

COMHAIRLE CHONTAE NA GAILLIMHE

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL
HELD AT ÁRAS AN CHONTAE, PROSPECT HILL ON MONDAY THE
23rd February, 2009.**

CATHAOIRLEACH:

Cllr. P. Feeney

I LATHAIR FREISIN:

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. Dawson, F Gilmore
Directors of Service; G, Mullarkey, Head
of Finance, B. McDermott, County
Secretary; C, McConnell, Senior
Planner, A. Comer, Ml. Owens , Senior
Executive Officers, L Gavin, Senior
Engineer, Mary Flynn, Executive
Planner, M. McGrath, Senior Staff
Officer, P. O’Neachtain, Oifigeach
Gaeilge; J. Keane, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

RESOLUTIONS OF SYMPATHY

2017

A Resolution of sympathy was extended to the following:-

Mrs. Anne Tierney, Ballydonagh, Kiltormer, Co. Galway.
Bríd & Máirín Uí Chonceannáin, Sail Chúna, An Spidéal, Co. na Gaillimhe.
Pam Conroy, Corruímhongain, Kylemore, Letterfrack.
Mrs. Felicity Hannon & Family, Clontuskert, Ballinasloe, Co. Galway.
Fahy Family, Parkview Drive, Tuam, Co. Galway.
Mrs. Liz Molloy, Baurisheen, Oughterard, Co. Galway.

Mr. Michael Mee, Kilreekill, Loughrea, Co. Galway.
V. Rev. Canon Ned Kelly, Clarenbridge, Co. Galway.
Mary Burke & Extended Family, Ballytrasna, Tuam, Co. Galway.

CONFIRMATION OF MINUTES OF MEETINGS

2018

The Minutes of Monthly Meeting held on the 26th January 2009 were approved by the Council and signed by the Mayor on the proposal of Cllr. Mullins and seconded by Cllr. T Walsh.

Arising from the minutes, the following issues were raised:

Cllr. Joyce thanked the Manager and staff for clearing the back log of Third Level Higher Education Grants applications

Cllr. D Connolly proposed "that Galway County Council calls on the Department of Agriculture, Fisheries and Food to immediately forward payments to farmers who are due their payments for works they completed under the Farm Waste Management Scheme as many are experiencing extreme financial hardship as a result of the Government not honouring its commitments, and if commitments are not honoured that the Government pay the interest incurred by farmers on loans relating to the Farm Waste Management Scheme", this was seconded by Cllr. T. Walsh and agreed.

Cllr. M. Connolly proposed that "the Habitats Directive 1992 and Habitats Regulations 1997 and Wildlife Act be set aside until a resolution of the turf cutting issue is resolved to the satisfaction of all turf cutters", this was seconded by Cllr. W. Burke and agreed.

Cllr. S. Canney proposed that "the 'gallows' in Tuam be removed before the Regional Offices are opened", this was seconded by Cllr. C. Keaveney and agreed.

In response to a query from Cllr Welby, Ms. McDermott confirmed that the Minister of Environment Heritage & Local Government had been written to and invited to meet the members in relation to Special Areas of Conservation (SAC) and designated sites and the County Development Plan but that no response had yet been received.

In response to a query raised by Comh O'Cuaig, Mr Cullen said that a meeting had been held in Dublin with the Department of the Environment, Heritage & Local Government in relation to the An Cheathru Rua Sewerage Scheme. He said that indications were given that the Dept would consider additional costs for mitigation measures and it has been decided to explore these and to terminate the existing part eight process.

In response to Cllr. McHugh, Ms. McDermott said that an acknowledgement had been received from the Department of Transport in response to the member's resolution requesting an amendment to the legislation regarding parking fines.

Minutes of Meeting held on 23rd February 2009

Comh O'Tuairis requested that the ESB be contacted for clarification purposes and informed that the protest outside County Hall at the previous meeting referred to An Cheathru Rua Sewerage Scheme and not to the ESB proposal to erect 110kv overhead electricity line to Screeb.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION: **2019**

The Report of the Housing SPC Meeting held on 25th November 2008 was considered. It was adopted by the Council on the proposal of Cllr. McDonagh and seconded by Cllr. S Walsh.

The Report of the Roads & Transportation SPC held on 28th February 2008 was considered. It was adopted by the Council on the proposal of Cllr. Kyne and seconded by Cllr. Joyce.

The Report of the Roads & Transportation SPC held on 13th May 2008 was considered. It was adopted by the Council on the proposal of Cllr. Hynes and seconded by Cllr. Mullins.

The Report of the Roads & Transportation SPC held on 2nd December 2008 was considered. It was adopted by the Council on the proposal of Cllr. Kyne and seconded by Cllr. Mullins.

In response to a query from Cllr. Cuddy, regarding the Galway City Outer By Pass, the County Manager said that the Department of the Environment Heritage & Local Government had written to the Council requesting that the Council seek approval from the Department of Environment, Heritage & Local Government for the part of project that had been approved by an Bord Pleanala due to the fact that it is going through an area of SAC and that it could not proceed in the absence of same. She said that the Council took legal advice which said that the Minister for Environment, Heritage & Local Government did not have the legal authority to demand this. A meeting subsequently took place with the Minister for Environment, Heritage & Local Government and this particular matter now appears to be closed.

The Report of the Environment & Water Services SPC held on 3rd December 2008 was considered. It was adopted by the Council on the proposal of Comh Ni Fhatharta and seconded by Cllr. Mullins.

In response to a query from Cllr. McHugh, Mr. Cullen said that construction on the Tuam Water & Sewerage Scheme had not been deferred. He said that the Council was seeking clarification on the amount that was approved and that it was also awaiting loan approval from the Department for its portion of the cost.

In response to a query from Cllr. Welby, Mr. Cullen confirmed that the leakage policy which was considered by the SPC was being implemented and this was welcomed by the Members.

Minutes of Meeting held on 23rd February 2009

The Report of the Ballinasloe Area Committee Meeting held on the 19th September 2008 was considered. It was adopted by the Council on the proposal of Cllr. Joyce and seconded by Cllr. Mullins.

The Report of the Ballinasloe Area Committee Meeting held on the 24th October 2008 was considered. It was adopted by the Council on the proposal of Cllr. D Connolly and seconded by Cllr. Joyce.

In response to a query from Cllr. Joyce, Mr. Morgan said that he would examine the Councils roads schedule to see if the Kilmacshane road was included as a public road. He explained it will have to undergo the formal process to be declared a public road if it is not on the roads schedule.

It was proposed by Cllr. Willers, seconded by Cllr. Hoade and agreed that in future the tea break would be at 5.00pm.

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF
ROADS ACT 1993** **2020**

A report was already circulated to each Member

On the proposal of Cllr. Burke, 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 with the junction of the National Secondary Road N65 in the townland of Portumna extending east for a distance of 92m to a point from which it extends North and South for a distance of 24m and 37m respectively.

Electoral Area: Loughrea

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF
ROADS ACT 1993** **2021**

A report was already circulated to each Member

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

The roads known as “The Maples” estate, in the townland of Gort described as follows:

- i. Road commencing at centre of junction with Gallagher’s Lane (L8531) and extending South East 280 m terminating at, but excluding entrance to “The Orchard” estate (Serves Units Nos.3-14).

- ii. Road commencing at centre of junction with No. 1 above and extending 120 m South West(Serves Units Nos.18-21A).
- iii. Road commencing at centre of junction with No.1 above and extending 65 m South West terminating at its junction with No.2 above (Serves Units Nos.15-17A).
- iv. Road commencing at centre of junction with No. 1 above and extending 170 m South West(Serves Units Nos.29-36).
- v. Road connecting at centre of junction with No.4 above and extending both South West 25 m and North East 165 m, terminating here ,but excluding the entrance to "The Orchard "estate(Serves Units Nos.37-49).

Electoral Area: Loughrea

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF
ROADS ACT 1993 2022**

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:-

- i. Road commencing at centre of junction with Church Street (R460) and extending East 200 m (Serves Units Nos. 3-12).
- ii. Road commencing at centre of junction with No.1 above and extending East 160 m (Serves Units Nos. 1, 2, 23-44 but excludes parking area serving Units Nos.25-39).
- iii. Road commencing at centre of junction with No.1 above and extending South 110 m to its junction with No.2 above (Serves Units Nos. 13- 22).

Electoral Area: Loughrea

**TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL
GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.45 HECTARES AT
RAHEEN, ATHENRY, CO. GALWAY TO RAHEEN DEVELOPMENTS,
ATHENRY, CO. GALWAY 2023**

Report dated the 11th February, 2009 was already circulated to each member.

On the proposal of Cllr Willers, seconded by Cllr. Regan the disposal of 0.45 hectares at Raheen, Athenry, Co. Galway to Raheen Developments, Athenry, Co. Galway was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – THE CONSTRUCTION OF A FOUL PUMPING STATION AND ASSOCIATED KIOSK FOR LEENANE SEWERAGE SCHEME, LEENANE, CO. GALWAY 2024

Report dated the 11th February, 2009 was already circulated to each member

It was proposed by Cllr. Conneely, seconded by Cllr. Kyne, and agreed, that the construction of a foul pumping station and associated kiosk for Leenane Sewerage Scheme, Leenane, Co. Galway be approved.

