Garraun/Ardaun was to be realised, it would be prudent to reserve a 10 acre site to meet the needs for a new post primary school.

The expansion of existing post-primary facilities at Oranmore and Ballinasloe should be adequate to provide for the future needs at these locations.

While the numbers do not indicate the need for a new post-primary school in Kinvara, the decision by the local Mercy Order of nuns to close the existing post-primary school warrants the reservation of a 12 acre greenfield site.

Ms McConnell outlined the Responses and Recommendations to the above submission as follows:

Response and Recommendation

Policies CS18, CS19 and CS20 provide adequately for the Council's role in working with the Department of Education and the OPW to facilitate the identification of suitable sites for the primary and post-primary school needs of existing and new communities. The detailed identification of lands for such uses is best undertaken at Local Area Plan level or at a site specific level in conjunction with the Department of Education and Science and/or OPW.

No change recommended to Amended Draft Plan.

It was agreed to accept the recommendation in the Manager's Report

Ms McConnell referred the meeting to the Appropriate Assessment of the Draft County Galway Development Plan presented to the meeting and outlined the recommendations arising from the Appropriate Assessment and the Mitigation Measures to prevent effects in European Sites

Recommendations arising from Appropriate Assessment

It is recommended that the mitigation measures detailed under Section 5.7 be integrated into and adopted as part of the Draft County Development Plan.

Note: The wordings of measures contained hereafter constitute an undertaking - as per the most relevant equivalent Irish Guidelines on the best practice⁴⁹. Accordingly Mitigation measures contained hereafter should be incorporated in their entirety - or should be omitted. The degree of undertaking should remain as that the measure 'shall' or 'will' be implemented. The substitution of these words with the words 'should', 'ought' or 'may' is not in accordance with best practice and should be avoided.

5.7 Mitigation Measures to prevent effects on European Sites

5.7.1.1

Minutes of Special Meeting held on 6th April 2009

The plan shall support achieving the objectives and actions contained in the County Galway Draft Biodiversity Action Plan 2008 - 2013 (Galway County Council, 2008).

5.7.1.2

No projects giving rise to significant adverse direct, indirect or secondary impacts on Natura 2000 sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air), transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this Plan (either individually or in combination with other plans or projects) 50.

5.7.1.3

All subsequent plan-making and adoption of plans under the control of Galway County Council arising from this plan will be screened for the need to undertake Appropriate Assessment under Article 6 of the Habitats Directive.

5.7.1.4

Galway County Council will set up procedures to ensure that any plan, project, etc would take cognisance of the existing impacts on Natura 2000 sites and assess the cumulative and "in combination" effects that said plans and projects may have on any Natura 2000 site and to ensure compliance with the requirements of Article 6 of the Habitats Directive.

5.7.1.5

No ecological networks or parts thereof which provide significant connectivity between areas of local biodiversity are to be lost without remediation as a result of implementation of the CDP.

5.7.1.6

Galway County Council shall protect wetlands, and associated surface and groundwater systems within the Plan area.

5.7.1.7

Galway County Council shall ensure that, in the supply of services and in zoning of lands and authorisation of development, the threatened habitats and species* which occur within and adjoining the Plan area are not placed under further risk of deterioration (habitats) or reduction in population size (species). *As identified in the National Parks and Wildlife "The Status of EU Protected Habitats and Species in Ireland", (NPWS, Department of the Environment, Heritage and Local Government, 2008). Galway County Council shall ensure that plan formulation and development control shall take into account the relevant "Major Pressures reported in the assessment of Habitats and Species" and the "Main Objectives Over The Coming Five Years and Beyond" contained in the above publication.

5.7.2

Water Protection

5.7.2.1

Minutes of Special Meeting held on 6th April 2009

Galway County Council shall address the significant water management issues identified in the Water Matters Consultation publications for the relevant RBDs.

5.7.2.2

When published, the relevant policies and objectives of the Western and Shannon River Basin Management Plans and associated Programmes of Measures shall be integrated into the Plan through amendment or otherwise.

5.7.2.3

Galway County Council shall ensure that the ongoing development of Towns and their Environs are undertaken in such a way so as not to compromise the quality of surface water (and associated habitats and species) and groundwater within the zone of influence of the Development Plan area.

5.7.2.4

Landuses shall not give rise to the pollution of ground or surface waters during the construction or operation of developments. This shall be achieved through the adherence to best practice in the design, installation and management of systems for the interception, collection and appropriate disposal or treatment of all surface waters and effluents.

5.7.3

Waste Water

5.7.3.1

Development under the Plan shall be preceded by sufficient capacity in the public waste water treatment plants and appropriate extensions in the existing public waste water treatment catchments.

5.7.3.2

Galway County Council shall implement the relevant recommendations set out in Urban Waste Water Discharges in Ireland for Population Equivalents Greater than 500 Persons – A Report for the Years 2004 and 2005 Office of Environment Enforcement- EPA, 2007.