It was agreed that item No. 11 regarding the Dublin Regional Water Supply Project be taken out of order and dealt with at this stage.

DUBLIN REGION WATER SUPPLY PROJECT – PRESENTATION BY RPS 2025

Mr. David Ryan, Project Engineer from the Dublin Local Authorities introduced Mr. Gerry Geoghegan and Ms. Emily Ledwith from RPS Consulting Engineers, and invited Mr. Gerry Geoghegan to make a presentation to the Members on the new supply requirements for the Dublin Region by 2016. He advised that RPS are involved in a joint partnership with Veolia examining the issue of supply in the Dublin Region for the Dublin Local Authorities.

The presentation outlined the background to the project, the need for the supply along with the timing and the demands. 10 supply options were evaluated from a technical, environmental, economic and socio-economic viewpoint. One of the options being examined is the abstraction of water from Lough Derg. Currently there is a public consultation process going on from the 24th November to the 27th of February. The feedback from this will be evaluated and a shortlist of the more sustainable options considered with a preliminary report and recommendations prepared and submitted to the Local Authorities and the Department of Environment Heritage & Local Government in the Autumn.

A question and answers session followed the presentation.

SUSPENSION OF STANDING ORDERS 2026

Cllr. Joyce proposed that the Standing Orders be suspended so that the Meeting could continue after 6 p.m. and this was seconded by Cllr. Cuddy and agreed

The Mayor and all the Members congratulated Mr. Frank Dawson on his promotion as Roscommon County Manager. References were made to his contribution to the County as a whole and to his work on the Western Rail Corridor.

The County Manager paid tribute to Mr. Dawson and said that he had set up the County Development Board and had put in place the first County Strategy. On behalf of Management and staff she wished him success in his role as Roscommon County Manager.

TO CONSIDER THE AUDIT COMMITTEE REPORT 2008 2027

Report dated the 13th February, 2009 was already circulated to each member.

Mr. Kelly said that it was a requirement of the Audit Committee to report to the Council on an annual basis. He said that there was nothing of exception to be brought to the member's attention

Comh O'Cuaig requested that a breakdown of all monies outstanding for over two months be brought before the members for the next meeting.

The County Manager confirmed that a report on the Collection Account as at the 31st December 2008 will be brought before the Members.

PROPOSED AMENDMENTS TO THE HOUSING GRANTS SCHEME
2028

Report dated the 17th February, 2009 was already circulated to each member.

Mr. Gilmore said that in mid 2008 the members had been briefed on the status of disability grants and had asked that a priority scheme for applicants be looked at. Draft priority policies had been agreed at the Housing SPC meeting in October 2008 and incorporated into the application forms now before the Members. The areas which have been revised are those shaded grey in the application forms.

He said that the revised Housing Aid for Older People scheme was being amended and reverting to the works as covered under the Essential Repairs Grants Scheme. The revisions also include amalgamating the application forms for the Mobility Aids Grant and the Housing Adaptation Grant for People with a Disability. He pointed out however, that while Galway County Council had amalgamated the forms these are treated as two separate schemes by the Department of Environment, Heritage & Local Government.

In response to a query raised by Cllr. Reilly Mr. Gilmore said that under the Housing Aid for Older People Scheme that a house which is in need of repair but is still habitable will not qualify for a grant unless there are special circumstances.

In response to a query raised by Cllr. Hoade Mr. Gilmore said that the HSE would deal with their own back log of applicants and that the Council would not be taking them over.

In response to a query from Cllr. Welby, Mr. Gilmore said that income limits for the schemes were set nationally however, prioritisation will be up to the Local Authority.

**TO CONSIDER THE MANAGER'S REPORT ON SUBMISSIONS RECEIVED
ON THE DRAFT CLIFDEN LOCAL AREA PLAN PREPARED AS PER
SECTION 20(3) (D) (I) OF THE PLANNING AND DEVELOPMENT ACT 2000
AS AMENDED** 2029

The Mayor invited Ms. McConnell to present the Manager's Report to the meeting. Ms. McConnell explained that the Draft Clifden County Development Plan was on public display for 6 weeks from 31/10/2008 to the 12/12/2008 during which time 34 submissions were received. She added that a report was prepared by Ms. Flynn on the submissions received which gives a synopsis and the Manager's recommendation on each submission.

Ms McConnell stated that consideration of the Manager's Report should be carried out in accordance with the principles of proper planning and sustainable development Ms McConnell also made reference to Section 148 of the Planning and Development Act 2000.

Ms McConnell then invited Ms Flynn to present the Manager's Report to the Members for their consideration.

Ms Flynn referred to the buffer zone map from the Water Services Section which was presented to the Meeting and which clarified the position of the buffer zone.

On the proposal of Cllr Conneely and seconded by Cllr S. Walsh it was agreed to accept the revised map showing the 100m buffer zone presented to the meeting.

Ms Flynn commenced the consideration of the Manager's Report with Submission No 1 as follows

SUBMISSION No. 1

Submitted by:

Property Manager, E.S.B. Lower Fitzwilliam St., Dublin

Synopsis:

The E.S.B. is happy with the Industrial zoning of their lands at Galway Road, Clifden "as it is consistent with existing and possible uses on the site."

Response:

No Response required

Recommendation:

No change to be made to Draft Clifden LAP

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

Ms Flynn continued with Submission No 2

SUBMISSION No. 2

Submitted by:

Mr. Pat Lyne, Station House Museum, Clifden

And

Combe Cottage,

(Chiltern Stud)

Combe Books,

Presteigne

Powys LD 2HL

Synopsis:

Mr. Lyne is the Curator of the Station House Museum which is located in the original engine shed at the end of the Clifden line. He wishes to endorse Objectives UR7 and T1 in relation to provision of signage of a directional nature to the Museum. There is no Objective UR7 in the Draft Plan which is relevant. Mr. Lyne is probably referring to Objective EIT7 which is relevant and reads

"Provide good clearly defined walkways around the town including the section of the old Railway line (see Urban Design Framework), to be accompanied by clear artistic_innovative minimalist signage and accompanying booklet/guide. Improve popular walking from an amenity and safety point-of-view, and provide new routes along agreed lines of choice."

Objective T1 under the Transportation heading reads:

"Continue to implement the Traffic Management Plan for Clifden".

It is **Objective T2** which is relevant to this Submission which reads:

"Improve road/pedestrian signage"

Response:

This is an affirmation of proposed Objectives. Independently of the Town Plan Review - at present - a Town Trail is being prepared as a Tourism initiative by the Community and Enterprise Department. The proposal is being referred to Ms. Eimear Dolan of that Department.

Recommendation:

No change to be made to Draft Clifden LAP.

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

SUBMISSION No. 3

Submitted by:

Ms. Fiona Holland, Senior Executive Engineer, Water Services, Galway County Council.

Synopsis:

1. Typing error noted Section 1.6, page 5 "*population 355*"
2. (a) Suggested Change to Section 2.4 - Water and Drainage, Page 11 involving rewording of paragraph 1. Change paragraph 1 from

"Clifden is served by the Clifden Regional Water Supply Scheme. This is a large scheme serving the town and environs and extending southwards to Ballyconneely and northwards to Claddaghduff. In relation to the Clifden Regional Water Supply Scheme, a supplementary report to the preliminary report was submitted to the Department of Environment Heritage and Local Government in December 2007."

To

"Clifden Town is currently served by the Clifden Water Supply Scheme. This scheme is at capacity and requires upgrading. A capital project in the form of Clifden regional Water Supply Scheme is on the Department of Environment Heritage and Local Government Water Services Investment Programme. This proposed scheme is a large scheme extending southwards to Ballyconneely and northwards to the Tullycross area. The current status of the proposed regional scheme is that a supplementary report to the preliminary report was submitted to the Department of the Environment, Heritage and Local Government in December 2007. Galway County Council is currently awaiting approval to proceed with the scheme."

(b) Suggested change to final paragraph (2.4)

From

"The current programme has an estimated commencement of construction as June 2009 and estimated completion of June 2010"

To

"The current programme relating to stage 1 of the Clifden Sewerage Scheme has an estimated commencement of construction as June 2009 and estimated completion as June 2010"

3. Revised wording to Section 3.6, policy 3.6.10

From

"Ensure that all dwellings have an appropriate wastewater treatment system which is correctly installed and maintained"

To

"Ensure that all dwellings that cannot connect to the public mains sewer have an appropriate wastewater treatment system which is correctly installed and maintained"

4. In Section 3.6.17 – Objective W2, page 24 - removal of reference to Tertiary treatment, as treatment may not be Tertiary. Tertiary treatment is not planned at the moment, but is allowed for in case it is needed in the future. So word as follows:

W2 *Provide a new/upgraded wastewater collection and treatment system. See location, Maps Nos. 1, 2, and 4*

5. Maps/Outline of treatment plant is too large. The 100m buffer should be taken from the main part of the site and not the access roadway.

Response:

1. There is a typing error. The figure should read 1,355 as in Table 1.2
2. (a) Agree change

- (b) Agree change
- 3. Agree change
- 4. Agree omission
- 5. Agree change

Recommendation:

- 1. Typing correction /change to be made to Draft Clifden LAP accordingly.
- 2. (a) Change accordingly
(b) Change accordingly
- 3. Change accordingly
- 4. Omit accordingly
- 5. Change accordingly. Maps now show site -existing and proposed extended area (minus access road), and shows 100m buffer taken from centre of site.

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

The revised map of the buffer zone had been presented to the meeting earlier and agreed by the Elected Members

SUBMISSION No. 4

Submitted by:

Mr. Richard Bartley, Brookside Hostel, Fairgreen, Clifden, Co. Galway

Synopsis:

Mr. Bartley requests that the Draft Development Plan proposed zoning for his property be changed from "Community facilities" to "Town Centre" zoning".

Mr. Bartley, owns this site for 35 years and has resided there for 17 years whilst building both the property and hostel business for the latter length of time. He considers that the zoning "community facilities" will restrict proposals for the site for himself and his family (This zoning, he states came into being in the last Clifden Plan). He also considers the zoning to have an inherent affect on the property value.

He also makes the point that he has paid commercial rates for the last 17 years on this property.

The reason that this property was zoned as it is zoned viz. "community facilities" is because of its forming part of the "Showground's" block and original Fairgreen area.

Response:

This is considered to be a reasonable request, given the use of the site for a protracted period, and given the commercial nature of the activity on site.

Recommendation:

Rezone accordingly.

On the proposal of Cllr Conneely and seconded Cllr S.Walsh it was agreed to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission 4 from community facilities to town centre zoning.

SUBMISSION No. 5

Submitted by:

Mr. Michael O' Donnell, Dooneen, Clifden, Co. Galway

Synopsis:

Mr. O' Donnell states that there is no mains water supply, no sewerage, and no public lighting serving this area of Dooneen, Ardbear (Ballyconneely Road), and he points out that telephone and electricity lines serving other houses in the area cross his land. He proposes that no other development be carried out in this area until the "services issue is looked at"

Response:

The proposed zoning in this area is agricultural as shown on Map 1 (Zoning proposals) apart from the existing residential zoning (including Mr. O'Donnell's property). Any residential development in the agriculturally zoned area will be restricted as per Land Use Zoning Objectives (Appendix 1/ Zoning Matrix Footnote **, page 78)

Recommendation:

No change to be made to Draft Clifden LAP.

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

Ms Flynn summarised the content of Submission No 6 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 6

Submitted by:

Mr. Ivor Duane, Galway Road, Clifden

Synopsis:

Mr. Duane requests that lands in his ownership on the Galway Road (N59) (directly adjoining to the South of N59) be rezoned from

Response:

An adequate and increased supply of Industrial zoned lands has been zoned within the Clifden LAP area to serve the needs of the town up to and including 2015. Objective EIT4 (Enterprise, Industry and Tourism) requires the Council to "Service and assist, within the limits of available finance, land identified for local enterprise centres within Clifden so as to facilitate affordable workspace for new business start-ups". To extend resources beyond additional and pre-existing zoning would be to dissipate resources in an unsustainable fashion.

The site lies outside the speed limit.

The site is located on the N59, adjoins the Owenglin River, and is immediately adjacent on the South and West to SAC Twelve Bens/Garraun Complex lands. The site directly adjoins the SAC (Twelve Bens/Garraun Complex) boundary in the form of the Owenglin River valley. The Owenglin River forms part of the Twelve

Bens/Garraun Complex Special Area of Conservation, and is an internationally important site for nature conservation.

The use proposed may be detrimental to the conservation of the SAC, and may trigger the need for Strategic Environmental Assessment and Appropriate Assessment if rezoned.

Recommendation:

No change to be made to Draft Clifden LAP

It was proposed by Cllr Conneely and seconded by Cllr S.Walsh not to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission No 6 from Agricultural to Enterprise/Industry.

Ms McConnell also advised that members against this zoning due to its proximity to the Owenglin River which adjoins the SAC boundary and that such zoning may have serious consequences for this area and may also result in the preparation of an Appropriate Assessment of the development proposals within the Plan. She explained that this could result in the Plan not being adopted.

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

AR SON: Cllr Canney, Cllr Conneely, Cllr M Connolly, Cllr Cuddy, Cllr Feeney, Cllr Hoade Cllr. Kyne, Comh. O'Cuaig, Cllr Reilly, Cllr S.Walsh, Cllr Welby (11)

IN AGHAIDH,, Comh O Tuairisg,(1)

GAN VOTÁIL: Comh Ní Fhartharta (1)

The Mayor declared Cllr.Conneely's proposal carried.

Ms Flynn summarised the content of Submission No 7 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 7

Submitted by:

Mr. Ivor Duane, Galway Road, Clifden

Synopsis:

Mr. Duane requests that lands in his ownership adjoining the N59 (to the North) which are zoned "Industrial" are rezoned as Residential. This is a converse request to his submission No. 6, which requested that lands zoned "agricultural" be zoned "industrial". He states that the existing use in this area is predominantly residential and he feels that this would not be in keeping with the area to introduce industry.

Response:

1. Lands in this area have been zoned "industrial" since the last Local Area Plan. The area of lands zoned "industrial" has simply been extended to cater for new industry and enterprise.
2. It is not envisaged that any heavy industry will be likely to seek location in the Clifden LAP area, and such an application, should it be made, would be decided upon in the interests of the proper planning and development of the area. For the

- same reason it is accepted that the "industrial" zoning can adjoin both existing and proposed residential uses.
3. Additional rezoning for residential uses is unjustified. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).
 4. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure, particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.
 5. In order for Clifden to become relatively self sustaining, employment opportunities must be created within the plan boundary. The County Council recognises that the Plan cannot by itself create employment but that all aspects of the Plan can influence job creation. Hence it is imperative that industrial and enterprise development be accommodated within the plan boundary.

Recommendation:

No change to be made to Draft Clifden LAP

It was proposed by Cllr Conneely and seconded by Cllr S.Walsh not to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission No 7 from Enterprise/Industry to Residential.

Ms McConnell also pointed out that the zoning of these lands would result in an isolated piece of residential land being positioned between two areas of industrial zoned land.

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

AR SON: Cllr Conneely, Cllr M Connolly, Cllr Hoade, Cllr Reilly, Cllr S.Walsh, Cllr Welby (6)

IN AGHAIDH, Cllr Feeney Cllr. Kyne Comh. O'Cuaig, Comh O Tuairisg,(4)

GAN VOTÁIL: Cllr Canney Cllr Cuddy Comh Ni Fhartharta (3)
The Mayor declared Cllr.Conneely's proposal carried

Ms Flynn summarised the content of Submission No 8 and outlined the recommendation in the Manager's Report as follows,

SUBMISSION No. 8

Submitted by:

John and Mary Joyce, Tullyvoheen, Clifden

Synopsis:

Mr. and Mrs. John and Mary Joyce have requested a change from industrial to residential zoned land at owned lands at Tullyvoheen. They have not stated a

reason for their request. A small part of the lands shown on the map submitted (at the North-Eastern tip) are in fact zoned agriculture.

Response:

1. These lands were zoned industrial in the previous Clifden LAP. Such a land bank is considered necessary to provide for the enterprise and industrial development of the town during the period of the Plan. In order for Clifden to become relatively self sustaining, employment opportunities must be created within the plan boundary. The County Council recognises that the Plan cannot by itself create employment but that all aspects of the Plan can influence job creation. Hence it is imperative that industrial and enterprise development be accommodated within the plan boundary.
2. Additional rezoning for residential uses is unjustified. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).
3. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure, particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.

Recommendation:

No change to be made to Draft Clifden LAP

It was proposed by Cllr Conneely and seconded by Cllr S. Walsh not to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission No 8 from Enterprise/Industry to Residential.

Ms McConnell also stated that these lands were situated in an area of particular sensitivity along the Owenglin River

Cllr Feeney asked if it was wise, loosing Enterprise/Industry lands to residentially zoned lands.

Cllr Conneely stated that there was still Enterprise/Industry zoned land in the area and that much of the lands zoned for residential in Clifden were not suitable for development and would never be built on. He also added that it was explained at the workshop held in Clifden some time ago that the Enterprise/Industry zoning of these lands was not suitable at this location.

He added that there wasn't 40 hectares of zoned land in Clifden suitable for development

He also referred to the poor condition of the Spires Housing estate and added that this land was not suitable for residential zoning and further added that Galway County Council would now have to take over this estate.

Ms Flynn stated that from the submissions received on the Draft Clifden Local Area Plan there was a huge desire for space in Clifden for commercial and industrial activities.

It was also pointed out by Ms. McConnell that the lands referred to by Cllr Conneely were the subject of recent and on-going preplanning discussion for development-mixed use. There is no indication that these lands were "undevelopable".