5.7.3.3

Galway County Council shall provide a waste water treatment plant to meet current water quality standards, with adequate capacity to treat foul drainage arising from the drainage network associated with the WWTP Clifden area. Temporary waste water treatment facilities will be considered in the interim and provided in the event of any new development that would add to the waste loading being permitted. No new development that would add to the existing waste water treatment facility will be permitted.

5.7.3.4

Galway County Council shall examine the feasibility of connecting of unsewered, areas including individual properties/ premises, serviced by septic tanks to existing and planned sewer networks

5.8

Conclusions

If the Plan – operating in conjunction with other relevant agencies, legislation, standards and practices, is adopted including and having regard to the mitigation measures recommended in this assessment then it will not give rise to adverse effects on the European Sites in County Galway or adjoining areas.

It was agreed to include mitigation measure 5.7.1.1 as outlined above as a new Policy HL 4 in Section 9.1.1 of the Draft Plan. It was also agreed to include Mitigation measures 5.7.1.2, 5.7.1.3, 5.7.1.4, 5.7.1.5, 5.7.1.6, and 5.7.1.7 as outlined above as new Policies HL45, HL46, HL47, HL48, HL49, and HL50 respectively in Section 9.3.2.1 of the Draft Plan.

It was also agreed to include Mitigation measures 5.7.2.1, 5.7.2.2, 5.7.2.3 and 5.7.2.4 as new Policies HL88, HL89, HL90, and HL91 respectively in Section 9.3.6.1 of the Draft Plan

It was also agreed to include Mitigation measures 5.7.3.1, 5.7.3.2, 5.7.3.3 and 5.7.3.4 as new Policies IS15, IS16, IS17 and IS18 respectively in Section 7.3.1 of the Draft Plan.

On the proposal of Cllr M. Connolly and seconded by Cllr Welby it was agreed that a request be made to the Joint Oireachtas Committee on Environment Heritage and Local Government for a meeting to outline their concerns as to the excessive designations and its effects on future possible development of County Galway, i.e. turf cutting, road construction and planning etc. It is proposed to outline the failure to produce science by the Department of the Environment Heritage and Local Government in making the designations.

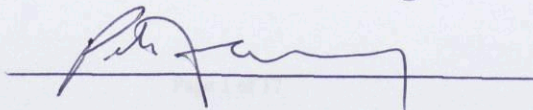
On the proposal of Cllr Mullins and seconded by Cllr McHugh it was agreed to make the County Development Plan 2009-2015 as amended by the Manager's Report as amended by the various resolutions and also incorporating the mitigation measures as determined by the Appropriate Assessment into the County Development Plan.

The Members thanked Mr. Ridge, Ms. Mc Connell and their team for all the assistance provided to the members during the Draft Development Plan process.

The County Manager thanked the Members acknowledging the considerable amount of time they has spent dealing with this complex County Development Plan.

Criochnaigh an Cruinniu Ansin

submitted, Approved + Signed



25th MAY 2009

Date

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL
HELD AT ARAS AN CHONTAE, PROSPECT HILL ON MONDAY, 23RD
MARCH, 2009**

CATHAOIRLEACH:

Cllr. P. Feeney

IL LATHAIR FRESIN:-

Baill:-

Cllrs. W. Burke, S Canney, S. Connaughton, J. Conneely, D. Connolly, M. Connolly, Comh. O'Cuaig, Cllrs. J. Cuddy, M Fahy, M. Finnerty, M Carey, M Hoade, P Hynes, J. Joyce, C Keaveney, S Kyne, T Mannion, J McDonagh, T McHugh, M. Mullins, Comh. C. Ni Fhatharta, Comh O Tuairisg, M. Regan, T. Reilly, S Walsh, T Walsh, T Welby, B. Willers.

Oifigigh:

Ms. M. Moloney, County Manager, Messrs. J. Cullen, P. Ridge, K. Kelly, J.Morgan, F. Gilmore, Directors of Services, M. Lavelle, J. Eising, Senior Engineers, G. Mullarkey, Head of Finance, B. McDermott, County Secretary. A. Comer, Senior Executive Officer, , Mr. P. O'Neachtain, Oifigeach Gaeilge and R. O'Boyle, Staff Officer.

National Parks & Wildlife

Mr. Kelly, Asst. Director and Mr. Sweeney, Regional Representative

Thosnaigh an cruinniú leis an paidir.

The Mayor welcomed everybody.

RESOLUTIONS OF SYMPATHY

2045

A Resolution of sympathy was extended to the following:-

Mr. Peter Conroy, Kylemore Lodge, Kylemore, Conamara, Co. Galway.
Mrs. Mercy Casey, Perrsepark, Auhrim, Ballinasloe, Co. Galway.

Mrs. Winnie Mc Kenna, Portnick, Creagh, Ballinasloe, Co. Galway.
Mrs. Angela Cassidy & Family, Hugh Hession Road, The Glebe Tuam, Co. Galway.
Mrs. Frances Stockwell & Family, Tullindaly Road, Tuam, Co. Galway.
Mrs. Mary Flanagan, Shrah, Woodford, Co. Galway.
Mrs. Teresa Reynolds, 17 Hawthorn Close, Creagh, Ballinasloe, Co. Galway.
Mrs. Patsy Walsh, Cahergown, Claregalway, Co. Galway.

VOTE OF CONGRATULATIONS

2046

Cllr. Burke said he wished to propose a vote of congratulations to the Portumna Senior Hurling Team who won the All Ireland Club Final again this year. He said they were an extraordinary team and had brought a great sense of community to the area. He requested that a Civic Reception be given in honour of this victory at the May Meeting. This was seconded by Cllr. Regan and agreed.

The Members extended a vote of congratulations to the Irish Rugby Team on winning the Six Nations Trophy and the Triple Crown at the weekend, and it was agreed that this would be conveyed to the IRFU.

Votes of congratulations were also extended to the following:

Mr. Bernard Dunne who won the World Bantamweight Boxing Championship at the Weekend.

The Mukerrins Brothers who were the winners of the All Ireland Talent Show last weekend.

The Claregalway Drama Group on qualifying for the All Ireland Drama Finals.

Cllrs Mullins and Willers welcomed Cllr. Michael Maher as a New Member of the Fine Gael Party.

CONFIRMATION OF MINUTES OF MEETINGS

2047

The Minutes of Special Meeting held on the 12th January, 2009 were approved by the Council and signed by the Mayor on the proposal of An Comh. Ni Fhathara, and seconded by Cllr. McHugh.

The Minutes of Special Meeting held on the 16th January, 2009 were approved by the Council and signed by the Mayor on the proposal of Cllr. Mullins, and seconded by Cllr. Fahy.

Arising from the Minutes Cllr. Fahy referred to a Resolution which was passed by the Council at a Meeting held on 16th January 2009 that: "the Taoiseach, Mr. Brian Cowan, T.D. the Táiniste Ms. Mary Coughlan, T.D., and the Irish European Commissioner Mr. Charlie Mc Creevy be called on to intervene in order to alleviate the crisis of unemployment in County Galway which is now approaching its worst level ever since the foundation of this state".

Ms. McDermott confirmed to the Members that the necessary correspondence has issued and an acknowledgement had been received in this regard.

The Minutes of the Monthly Meeting held on the 23rd February, were approved by the Council and signed by the Mayor on the proposal of Cllr. Regan, and seconded by Cllr. Carey.

REPORTS OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION

2048

The Report of the Planning and Economic Development Strategic Policy Committee Meeting held on the 5th November, 2008 was considered. It was adopted by the Council on the proposal of Cllr. Hoade, and seconded by Cllr. Mullins.

The Report of the Planning and Economic Development Strategic Policy Committee Meeting held on the 3rd September, 2008 was considered. It was adopted by the Council on the proposal of Cllr. Mullins, and seconded by Cllr. Hoade

Arising from the Minutes Cllr. McHugh referred to the Development Contribution Scheme which had been passed by the Council in September, 2008. He referred to the mass unemployment now arising. He proposed that the Council suspend the new Development Contribution Scheme and revert to the former scheme, and this was seconded by Cllr. T. Walsh.

Mr. Ridge in reply advised that the Development Contribution Scheme can only be amended by going through the formal statutory process

The Report of the Oranmore Area Committee Meeting held on the 22nd December, 2008 was considered. It was adopted by the Council on the proposal of Cllr. Hoade and seconded by Cllr. McDonagh.

The Report of the Oranmore Area Committee Meeting held on the 8th January, 2009 was considered. It was adopted by the Council on the proposal of Cllr. Cuddy and seconded by Cllr. McDonagh.

The Report of the Ballinasloe Area Committee Meeting held on the 11th December, 2008 was considered. It was adopted by the Council on the proposal of Cllr. Mullins and seconded by Cllr. D. Connolly

Arising from the Minutes Cllr D. Connolly referred to a reply received in relation to Notice of Motion No 25 which he had submitted in relation to the Liskelly Group Water Scheme and Clár funding. He said he wanted to highlight this issue and hoped it would be made a priority as the scheme has been in planning for over 25 years. He proposed that "Galway County Council calls on Minister Eamon O'Cuiv to restore Clár Funding for Group Water Schemes because schemes like Liskelly/Killahown in Co. Galway will fail to proceed if this funding is not made available" this was seconded by Cllr. Mullins and agreed.