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

AR SON: Cllr Conneely, Cllr M Connolly, Cllr Hoade, , Cllr Reilly, Cllr S.Walsh, Cllr Welby (6)

IN AGHAIDH, Cllr Feeney Cllr. Kyne Comh. O'Cuaig, Comh O Tuairisg,(4)

GAN VOTÁIL: Cllr Canney Cllr Cuddy (2)

The Mayor declared Cllr.Conneely's proposal carried

Ms. Flynn continued with Submission No 9 as follows:

SUBMISSION No. 9 (see also Submission No. 17)

Submitted by:

**Padraic and Mary Hynes,
Canal Stage,
Recess,
Co. Galway**

Submission made by/on behalf of the above

**Patricia Calleary, Planning Consultant & Chartered Engineer,
Dillon Terrace,
Ballina,
Co. Mayo**

For lands: Ardbear, Clifden. (Same lands/same name of persons submitting as in Submission No. 9)

Synopsis:

The submission requests a change of zoning from agriculture to residential.

Response:

1. Additional rezoning for residential uses is unjustified. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).
2. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure,

- particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.
3. The site is in an area zoned "agriculture" where Residential development within the Agricultural zone will be restricted to fully substantiated immediate family of landowners, or to people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area. "Immediate family" refers to sons and daughters. "Immediately surrounding area" shall refer to a radius of no more than 10 miles from the town centre. As a general principle, but also subject to good planning practice in matter of location, siting, design and the protection of environmentally sensitive areas of high landscape value, such housing shall be occupied by such bona fide residents only.
 4. The site itself as described in the submission is "characterized by a steep steady increase in land levels "Development on this land would be injurious to Amenity values of this main tourist approach road to Clifden (from Ballyconneely/Roundstone).

Recommendation:

No change to be made to Draft Clifden LAP

It was proposed by Cllr Conneely and seconded by Cllr S.Walsh not to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission No 9 from Agricultural to Residential.

Cllr Cuddy referred to the issue of residentially zoned lands in Clifden which were not suitable for development according to Cllr Conneely.

Ms McConnell stated that a number of preplanning applications have been made on the lands that Cllr Conneely referred to earlier as unsuitable for development.

She added that in the County Development Plan there was a household growth projection for Clifden of 300 households and that there was already 4 times that amount zoned in the Clifden Local Area Plan.

Ms Flynn also reminded the Members that residential development within the area zoned agriculture will be restricted to people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area.

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

AR SON.: *Cllr Canney Cllr Conneely, Cllr M Connolly, Cllr Cuddy, Cllr Feeney Cllr Hoade, Cllr. Kyne, Comh. O'Cuaig ,Cllr Reilly, Cllr S.Walsh, Cllr Welby (11)*

IN AGHAIDH: *(0)*

GAN VOTÁIL: *Comh O Tuairisg (1)*

The Mayor declared Cllr.Conneely's proposal carried

Ms Flynn summarised the content of Submission No 10 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 10

Submitted by:

NRA

St. Martin's House,

Waterloo Road,

Dublin 4.

Synopsis:

The Submission is divided into two main categories: **Development Strategy and National Roads & Specific Policies and Objectives**

Under each main heading the NRA comment as follows.

Development Strategy and National Roads

- *Planned road improvements*

The NRA notes the proposed distributor road, and has an issue with its indicative access in 100 km speed limit area along the Galway Road, and recommends a strategic transport assessment.

- *Protection of existing national routes*

The NRA requests a clear statement indicating that access to the national route (N59), outside areas where the 50kph speed limit applies will be restricted.

And under

Specific Policies and Objectives

- *Traffic Transport Assessment and safety Audit*

The NRA requests that TTA (Traffic and Transport Assessment) and RSA (Road Safety Audit) be requested for all significant developments impacting on the national road network and not only commercial developments as scheduled in Section 3.5.18.

- *Noise*

The NRA request that the Council provide for the requirements of S.I. No. 140 of 2006 Environmental Noise Regulations in the LAP.

- *Retailing and Economic Development policies*

The NRA request a policy position to restrict direct access to the national secondary road outside 50kph

Response:

Development Strategy and National Roads

- *Planned road improvements*

The distributor road which is shown thematically on the plans is the same road as included under Objective T7. The detailed design for this route has not yet been completed but it is noted that the lands closer to Clifden on the northern side of the existing N59 Galway approach are subject to steep contours and unsuited for any distributor/bypass road. Therefore this road is shown at a location on the N59 Galway approach where contours are less severe. This route will be subject to Part 8 planning process in due course and will include Safety Audit and TIA. This route

will have a dual function in that it will provide a relief/bypass for Clifden as well as opening up lands in order to stop ribbon development on the existing N59 national approach roads. It should be noted that Clifden does not have a network of local roads to accommodate in depth development and this bypass/distributor/relief road provides the catalyst for the development of such facilities. It is desirable to have future development to the east of the town in order to reduce through traffic from the congested town centre. The Regional Road to Ballyconneely and the Sky road are the only other roads in Clifden and are not suitable for development. The traffic volumes on the existing N59 into Clifden Town could be reduced from their present level around 6000 AADT to 3000 on each of the routes. This indicative level of traffic is at the very lowest level nationally and development due to zoning in such a peripheral area as exists at Clifden would not create any impact on the capacity of the N59. The capacities of the existing N59 approaches into Clifden are approximately 13,800 AADT. It is not reasonable to request cumulative assessments of impacts from such a proposed bypass/relief/distributor route in association with the zonings included in the Plan, as none will have any negative significance in the aforementioned capacity: usage context.

- *Protection of existing national routes*

The Policies for Access to National routes for Residential, Retail and Economic Development are included in the CDP and are not repeated in the LAP.

Roads in peripheral areas such as Clifden have little strategic relevance for inter-urban and inter-regional transport requirements. Clifden is 45 miles from the Galway City Gateway and further from the Hubs of Ballina and Sligo. The goal of this Plan is to encourage development and not to restrict it. The role of the N59 in the context of Clifden is more related to encouraging development versus retaining capacity on the route as capacity is in the region of 400% of usage.

Specific Policies and Objectives

- *Traffic Transport Assessment and safety Audit*

The Policies for Safety Audits and Traffic Impact Assessments are included in the CDP and are not repeated in the LAP.

- *Noise*

Galway County Council has included Policies and Plans in relation to transportation noise mitigation in the CDP and these are not repeated in the LAP.

- *Retailing and Economic Development policies*

The Policies for Access to National routes for Residential, Retail and Economic Development are included in the CDP and are not repeated in the LAP.

Recommendation:

No change to Clifden Draft LAP

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

Ms Flynn summarised the content of Submission No 11 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 11

Submitted by:

Mr. Aidan O' Halloran,

C/O Mr. Colm O' Riain,
Mayoralty House,
Flood Street,
Galway

Synopsis:

The submission requests that the lands shown be rezoned from agriculture to residential. The submission refers to site location, development context, and zoning option. A planning application for a house on this site made by the person who made this submission was withdrawn in 2002 (Reg. ref. No. 02/2792)

Response:

1. Additional rezoning for residential uses is unjustified. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).
2. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure, particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.
3. The site is in an area zoned "agriculture" where Residential development within the Agricultural zone will be restricted to fully substantiated immediate family of landowners, or to people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area. "Immediate family" refers to sons and daughters. "Immediately surrounding area" shall refer to a radius of no more than 10 miles from the town centre. As a general principle, but also subject to good planning practice in matter of location, siting, design and the protection of environmentally sensitive areas of high landscape value, such housing shall be occupied by such bona fide residents only

Recommendation:

No change to Draft Clifden LAP

It was proposed by Cllr Conneely and seconded by Cllr S. Walsh not to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission No 11 from Agricultural to Residential.

Ms McConnell referred to page 78 of the Draft Clifden Plan and stated that provision had been made in the Plan to allow people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area to get planning permission on

agriculturally zoned land. She added that there was no requirement to have these lands zoned residential.

The Manager stated that there shouldn't be any problem seeking planning permission if there is evidence of intrinsic links subject to site suitability

Cllr Canney stated what difference it would make if these lands were zoned residential.

Ms. McConnell explained that by being zoned residential gives the expectation that the same housing density would be allowed as would be allowed on a serviced site and explained that this was not a serviced site.

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

AR SON:, Cllr Canney Cllr Conneely, Cllr M Connolly, Cllr Cuddy, Cllr Feeney Cllr Hoade, Cllr. Kyne, Comh. O'Cuaig , Comh O Tuairisg Cllr Reilly, Cllr S.Walsh, Cllr Welby (12)

IN AGHAIDH: (0)

GAN VOTÁIL: (0)

The Mayor declared Cllr.Conneely's proposal carried

Ms Flynn summarised the content of Submission No 12 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 12

Submitted by:

**Mr. Leo Mansfield,
Clifden**

Lands at: Clifden (Harbour area)

Submission made by /on behalf of the above

**Mr. Mark Whittaker, Senior Project Planner,
McCarthy Keville O'Sullivan,
Planning & Environmental Consultants,
Block 1,
G.F.S.C.,
Moneenageisha Road,
Galway**

Synopsis:

The submission requests a change of zoning from agriculture to residential/retail.

Response:

Re: Residential Uses

1. Additional rezoning for residential uses is unjustified. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).

2. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure, particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.
3. The site is in an area zoned "agriculture" where Residential development within the Agricultural zone will be restricted to fully substantiated immediate family of landowners, or to people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area. "Immediate family" refers to sons and daughters. "Immediately surrounding area" shall refer to a radius of no more than 10 miles from the town centre. As a general principle, but also subject to good planning practice in matter of location, siting, design and the protection of environmentally sensitive areas of high landscape value, such housing shall be occupied by such bona fide residents only.

Re: Retail Use

Objective RA7 seeks to *"Improve the amenity of the Quay and Harbour area by limiting development in the area to small scale projects to service and enhance its use as a public amenity area, and by upgrading and designing for good renewal works"*. Retail use is not considered to be a service which would enhance the public amenity of the Harbour area. The site is not contiguous with the Town Centre, but is removed from same.

Furthermore **Policy 3.10.7** states that it is a policy of the Plan to *"Support the role of the Town Centre as the principal commercial area within the town"*

Policy 3.10.21 states as a policy of the Draft Plan *"encourage commercial development and services for tourists to locate within the Town Centre"*. The proposal to locate such services in an amenity area is contrary to the policies of the Plan.

The site itself is steep and exposed over the Harbour area. Development on this land would be injurious to amenity values of the Harbour area.

Recommendation:

No change to be made to Draft Clifden LAP

Cllr Conneely explained that there are buildings and housing already in this area of the harbour.

Ms McConnell stated that there are a small number of mature properties on large grounds in this area and that it makes absolutely no sense to have retail/ residential zoning at this location which was remote from the town centre.

It was proposed by Cllr Conneely and seconded by Cllr S.Walsh not to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission No 12 from Agricultural to Residential/Retail.

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

AR SON Cllr Conneely, Cllr M Connolly, Cllr Hoade, Cllr Reilly, Cllr S.Walsh, Cllr Welby (6)

IN AGHAIDH: Cllr Canney Cllr Cuddy, Cllr Feeney Cllr. Kyne, Comh O'Cuaig. Comh O Tuairisg (6)

GAN VOTÁIL: (0)

The casting vote was exercised by the Mayor who voted against the motion.

The Mayor declared Cllr.Conneely's proposal lost and the recommendation in the County Managers report was accepted.

Ms Flynn summarised the content of Submission No 13 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 13

Submitted by:

Mr. Sean Flynn,
Clifden

Lands at: Westport Road

Submission made by/on behalf of the above

Mr. Mark Whittaker, Senior Project Planner,
McCarthy Keville O'Sullivan,
Planning & Environmental Consultants,
Block 1,
G.F.S.C.,
Moneenageisha Road,
Galway

Synopsis:

The submission requests a change of zoning from agriculture to low density residential.

Response:

1. Additional rezoning for residential uses is unjustified. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).
2. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure, particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being

issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.

3. The site is in an area zoned "agriculture" where Residential development within the Agricultural zone will be restricted to fully substantiated immediate family of landowners, or to people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area. "Immediate family" refers to sons and daughters. "Immediately surrounding area" shall refer to a radius of no more than 10 miles from the town centre. As a general principle, but also subject to good planning practice in matter of location, siting, design and the protection of environmentally sensitive areas of high landscape value, such housing shall be occupied by such bona fide residents only.

Recommendation:

No change to be made to Draft Clifden LAP

It was proposed by Cllr Conneely and seconded by Cllr S.Walsh not to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission No 13 from Agricultural to Low density Residential.

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

AR SON:; Cllr Canney Cllr Conneely, Cllr M Connolly, Cllr Cuddy, Cllr Feeney Cllr Hoade, Cllr. Kyne, Comh. O'Cuaig , Comh O Tuairisg Cllr Reilly, Cllr S.Walsh, Cllr Welby (12)

IN AGHAIDH: (0)

GAN VOTÁIL: (0)

The Mayor declared Cllr.Conneely's proposal carried

Cllr Conneely declared an interest in the lands the subject of Submission No 14 absented himself from the meeting

Ms Flynn summarised the content of Submission No 14 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 14

Submitted by:

Mr. Joe Glynn,

Lands at: Ardbear,

Submission made by/on behalf of the above

Mr. Mark Whittaker, Senior Project Planner,

McCarthy Keville O'Sullivan,

Planning & Environmental Consultants,

Block 1,

G.F.S.C.,

Moneenageisha Road,

Galway

Synopsis:

The submission requests a change of zoning from Agriculture in the current Clifden Local Area Plan and Recreation and Amenity in the Draft Town Plan to Town Centre zoning.

Response:

Objective RA 13 is to "provide for the development of the Waterfall and bridge area on the Ballyconneely Road as a small Town Park with special emphasis on passive amenity/meditation garden/facility for the elderly". The proposed development of this contiguous site would not be consistent with this Objective.

The site overlooks Ardbear Waterfall, and Ardbear Bridges, in a highly visible and accessible amenity area of the town, close to the Old Gaol/Bridewell.

The site directly adjoins the SAC (Twelve Bens/Garraun Complex) boundary in the form of the Owenglin River valley. The Owenglin River forms part of the Twelve Bens/Garraun Complex Special Area of Conservation, and is an internationally important site for nature conservation.

The site has historic connotations insofar as part of the existing house on the site is reputed to be one of the first houses built by the D'Arcy family for a Sawmill employee. The area was also the general area of a "Monster Meeting" organised by Daniel O'Connell in 1843.

Moreover, being on the Southern side of the river, the site is distinct and separate from the designated and existing "Town Centre". There is no precedent for Town Centre development geographically in this separate area, nor is there any need, given the lands within the centre which remain undeveloped. For example **Policy 3.10.5** promotes the redevelopment of derelict, obsolete and brownfield sites within the existing and designated Town Centre. Such should be the emphasis of Town Centre development in anticipation of any long term plans for enlargement of the zoned area.

The bridge and road network in the area of the site are unsuitable for Town Centre usage.

The site is highly visible from the tourist route Ballyconneely Road, and development would interfere with the visually pleasing and rural approach to the town from the South West.

Note: The submission incorrectly states that there was a previously granted planning permission reference number 62404 on the site "to demolish and construct 4 number dwelling units." The permission was to extend the existing house and convert into 4 studio flats. Another recent application for apartment development on site was withdrawn (06/2156) in 2006.

Recommendation:

No change to Clifden Draft LAP

Ms Flynn stressed that this would be a highly significant site in relation to the carrying out of an Appropriate Assessment. She also referred to Submission number

16 where the Council was praised for the proposed Recreation/Amenity zoning of this area in the Draft Clifden Local Area plan

Ms McConnell also stated that the site was immediately adjacent to the Owenglin River and added that the Appropriate Assessment when carried out on the development proposal for these lands would have a negative impact on the Plan. She also stated that this site was quite separate from the rest of the Town Centre zoning. She added that The National Parks and Wildlife Services were the statutory body in Ireland and it was up to the Council to be satisfied that what is adopted by them is compliant with the directives

In response to Cllr S. Walsh's query in relation to mitigation measures that could be applied to a development, Ms McConnell stated that the impacts had to be assessed now and not at the planning application stage. She added that it would be necessary at this stage to carry out an appropriate assessment on the type of development that would be expected on this site if zoning was to go ahead.

It was clarified that a previous planning application to demolish buildings on site was incorrect-it was never permitted.

It was proposed by Cllr S. Walsh and seconded by Cllr. Kyne not to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission No 14 from Recreation and Amenity to Town Centre zoning.

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

AR SON:; Cllr Canney Cllr M Connolly, Cllr Cuddy, Cllr Feeney Cllr Hoade, Cllr. Kyne, Comh. O'Cuaig, Cllr Reilly, Cllr S. Walsh, (9)

IN AGHAIDH: Comh O Tuairisg, Cllr Welby (2)

GAN VOTÁIL: (0)

The Mayor declared Cllr S. Walsh's proposal carried

Ms Flynn summarised the content of Submission No 15 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 15

Submitted by:
Mr. Vincent Finn.

Lands at: Tullyvoheen Clifden

Submission made by/on behalf of the above

**Mr. Mark Whittaker, Senior Project Planner,
McCarthy Keville O'Sullivan,
Planning & Environmental Consultants,
Block 1,
G.F.S.C.,
Moneenageisha Road,
Galway**

Synopsis:

The submission requests a change of zoning from agriculture to "enterprise and industrial"

SUBMISSION No. 16

Response:

An adequate and increased supply of Industrial zoned lands has been zoned within the Clifden LAP area to serve the needs of the town up to and including 2015.

Objective EIT4 (Enterprise, Industry and Tourism) requires the Council to "Service and assist, within the limits of available finance, land identified for local enterprise centres within Clifden so as to facilitate affordable workspace for new business start-ups". To extend resources beyond additional and pre-existing zoning would be to dissipate resources in an unsustainable fashion.