Cllr. Joyce also supported the motion and proposed that "Galway County Council calls on Minister Michael Kitt to provide funding this year to allow the Liskelly/Killahown Group Water Scheme to go ahead" this was seconded by Cllr. Regan and agreed.

Mr. Cullen said that the funding for 2009 in respect of New Group Water Schemes and Upgrades will not meet commitments even for 2008. He said the Department had been written to informing them of the inadequate funding and stating how critical the Clár Funding is.

He said the Water Services Section will continue to work with the Group Scheme.

The Report of the Housing Strategic Policy Committee Meeting held on the 17th December, 2008 was considered. It was adopted by the Council on the proposal of Cllr. T. Walsh and seconded by Cllr. Maher

DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993

2049

A report was already circulated to each Member.

On the proposal of Cllr Mullins, seconded by Cllr.Regan, the Council approved the declaration of the following road to be a public road, the statutory procedure having been complied with:-

Road commencing at the current end of County Road L-71531 in the townland of Gortnahultra and finishing at the entrance to Ms. Karen Doyle's dwelling house in the townland of Gortnahultra.

Electoral Area: Ballinasloe

DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993

2050

A report was already circulated to each Member.

On the proposal of Cllr. Regan, seconded by Cllr. Fahy, the Council approved the declaration of the following road to be a public road, the statutory procedure having been complied with:-

Road commencing at its junction with the R347 Tuam Road, Athenry in the townland of Cullairbaun and extends in a westerly/south westerly direction for approximately 96m before turning in a southerly direction for approximately 30m via a "horseshoe" shape bend before extending in an easterly/north easterly direction for approximately 57m.

Electoral Area: Loughrea

(A) TO REVOKE THE RESOLUTION PASSED AT THE COUNCIL MEETING OF 27TH MARCH 2006 ON THE DISPOSAL OF 0.031 HECTARES AT AN TUAIRIN, TUAM, CO. GALWAY 2051

A Report was already circulated to each Member.

On the proposal of Cllr. McHugh, seconded by Cllr. T. Walsh, it was agreed to revoke the resolution passed at the Council Meeting held on the 27th March, 2006 on the disposal of 0.032 Hectares at An Tuairin, Tuam Co. Galway to Mr. John Higgins and Ms. Sheila Clinch

(B) TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.031 HECTARES AT AN TUAIRIN, TUAM CO. GALWAY 2052

Report dated the 3rd March, 2009 was already circulated to each Member.

On the proposal of Cllr. McHugh, seconded by Cllr. T. Walsh the disposal of 0.031 Hectares at 13, An Tuairin, Tuam Co. Galway to Ms. Sheila Higgins (nee Clinch) was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – ATHENRY SOUTHERN RING ROAD 2053

Report dated the 4th March, 2009 was already circulated to each Member

On the proposal of Cllr. Regan, seconded by Cllr. Fahy, it was agreed that the proposed Southern Ring Road (with amendments) at Athenry, be approved

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – GALWAY WATER REMEDIAL ACTION PROGRAMME INIS OIRR 2054

Report dated the 12th March, 2009 was already circulated to each Member

On the proposal Comh. O'Cuaig, seconded by Cllr. Conneely, it was agreed to proceed with the construction of a new water treatment plant at the site of the existing control building (pump house) in the townland of Inishere under the Galway Water Remedial Action Programme at Inis Oirr.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATION 2001 - GALWAY WATER REMEDIAL ACTION PROGRAMME, KILCARNA, INIS MOR

2055

Report dated the 13th March 2009 was already circulated to each Member.

On the proposal of Comh. O'Cuaig, seconded by Cllr. Conneely, it was agreed to proceed with works to install a treatment plant and minor site works under the Galway Water Remedial Action Programme at Kilcarna, Inis Mor.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATION 2001 - GALWAY WATER REMEDIAL ACTION PROGRAMME, CREGACAREEN, INIS MOR

2056

A Report dated the 13th March, 2009 was already circulated to each Member

On the proposal of Comh. O'Cuaig, seconded by Comh Ni Fhatharta, it was agreed to proceed with works to install a treatment plant and minor site works under the Galway Water Remedial Action Programme at Cregacareen, Inis Mor

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 - GALWAY WATER REMEDIAL ACTION PROGRAMME, KINVARA

2057

A Report dated the 12th March, 2009 was already circulated to each Member.

On the proposal of Cllr. Fahy, seconded by Cllr. Maher, it was agreed to proceed with works to construct the proposed water treatment plant at the existing Galway County Council Reservoir site at Northampton Kinvara, under the Galway Water Remedial Action Programme - Kinvara.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 - GALWAY WATER REMEDIAL ACTION PROGRAMME WOODFORD

2058

A Report dated the 12th March, 2009 was already circulated to each Member.

Mr. Mullarkey explained that the Members had already adopted the Annual Financial Statement for year ended 31st December, 2007 as per resolution No. 1323 at Meeting of the 22nd September, 2008, however the transfer had not been mentioned in the

On the proposal of Cllr. Regan, seconded by Cllr. Willers, it was agreed to proceed with works to construct the proposed water treatment plant at a site recently acquired by Galway County Council at Derryoover West

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – GALWAY WATER REMEDIAL ACTION PROGRAMME GORT

2059

A Report dated 12th March, 2009 was already circulated to each Member.

On the proposal of Cllr Willers, seconded by Cllr. Fahy, it was agreed to proceed with Works for the proposed Gort Water Treatment Plant which will be located at the site of the existing treatment plant in the Townland of Rindifin.

COLLECTION ACCOUNT AT 31ST DECEMBER 2008

2060

Mr. Mullarkey referred to the report circulated and confirmed that it summarized the Council's Collection Account at the 31st December, 2008. This item was in response to a request made by An Comh O'Cuag at the last monthly meeting. All efforts are being made he said to encourage the payment of all outstanding revenue. The Members raised a number of issues including the high level of uncollected water charges.

Mr. Cullen in reply explained, that charging of non domestic users by volume commenced on 1st January, 2007. He said that many issues of concern had been raised at the time of the meter installations not just by interest groups but by Councillors also. He had delayed the issue of the bills until as many of the matters of concern had been sorted out or clarified which meant that the collection of the charges had been delayed. He said that it would take until the third quarter of 2009 until the collection rate had reached an acceptable level. Two important issues had also arisen which had to be addressed. One was a policy on leakage and in the last few months this had been addressed to the satisfaction of the Councillors and secondly the issue of users not yet metered. He said that this too was being finalized with a further 1,000 locations identified for meter installation. He also said that in relation to the collection of arrears, reminders would issue, personal contact would be made where possible, however, if someone still refuses to pay their water charges then disconnection will go ahead and legal proceedings will be initiated. He said that, that stage had now been reached for some accounts.

Cllr Joyce enquired about the collection of the proposed €200 charge for second houses. Mr. Mullarkey indicated that legislation has not yet been introduced in this regard.

ANNUAL FINANCIAL STATEMENT FOR THE YEAR ENDING 31ST DECEMBER 2007

2061

A Report dated the 16th March, 2009 was already circulated to each Member.

Mr. Mullarkey explained that the Members had already adopted the Annual Financial Statement for year ended 31st December, 2007 as per resolution No. 1826 at Meeting of the 22nd September, 2008, however the transfers had not been mentioned in the

resolution. On the proposal of Cllr. Mullins, seconded by Cllr. Hoade it was agreed that the transfers from the Revenue Account to Reserves as detailed in the Report for the year ended 31st December, 2007 and as summarized in Note 15 of the Annual Financial Statement be approved.

It was agreed to take Item No. 16 at this stage of the Meeting.

DRAFT GALWAY COUNTY COUNCIL CONTROL OF SKIPS ON PUBLIC ROADS BYE-LAWS 2009

2062

The Draft Bye-Laws had already been circulated to each Member.

Mr. John Morgan said that this issue had been brought before the Roads and Transportation SPC and one submission had been received from Cllr. Canny in relation to charges. He said the Byelaws were being introduced to try and control the locations where skips are placed and to discourage the dangerous practices now prevailing where skips are left on footpaths with no lights or signs and can cause obstruction to traffic. Skips should be properly identifiable and must be supplied by a Registered Skip Operator and should have a Reg/Licence Number on the side. He also highlighted some safety aspects.

Following a discussion it was proposed by Cllr. Keaveney, seconded by Cllr. Cuddy and agreed to put the Draft Bye Laws on Public Display.

On the proposal of Cllr. McDonagh, seconded by Cllr. Joyce it was agreed that the Standing Orders be suspended to allow the Meeting to proceed after 6p.m.

It was agreed to take Item No. 17 at this Stage of the Meeting.

**PRESENTATION BY NATIONAL PARKS AND WILDLIFE SERVICES,
DEPARTMENT OF THE ENVIRONMENT, HERITAGE & LOCAL
GOVERNMENT**

2063

The Mayor welcomed Mr. Jim Kelly, Assistant Director and Mr. Michael Sweeney, Regional Representative, from the National Parks and Wildlife Service who were in attendance to represent the National Parks and Wildlife Services at the request of the Members.

Mr. Kelly thanked the Members for allowing them the opportunity to make a presentation. He was aware, he said, that the role of the National Parks and Wildlife Service causes a great deal of frustration among Local Authorities.