The site adjoins the Owenglin River, and is immediately adjacent on the South to SAC Twelve Bens/Garraun Complex lands. The site directly adjoins the SAC (Twelve Bens/Garraun Complex) boundary in the form of the Owenglin River valley. The Owenglin, River forms part of the Twelve Bens/Garraun Complex Special Area of Conservation, and is an internationally important site for nature conservation.

The use proposed may be detrimental to the conservation of the SAC. Access via the "Low Road" is unsuitable for commercial/industrial traffic. There is no frontage to the N59. Lands adjoining the Low Road with industrial designation also have N59 frontage. The use proposed may be detrimental to the conservation of the SAC, and may trigger the need for Strategic Environmental Assessment and Appropriate Assessment if rezoned

Recommendation:

No change to be made to Draft Clifden LAP

Ms McConnell also added that there was not a suitable access to these lands for this type of zoning.

Cllr Cuddy referred to the words 'may be detrimental' in the Manager's Report in relation to the conservation of the SAC and Ms McConnell stated that the National Parks and Wildlife have already questioned lands zoned Recreation and Amenity along the Owenglin River where it may have a negative impact when the Appropriate Assessment is carried out. The Planning Authority did not want to pre-empt the outcome of the Appropriate Assessment.

It was proposed by Cllr Conneely and seconded by Cllr S.Walsh not to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission No 15 from Agricultural to Enterprise/Industry.

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

AR SON: Cllr Canney Cllr Conneely, Cllr M Connolly, Cllr Cuddy, Cllr Feeney Cllr Hoade, Cllr. Kyne, Cllr Reilly, Cllr S.Walsh, Cllr Welby (10)

IN AGHAIDH: Comh. O'Cuaig , Comh O Tuairisg (2)

GAN VOTÁIL: (0)

The Mayor declared Cllr.Conneely's proposal carried

SUBMISSION No. 16

Submitted by:

**Mr. Pdraigh O Seanachain,
Waterfall House,
Doonen Road,
Clifden**

Synopsis:

Mr. O Seanachain's submission deals with the proposed rezoning by Galway County Council of the area of land beside the Waterfall from Agriculture in the existing Clifden LAP to Recreation and Amenity in the current Draft Clifden LAP. He states that he is "delighted to see that (Galway County Council) plan to provide for the development of the Waterfall and Bridge as a small Town Park. He elaborates on the heritage advantages of such a rezoning by the local authority.

Response:

Affirmation of the Clifden LAP by a member of the public is noted and welcomed.

Recommendation:

No change to be made to Draft Clifden LAP

It had already been agreed to rezone the land the subject of this submission from proposed Recreation & Amenity to proposed Town Centre (submission 14)

SUBMISSION No. 17 (see also Submission No. 9)

Submitted by:

**Padraic and Mary Hynes,
Canal Stage,
Recess,
Co. Galway**

Submission made by/on behalf of the above

**James B. Joyce,
Solicitors,
Clifden**

For lands at: (same lands/same name of persons submitting as in Submission No. 9)

Synopsis:

The submission requests a change of zoning from agriculture to residential.

Response:

1. Additional rezoning for residential uses is unjustified. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of

approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).

2. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure, particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.
3. The site is in an area zoned "agriculture" where Residential development within the Agricultural zone will be restricted to fully substantiated immediate family of landowners, or to people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area. "Immediate family" refers to sons and daughters. "Immediately surrounding area" shall refer to a radius of no more than 10 miles from the town centre. As a general principle, but also subject to good planning practice in matter of location, siting, design and the protection of environmentally sensitive areas of high landscape value, such housing shall be occupied by such bona fide residents only.
4. The site itself as described in the submission is "characterized by a steep steady increase in land levels" Development on this land would be injurious to Amenity values of this main tourist approach road to Clifden (from Ballyconneely/Roundstone).

Recommendation:

No change to be made to Draft Clifden LAP

This submission was already dealt with under submission No 9

SUBMISSION No. 18

Submitted by:

**Ms. Mairín Doddy, Architectural Conservation Officer,
Galway County Council**

Synopsis:

1. The submission notes that a Map to show all Protected Structures is required (i.e. all Protected Structures within the LAP boundaries), as the Draft Plan Map no.3 only shows those Protected Structures within the ACA (Architectural Conservation Area).
2. It is noted also that the RPS No. 817-The Rectory is mapped as being in the location of the present day Rectory, which Rectory is a modern building of no

architectural merit. It is recommended that it be removed from the Map and from Table 2.2.

Response:

Such a Map No. 3 (a) is being inserted. And Protected Structures which are shown on Existing Map 1 (Natural Heritage and Archaeology) are being removed from that Map.

RPS No. 817 is being removed from Maps 3 and Map 3 (a).

Recommendation:

Changes to be made to Draft Clifden LAP as noted above in "Response".

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

SUBMISSION No. 19

Submitted by:

Mr. Tom Healy
Chartered Consulting Engineer,
Clifden

Synopsis:

The submission refers to the sustainability of redeveloping sites/properties within the town centre with a view to consolidation, and notes a drop in plot ratio between the Draft Plan and the previous LAP. It states that there should be a presumption in favour of such sites, with regard to flexibility of standards.

It also refers to development standards on zoned lands and states that e.g. 11m back garden is reasonable and depths greater than this may be too restrictive.

Response:

There is a presumption in favour of brownfield sites, and each case will be taken on its individual merits. It is not intended to relax standards within the Draft Plan

Recommendation:

No change to be made to Draft Clifden LAP

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

Ms Flynn summarised the content of Submission No 20 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 20 (See also Submission N0. 21 adjacent)

Recommendation:

No change to be made to Draft Clifden LAP

Submitted by:

Mr. Tom Kearns,

Lands at: Cloghaunard Townland, Clifden, Co. Galway.

Submission made by/on behalf of the above

Mr. Colm O' Riain and Associated Architects,

Mayoralty House,

Flood St.,

Galway

Synopsis:

The submission requests a change of zoning from part agriculture/part residential to residential only on lands within the LAP boundary, but within an area of agricultural zoning (with the exception of minimal residential zoning which accommodates existing houses and their curtilages).

Response:

Additional rezoning for residential uses is unjustified. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).

1. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure, particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.
2. The site is in an area zoned "agriculture" where Residential development within the Agricultural zone will be restricted to fully substantiated immediate family of landowners, or to people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area. "Immediate family" refers to sons and daughters. "Immediately surrounding area" shall refer to a radius of no more than 10 miles from the town centre. As a general principle, but also subject to good planning practice in matter of location, siting, design and the protection of environmentally sensitive areas of high landscape value, such housing shall be occupied by such bona fide residents only.

The site itself is steep and exposed, and development in this area would be injurious to amenity values on the approach to and from the Sky Road and the surrounding areas. Existing residential zoning in this area is existing residential uses.

Recommendation:

No change to be made to Draft Clifden LAP

It was proposed by Cllr Conneely and seconded by Cllr S.Walsh not to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission No 20 from part Agricultural/part Residential to Residential.

Ms McConnell stated that if these lands are zoned for residential development it would be seriously injurious to the amenity landscape and tourism of the area and stressed that these lands should not be zoned.

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

AR SON: Cllr Canney Cllr Conneely, Cllr M Connolly, , Cllr Hoade, , Cllr Reilly, Cllr S.Walsh, (6)

IN AGHAIDH: Cllr Cuddy Cllr Feeney Comh. O'Cuaig , Comh O Tuairisg Cllr Welby (5)

GAN VOTÁIL: Cllr. Kyne (1)

The Mayor declared Cllr.Conneely's proposal carried

Ms Flynn summarised the content of Submission No 21 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 21 (See also Submission NO. 20 adjacent)

Submitted by:
Mr. Tom Kearns,

Lands at: Cloghaunard Townland, Clifden, Co. Galway

Submission made by/on behalf of the above
Mr. Colm O' Riain and Associated Architects,
Mayoralty House,
Flood St.,
Galway

Synopsis:

The submission requests that this land outside the proposed Clifden LAP boundary be zoned for residential usage. It further suggests that a new Plan boundary line be adopted for the LAP basically, (although it states that the boundary is "outdated and arbitrary") to facilitate this zoning. It also suggests "a new 30 mile traffic limit be adopted to control and order development pressure along this high profile hinterland of Clifden Town."

Response:

The LAP is the mechanism to promote best practice in planning in the Clifden LAP area. The area outside the speed limit is subject to the policies of the County Development Plan.

To use a speed limit mechanism to control development is not good practice.

The lands are outside the LAP Boundary, and are therefore subject to the provisions of the County Development Plan.

1. Additional rezoning for residential uses inside the existing LAP area is unjustified. To extend the boundary to accommodate additional residential uses is equally unnecessary and unsustainable. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).
2. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure, particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.
3. The site is in an area zoned "agriculture" where Residential development within the Agricultural zone will be restricted to fully substantiated immediate family of landowners, or to people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area. "Immediate family" refers to sons and daughters. "Immediately surrounding area" shall refer to a radius of no more than 10 miles from the town centre. As a general principle, but also subject to good planning practice in matter of location, siting, design and the protection of environmentally sensitive areas of high landscape value, such housing shall be occupied by such bona fide residents only.