He then made a presentation to the Members on a number of issues including:

- Annex III of the Habitats Directive - Scientific basis for site selection

- Species requiring protection
- Habitats and Birds Directives
- Process of designating sites
- Designations in County and City of Galway
- European Court of Justice Cases

A questions and answers session followed and the Members raised issues which were of extreme concern to them and which included: -

- The disproportionate amount of County Galway that is subject to designations
- Designations and the effect on the County Development Plan
- Turf cutting issue
- Galway City Outer Bypass
- Strategic Environmental Assessment of plans and the Appropriate Assessment of plans
- Delays in progressing water and sewerage schemes as a result of the designations
- Application from ESB to bring new power lines into Conamara

Messrs Kelly and Sweeney while responding to the issues raised, pointed out, that this was mainly an information session as the Directives have been in force for the past 30 yrs and that Ireland had signed up to abide by them.

The Members expressed concern that the implementation of the Directives has the potential to suffocate Rural Ireland, that it represents overregulation from Europe, and that the perception now applies that wildlife is more important than people.

The Mayor thanked Messrs Kelly and Sweeney for their attendance and requested them to relay the concerns of the Members to their Department.

ROADS PROGRAMME 2009

2064

The Roads Programme had already been circulated to each Member.

Cllr. Mullins proposed that the Elected Members be allowed to allocate all of their Notice of Motion Money for 2009 in the first half of the year, this was seconded by Cllr Burke and agreed.

The Mayor referred to Page 16 of the Roads Programme 2009 report whereby there was a provision of €500,000 to facilitate the implementation of Bye Laws arising from the current review of Speed Limits. He proposed that €350,000 of this amount be allocated towards road maintenance with the balance of €150,000 remaining for the speed limits, this was seconded by Cllr. Hoade, and agreed.

Cllr Hoade referred Page 32 concerning the L6195 and pointed out that Liscananaun should be included with Gardenham as an amendment as this had been agreed at a Roads and Transportation SPC meeting. This amendment was agreed by the Members.

It was proposed by Cllr. M. Connolly, seconded by Cllr. Reilly and agreed to adopt the Roads Programme 2009, with amendments

MANAGERS BUSINESS

2065

Mr. Ridge informed the Members that it will be necessary to have a Special Meeting to consider the submissions received during the public display period for the Material Amendments to the County Development Plan 2009 – 2015

It was proposed by Comh Ni Fhatharta to hold the Special Meeting on the 6th April, 2009 at 11.00 a.m., this was seconded by Cllr. Carey, and agreed.

Mr. Ridge also referred to the suggestion by the Members to extract the Habitats Directive from the Development Plan and he stated that it was not advisable to do so as the Council are legally bound by the provisions of the Directive. He stated that even if it was removed from the Plan that it would still apply.

Mr. Morgan advised that the Official Opening of Leenaun Bridge would take place on Monday, 30th March, 2009 at 11.30 a.m. He also informed the Members that correspondence had been received from the National Roads Authority and the Department of Transport indicating that no contracts are to be signed without the prior approval of the Department of Finance.

Mr. Kelly informed the Members that Galway County Council had been served with Strike Notice by SIPTU and SIPTU/LAPO and he said the Council are considering what needs to be done and will advise the public accordingly.

MAYORS BUSINESS

2066

Cllr. Willers referred to Notice of Motion No. 20 on the Agenda which referred to the high level of illegal dumping and asked that this matter be brought before the SPC. It was proposed by Cllr. D. Connolly, seconded by Cllr. Willers, and agreed that Galway County Council advance a policy document through the Environment SPC to address illegal dumping in County Galway.

The Mayor reminded the Members that National Spring Clean Campaign will take place during the month of April. Mr. Cullen advised that Galway County Council will be working closely with groups in this regard.

Cllr Connolly referred to his Notice of Motion No. 27 on the Agenda "that Galway County Council indicates to Council employees who are not permanent what their future with Galway County Council will be, as many have loans to repay, families to rear etc., and need to know how secure the positions are."

The County Manager in response stated that it is the intention of the Council to try to maximize the level of employment with the level of funding available.

The Mayor read a response to the Members which had been received from the Minister of State for Transport dated the 10th March, 2009 regarding a resolution passed by the Members at the January '09 meeting, requesting that the Road Traffic Act, 2002 be amended so that discretion is allowed in relation to the number of days permitted to pay parking fines; the response indicated, he said that: there are no plans to alter the statutory timeframes.

CONFERENCE

2067

On the proposal of Cllr. J. McDonagh, seconded by Cllr. Mannion, it was agreed that the attendance of the following members at the Conferences set out hereunder, the cost of each Conference having been circulated to each member:-

County Wexford 1916 Trust – Women of 1916 – 21st February – Riverside Park Hotel, Enniscorthy, Co. Wexford

Cllr. T. Welby

Combat Poverty – Playing Fair Seminar – 24th February – Islandbridge, Dublin 8

Cllr. D. Connolly

Combat Poverty – Revisiting the Cost of Children Seminar – 3rd March – Islandbridge, Dublin 8

Comh. S O'Tuairisg

International Local Government Convention – Driving Sustainable Job-Creation and Economic Recovery – 3rd – 6th March – INEC Conference Centre, Killarney, Co. Kerry

Cllr. T Welby

Rattoo Heritage Society – Annual Kerry Environmental Conference – 4th – 8th March – Golf Hotel, Ballybunion, Co. Kerry

Cllr. W Burke, Cllr. S Kyne, Cllr. P Feeney, Cllr. P Hynes, Cllr. S Walsh, Cllr. M Regan

Special Olympics Ireland Connaught – Ireland and its People – 5th – 6th March – Sligo Park Hotel, Sligo

Cllr. J Cuddy, Cllr. J McDonagh

Kadenza Consultancies – Climate Change, alternative energies & the nuclear experience – 6th – 8th March – Raheen House Hotel, Clonmel, Co. Tipperary

Cllr. W Burke

All Ireland Nuclear Free Local Authorities Forum – AGM and Business Meeting – 13th March – Carrickdale Hotel, Dundalk, Co. Louth

Cllr. P Hynes

Esperanza Enterprises – Planning and Development Control Seminar – 20th – 22nd March – Glenlo Abbey Hotel, Galway

Cllr. P Hynes

Kerry Literary & Cultural Centre – ‘The Economic & Social Benefits of Preserving our Cultural Heritage’ – 26th – 27th March – Listowel Arms Hotel, Listowel, Co. Kerry

Cllr. M Mullins, Cllr. S Kyne

NOTICE OF MOTIONS

NOTICE OF MOTION NO 20 – CLLR. B. WILLERS

2068

The following reply was given:-

“With resources available to it, Galway County Council will continue to take appropriate action against illegal dumping.”

NOTICE OF MOTION NO 21 – CLLR. B. WILLERS

2069

The following reply was given:-

“The Preliminary Design for the Kinvara Sewerage Scheme is complete and will be submitted to the Department of the Environment, Heritage and Local Government by April 2009. On approval of same, Galway County Council will proceed to prepare contract documents and commence site acquisition process at that stage.”

NOTICE OF MOTION NO 22– CLLR. B. WILLERS

2070

The following reply was given:-

“Galway County Council included sections of the N66 National Secondary Route in its submission to the National Roads Authority for funding in 2009. To date, no specific funding for the N66 has been allocated by the National Roads Authority.

A joint inspection of the N66 was recently undertaken by officials from the Council and the National Roads Authority and the matter of funding for the N66 shall be raised again with the National Roads Authority.

In the interim, routine maintenance shall continue to be carried out as necessary, within the limits of available resources.”

NOTICE OF MOTION NO 23 – COMH. C. NI FHATHARTA **2071**

The following reply was given:-

“Déanadh an Chomhairle seiceáil le cinntiú go bhfuil gach baoi tarrthála san áit cuí don séasúr atá le theacht.”

NOTICE OF MOTION NO 24 – COMH. C. NI FHATHARTA **2072**

The following reply was given:-

- 2006 10,381 gníomhaíocht gnó
- 2007 11,559 gníomhaíocht gnó
- 2008 12,548 gníomhaíocht gnó

NOTICE OF MOTION NO 25 – CLLR. D. CONNOLLY **2073**

The following reply was given:-

“Galway County Council was unable to grant aid the Liskelly Killnahown GWS in 2009 due to inadequate funding from Department of the Environment, Heritage & Local Government (DoEHLG). This funding issue has been compounded by the fact that Clár funding has been withdrawn from the GWS as of the end of 2008. The local contribution from the GWS members would be so high in the absence of Clár funding, that it is unlikely that the scheme would be financially viable. For these reasons, it would require, as a minimum, that Clár funding be restored and adequate DoEHLG funding for New Group Water Schemes be made available to Galway County Council in 2010.

The comments above on Liskelly/Kilnahown also apply to Shanvoley/Corrabane areas.”

NOTICE OF MOTION NO 26 – CLLR. D. CONNOLLY

2074

The following reply was given:- – CLLR. M. PARY

“The family are tenants of Ballinasloe Town Council and the assessment of an appropriate housing solution (Adaptation or Transfer) is a matter for that Council.”

NOTICE OF MOTION NO 27 – CLLR. D. CONNOLLY

2075

The following reply was given:-

“I wish to advise that any changes under consideration with regard to positions of employment by Galway County Council at any particular point in time are discussed in general terms at both the Local Partnership Committee Meetings and the Handling Significant Change Forum. It is the policy of the Council to indicate to any employee whose employment is being terminated of the position at the earliest possible time.”

NOTICE OF MOTION NO 28 – CLLR. J. MCDONAGH

2076

The following reply was given:-

“The views expressed have been conveyed to the City Council.”