The site itself is steep and exposed, and development in this area would be injurious to amenity values on the approach to and from the Sky Road and the surrounding areas. Existing residential zoning in this area is existing residential uses.

Recommendation:

No change to be made to Draft Clifden LAP

It was proposed by Cllr Conneely and seconded by Cllr S. Walsh not to accept the recommendation in the Manager's Report but to extend the plan boundary and to zone the lands the subject of Submission No 21 Residential.

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

AR SON; Cllr Conneely, Cllr Hoade, Cllr Reilly, Cllr S. Walsh, (4)

IN AGHAIDH: Cllr Canney Cllr M Connolly Cllr Cuddy Cllr Feeney, Cllr. Kyne, Comh. O'Cuaig, Comh O Tuairisg Cllr Welby (8)

GAN VOTÁIL (0)

The Mayor declared Cllr. Conneely's proposal rejected and the recommendation in the County Managers report was accepted.

Ms Flynn summarised the content of Submission No 22 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 22 / See also Sub. NO. 34

Submitted by:
Dr. John Casey
Clifden

Lands at: Beach Road: (same person and same lands as Submission No. 34)

Submission made by/on behalf of the above in this submission, No. 22

**Mr. Colm O' Riain and Associated Architects,
MayoraltyHouse,
Flood St.,
Galway**

Synopsis:

The submission requests a change of zoning from Agriculture to Residential and Amenity use.

Response:

Re: Residential Uses

1. Additional rezoning for residential uses is unjustified. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).
2. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure, particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.
3. The site is in an area zoned "agriculture" where Residential development within the Agricultural zone will be restricted to fully substantiated immediate family of landowners, or to people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area. "Immediate family" refers to sons and daughters. "Immediately surrounding area" shall refer to a radius of no more than 10 miles from the town centre. As a general principle, but also subject to good planning practice in matter of location, siting, design and the protection of

environmentally sensitive areas of high landscape value, such housing shall be occupied by such bona fide residents only.

Re: Amenity Uses

Certain uses which would have an Amenity aspect are open to consideration within an agricultural zoning (see Appendix 1). One example would be "Open space/Playing Pitch/Playground". Such application for usage of Amenity/Recreational nature would be taken on an individual basis on its own merits. However, it should be noted that lands specifically lending themselves to Amenity Recreational use have already been designated as such in the Draft LAP zoning proposals.

It should also be noted that these lands contains a house of significant architectural merit with attendant grounds.

The land also contains trees of note and distinction, especially in a local context. Objective H5 of the Draft LAP refers to the aim to retain such trees.

Recommendation:

No change to be made to Draft Clifden LAP

It was proposed by Cllr Conneely and seconded by Cllr S.Walsh not to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission No 22 from Agriculture to Residential/Amenity use

Ms. McConnell stated that if the recommendation was not accepted, new zoning would be necessary to cater for this request. It was suggested that in this zoning no more than 50% of the zoned area shall be used for residential purposes. This would also include an addition to the zoning matrix.

A vote was taken on Cllr Conneely's proposal with an amendment, that in this zoning no more than 50% of the zoned area shall be used for residential purposes and the result of the vote was as follows:

AR SON: Cllr Canney Cllr Conneely, Cllr M Connolly, Cllr Feeney Cllr Hoade Cllr. Kyne Comh. O'Cuaig, Comh O Tuairisg Cllr Reilly, Cllr S.Walsh, Cllr Welby (11)

IN AGHAIDH, (0)

GAN VOTÁIL Cllr Cuddy (1)

The Mayor declared Cllr.Conneely's proposal with amendment carried

SUBMISSION No. 23

Submitted by:

Forward Planning Section,
Planning and Building Unit,
Department of Education and Science,
Portlaoise Road,
Tullamore,
Co. Offaly

Synopsis:

The submission details the method which the department uses to calculate the extent of primary and post primary provision in an area. It refers to issues of site suitability identification and the fact that existing schools will be required to cater for the educational needs of the existing population for the medium to the long term.

It also states that the existing schools should be protected for educational use into the future. It comes to the conclusion that, given these key pieces of information and applying them to the House Construction Allocations for the area as outlined in both the Draft Clifden Draft Plan, and the Draft County Plan that existing schools should be capable of catering for the increase in pupil numbers.

Response:

This is accepted as being the important input of the Department of Education.

Recommendation:

No change to be made to Draft Clifden LAP

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

Cllr Conneely presented a map to the meeting outlining lands in green proposed for rezoning from low density residential to Community facilities.

It was proposed by Cllr Conneely and seconded by Cllr S.Walsh to zone the lands from low density residential to community facilities as per the map presented to the meeting by Cllr Conneely.

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

AR SON: Cllr Canney Cllr Conneely, Cllr M Connolly, Cllr Cuddy, Cllr Feeney Cllr Hoade Cllr. Kyne Comh. O'Cuaig, Comh O Tuairisg Cllr Reilly, Cllr S.Walsh, Cllr Welby (12)

IN AGHAIDH, (0)

GAN VOTÁIL (0)

The Mayor declared Cllr.Conneely's proposal carried

Cllr Conneely declared an interest in the lands the subject of Submission No 24 absented himself from the meeting

Ms Flynn summarised the content of Submission No 24 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 24

Submitted by:

Mr. Josie Conneely

Lands at: Killymongaun, Clifden

Submission made by /on behalf of the above

**Mr. Mark Whittaker, Senior Project Planner,
McCarthy Keville O'Sullivan,**

**Planning & Environmental Consultants,
Block 1,
G.F.S.C.,
Moneenageisha Road,
Galway**

Synopsis:

The submission requests that this land (7 hectares) both inside and outside the Clifden LAP boundary, south of the N59 be zoned for residential usage. The land inside the boundary is zoned for agricultural purposes at present.

Response:

Approximately half (southern half) of this parcel of land is outside the LAP boundary, and forms part of lands subject to the provisions of the County Development Plan. The northern half is within the LAP boundary, and is zoned as agriculture. The lands have no public road frontage. There is an existing house on the lands. Both the lands and access to the existing house are completely outside the 60 km speed limit south of the N59. Any road access would therefore be outside the 60km speed limit.

The LAP is the mechanism to promote best practice in planning in the Clifden LAP area.

The lands are inside and outside the LAP Boundary.

1. Additional rezoning for residential uses inside or outside the existing LAP area is unjustified. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).
2. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure, particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.
3. The site inside the LAP boundary is in an area zoned "agriculture" where Residential development within the Agricultural zone will be restricted to fully substantiated immediate family of landowners, or to people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area. "Immediate family" refers to sons and daughters. "Immediately surrounding area" shall refer to a radius of no more than 10 miles from the town centre. As a general principle, but also subject to good planning practice in matter of location, siting, design and the protection of environmentally sensitive areas of high landscape value, such housing shall be occupied by such bona fide residents only.

Mr. Mark Whittaker, Senior Project Planner,
McCarthy Neville O'Sullivan,

That part of the lands within the Clifden LAP boundary adjoins the Owenglin River, part of the SAC Twelve Bens/Garraun Complex lands, and is an internationally important site for nature conservation. The use proposed may be detrimental to the conservation of the SAC, and may trigger the need for Strategic Environmental Assessment and Appropriate Assessment if rezoned.

Recommendation:

No change to be made to Draft Clifden LAP

It was proposed by Cllr S. Walsh and seconded by Cllr. M. Connolly not to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission No 24 that are inside the plan boundary from Agriculture to Residential and to extend the plan boundary and zone the lands outside the plan boundary Residential.

Cllr S. Walsh referred to the residentially zoned lands to the immediate right of the map and added that these lands were further outside the town than the lands proposed for rezoning.

Ms Flynn stated that the development referred to by Cllr S. Walsh was a holiday home development and was built as such over 10 years ago.

Ms McConnell stated that it was an extremely difficult site to access. It was outside the 60km limit and would be subject to NRA policies. It is completely cut off from the town with no public lighting or footpaths. It could call into question the entire zoning of the Plan by zoning the lands inside or outside the plan boundary. She indicated that she was strongly opposed to the proposal and could see no justification to zone houses at this location when there is adequate land zoned in the town area. She added that the services were only extended out to pick up the Clifden Glen complex, this development was permitted for tourism purposes only facilitated by tax breaks some years ago.