NOTICE OF MOTION NO 29 – CLLR. J. MCDONAGH

2077

The following reply was given:-

“In accordance with the Government’s Water Services Pricing Policy, Galway County Council is obliged to recover the full cost of water services from the non-domestic sector. The recovery of such costs is in accordance with the E.U. Water Framework Directive and the Polluter Pays Principle. As the national policy does not provide for any exceptions to the recovery of costs from the non domestic sector, it will not be possible to provide the proposed exemption.”

NOTICE OF MOTION NO 30 – CLLR. J. MCDONAGH

2078

The following reply was given:-

"The location will be inspected in the context of the measures proposed and a report shall issue following same."

NOTICE OF MOTION NO 31 – CLLR. M. FAHY

2079

The following reply was given:-

"The Council are obliged under the European Communities (Port Receptor Facilities for Ship Generated Waste & Cargo Residues) Regulations 2003 to provide facilities for ship generated waste. The Galway County Council Waste Reception & Handling Plan 2006 includes for such a facility to be provided by the Council at Kinvara Pier. The exact location of this facility is currently under review by the Council."

NOTICE OF MOTION NO 32 – CLLR. M. FAHY

2080

The following reply was given:-

"It is planned to have the Gort Heritage Centre opened for a period during the summer. It is not, however, proposed to make the toilet facilities at Gort Heritage Centre available as public toilets."

NOTICE OF MOTION NO 33 – CLLR. M. FAHY

2081

The following reply was given:-

"The N18 Gort to Crusheen Scheme, currently under construction, provides for one junction to serve Gort. It is considered that one junction is sufficient both at present and for the foreseeable future. As such, the Compulsory Purchase Order, Environmental Impact Assessment and Contract provides for one junction.

Notwithstanding the above, in view of the stated intention to seek to upgrade the N18 to Motorway status, the timeframe associated with the statutory process required for the provision of a second junction and the current progress being achieved on the delivery of the project, it is not possible to incorporate a second junction into the current project."

NOTICE OF MOTION NO 34 – CLLR. M. REGAN

2082

The following reply was given:-

“The signing and lining in Kilchreest Village will be reviewed in the context of proposals for National Primary Safety Measures for 2010. In general, rumble strips are not provided in built up/residential areas due to the associated noise.”

NOTICE OF MOTION NO 35 – CLLR. M. REGAN

2083

The following reply was given:-

“In relation to unauthorised dumping at the above location, I advise you that an investigation is underway by the enforcement team to determine the identity of the offenders, with a view to prosecution. Some information is to hand and the process of gathering additional evidence is continuing. In addition, the enforcement team will write to Coillte Teo, as owners of the property, to build the boundary wall where offenders are gaining access, in order to discourage dumping in future.

It is hoped that a community based effort to clean up the area will be achieved in the month of April through participation in the National Spring Clean Campaign. The Council will clear the rubble referred to in the coming days.”

NOTICE OF MOTION NO 36 – CLLR. M. REGAN

2084

The following reply was given:-

“The L4222 Kilchreest-Cartron Cross, L8258 Moycola and L8259 Clostoken local roads have been inspected and a weight restriction of 10 tonnes has been applied to these roads, amongst others, since the 9th March 2009. In the interests of road safety the weight restriction is to apply for a period of 12 months.”

NOTICE OF MOTION NO 37 – CLLR. P. HYNES

2085

The following reply was given:-

“The location will be examined and if suitable for the works as suggested, an estimate will be prepared and made available.”

Criochnaigh an Cruinniu Ansin

Submitted, Approved + Signed

[Signature]

27th April 2009

Date

DECLARATION

1.1

Chairman: Councillor [Name]
Deputy Chairman: Councillor [Name]
Mayor: Councillor [Name]
Clerk: Councillor [Name]
Finance Officer: Councillor [Name]
Planning Officer: Councillor [Name]
Public Works Officer: Councillor [Name]
Roads Officer: Councillor [Name]
Social Services Officer: Councillor [Name]
Environment Officer: Councillor [Name]
Health Officer: Councillor [Name]
Fire Officer: Councillor [Name]
Police Officer: Councillor [Name]
Garda Officer: Councillor [Name]
Senior Executive Officer: J. Gavin, Senior Engineer, Mary Flynn, Executive Planner, M. McGrath, Senior Staff Officer, P. O Neachain, Olligesh Gaelge, J. Keane, Staff Officer

1.2

DECLARATIONS OF SYMPATHY

2017

Resolution of sympathy was extended to the following:-

- Mrs Anne Tierney, Ballydonogh, Kiltarnat, Co. Galway,
- And & Maire Uí Chionneain, Seil Chinn, An Spidéal, Co. na Gaillimhe
- Pam Conroy, Cornishongain, Kylemore, Letterfrack.
- Mrs Felicity Hanson & Family, Clontarf, Ballinasloe, Co. Galway,
- Faly Family, Parkview Drive, Tern, Co. Galway
- Mrs Liz Moily, Bannaher, Oughter, Co. Galway