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

AR SON:, Cllr M Connolly Cllr Hoade, Cllr. Kyne, Comh. O'Cuaig , Cllr Reilly, Cllr S. Walsh, (6)

IN AGHAIDH: Comh O Tuairisg, Cllr Welby (2)

GAN VOTÁIL: Cllr Canney , Cllr Feeney (2)

The Mayor declared Cllr S. Walsh's proposal carried

Ms Flynn summarised the content of Submission No 25 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 25

Submitted by:
Mr. Martin Acton

Lands at: Ardbear, Clifden

Submission made by /on behalf of the above
Mr. Mark Whittaker, Senior Project Planner,
McCarthy Keville O'Sullivan,

**Planning & Environmental Consultants,
Block 1,
G.F.S.C.,
Moneenageisha Road,
Galway**

Synopsis:

The submission requests that this land (3.5 hectares) in the Clifden LAP, located on the Ballyconneely Road, currently zoned in the proposed Draft Clifden Plan for agriculture and for low density residential uses be zoned in full for low density residential usage. The lands have access to the main realigned Ballyconneely Road, and to a minor road to the south. Part of the lands zoned "agriculture" are within the buffer zone of the sewerage treatment plant. The landowner who submitted the submission states that he has agreed to transfer lands free of charge to the Council in order to facilitate a new sewage treatment plant at this location on the basis that the balance of his lands in the area be zoned in recognition of his offer of the lands free of charge to the Council.

Response:

The lands to the south of the land parcel are zoned for low density residential uses. However, with regard the remainder of the lands

1. Additional rezoning for residential uses in the LAP area is unjustified. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).
2. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure, particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.
3. The lands zoned low density can be developed for housing. Within the lands zoned "agriculture" residential development within the Agricultural zone will be restricted to fully substantiated immediate family of landowners, or to people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area. "Immediate family" refers to sons and daughters. "Immediately surrounding area" shall refer to a radius of no more than 10 miles from the town centre. As a general principle, but also subject to good planning practice in matter of location, siting, design and the protection of environmentally sensitive areas of high landscape value, such housing shall be occupied by such bona fide residents only
4. Cognisance will have to be taken of all requirements of the new waste treatment plant siting and buffer zone which is to be located on lands including the land in

question. No rezoning which might prejudice this plant can be considered. All EPA and other requirements will require strict compliance.

Recommendation:

No change to be made to Draft Clifden LAP

Cllr Conneely presented a map to the meeting outlining a request for zoning taking into account the revised treatment plant buffer zone already agreed at the meeting.

Ms McConnell explained that the map presented to the meeting was slightly different to the map that accompanied the submission. Cllr Conneely agreed and stated that the map presented to the meeting was the correct map.

It was proposed by Cllr Conneely and seconded by Cllr S.Walsh not to accept the recommendation in the Manager's Report and to zone the lands the subject of the map presented to the meeting by Cllr Conneely from Agriculture to Low Density Residential taking account of the 100m buffer zone around the treatment plant as already agreed.

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

AR SON: Cllr Canney Cllr Conneely, Cllr M Connolly, Cllr Feeney Cllr Hoade Cllr. Kyne Comh. O'Cuaig, Comh O Tuairisg Cllr Reilly, Cllr S.Walsh, Cllr Welby (11)

IN AGHAIDH, (0)

GAN VOTÁIL (0)

The Mayor declared Cllr.Conneely's proposal carried

Cllr Conneely declared an interest in the lands the subject of Submission No 26 and absented himself from the meeting

Ms Flynn summarised the content of Submission No 26 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 26

Submitted by:

Mr. Josie Conneely

Lands at: Rock Glen Country House Hotel, Faul & Ardbear, Clifden

Submission made by /on behalf of the above

Mr. Mark Whittaker, Senior Project Planner,

McCarthy Keville O'Sullivan,
Planning & Environmental Consultants,

Block 1,

G.F.S.C.,

Moneenageisha Road,

Galway

Synopsis:

The submission requests that these lands (4.7 hectares) in the Clifden LAP, located at Faul and Ard bear, currently zoned for agriculture be zoned for low density residential usage. The lands are located in the vicinity of the Rock Glen Country House Hotel.

The submission also requests that a specific objective be included in the Plan to widen and improve the Ard bear Road from its junction with the R431, Ballyconneely Road westwards to the Ard bear Cemetery and the subject lands.

Response:

The lands are isolated and distant from the town, with no adequate road network to serve the lands.

1. Additional rezoning for residential uses in the LAP area is unjustified. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).
2. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure, particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.
3. The lands zoned low density can be developed for housing. Within the lands zoned "agriculture" residential development within the Agricultural zone will be restricted to fully substantiated immediate family of landowners, or to people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area. "Immediate family" refers to sons and daughters. "Immediately surrounding area" shall refer to a radius of no more than 10 miles from the town centre. As a general principle, but also subject to good planning practice in matter of location, siting, design and the protection of environmentally sensitive areas of high landscape value, such housing shall be occupied by such bona fide residents only
4. With regard to the request to upgrade the minor road leading the *entire* way to the site -there is no justification for this, as it would be merely to serve unsustainable development.

Recommendation:

No change to be made to Draft Clifden LAP

Cllr S. Walsh explained that there were already 10 houses and a hotel at this location and that it was not a greenfield site. Ms McConnell explained that this was not normal

residential development but tourism related and also that it was unlikely that resources would be available to upgrade the road.

She also added that this zoning would seriously bring into question the validity of the plan and it was contrary to Ministerial and Residential guidelines.

The Manager also brought to the attention of the Members, the Minister of the Environments' actions in relation to development plans which were not compliant with the Ministerial Guidelines.

It was proposed by Cllr S.Walsh and seconded by Cllr.M.Connolly not to accept the recommendation in the Manager's Report and to zone the lands the subject of Submission No 26 from Agriculture to Residential.

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

AR SON: : Cllr Canney Cllr M Connolly Cllr Feeney Cllr Hoade, Cllr. Kyne, Comh.

O'Cuaig , Cllr Reilly, Cllr S.Walsh, (8)

IN AGHAIDH:, Cllr Welby (1)

GAN VOTÁIL, Comh O Tuairisg (1)

The Mayor declared Cllr S.Walsh's proposal carried

Ms Flynn summarised the content of Submission No 27 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 27

Submitted by:

Spatial Policy Section

Dept. Environment, Heritage & Local Government;

Custom House,

Dublin 1

Synopsis:

Strategic Environmental Assessment and Appropriate Assessment

While the Draft Plan has been screened for Strategic Environmental Assessment (SEA) in accordance with the SEA Directive and following this screening the Planning Authority has decided that a full SEA is not required, the Council should fully satisfy itself, in consultation with the Environmental Authorities, that SEA is not required.

No Appropriate Assessment has been carried out on the Draft LAP. The Council are reminded of the Department's Circular Letter SEA 1/08 & NPWS 1/08 of February 2008, which highlighted obligations under the Habitats Directive and provided guidance on the issues which development plans and LAPs should address and, in particular, the need to undertake appropriate assessment under this Directive in relation to all Natura 2000 sites (e.g. SPAs, SACs, including any candidate sites) within the area covered by the Draft Plan, or areas *ex situ* that may be affected by the Plan. There are two SACs within the Plan area – the Owenglen River that forms part of the Twelve Bens/ Garraun Complex SAC and the Connemara Bog Complex which hosts 2 priority habitats listed on Annex 1 of the EU Habitats Directive - blanket bog and lagoons.

West Regional Planning Guidelines

The West RPGs development framework for the region divides the region into zones and each zone is identified by policy requirements relevant to the state of

development of the zone. Clifden is located within Zone D. Key needs identified in the zone which are of particular relevance for the Clifden LAP are

- the promotion and consolidation of existing settlements through the provision of adequate water and waste water facilities
- Restriction of Holiday homes and second homes to identified areas
- Maintenance of natural environment in good condition to ensure no loss of biodiversity

Settlement Strategy

The vision for the town consistent with the RPGs is to enable it to grow in a sustainable manner so that it retains its character and continues to be an attractive place to live and visit. Policies and objectives should be reduced in number and focus more closely on core policies and objectives. This would enable the planning authority to monitor, more readily, the achievement of those core objectives as is recommended in Planning Guidelines

Population Projections

The projections for the area of the town within the LAP boundary taken from the Draft County Development Plan anticipate a growth of 250 new units (or 700 persons) to allow for population growth and holiday home development. The Department considers that such targets for growth in the town are overly ambitious particularly in the absence of capacity in water treatment which will take a number of years to address. In addition to providing for the appropriate growth of the town regard must be had to the obligations on planning authorities under the Water Framework Directive (2000/60/EC) ensuring that all waters achieve at least "good status" by 2015.

The Directive will be implemented through a series of River Basin Management Plans due to be published for public consultation in 2008. It would be important that objectives in the river basin management plans inform the draft LAP and also that objectives in the Draft Plan support the preparation and implementation of the River Basin Management Plans.

Holiday Homes

The high figure for new households is partly accounted for by an anticipated growth in holiday homes/ second homes. The LAP however contains no specific policies or objectives in regard to the management of holiday homes / second homes. The importance of managing appropriate levels of holiday home development was highlighted in RPGs and followed through into the Draft County Plan. The policy in Draft County Plan seeks to ensure that regard is had to the cumulative impact of holiday home development to ensure that such development is appropriate to the size and function of the settlement. The Department considers that it would be appropriate for the LAP for Clifden to include such an objective.

Zoning

The only new zoning proposed in the Draft Plan is to the south of the town near an existing school. It is understood that there is significant housing here already and also a GAA pitch and other community facilities.

The Department is concerned about zoning for further development in this area at the current time and in the absence of a phasing programme for the reasons as follows:

- The location is close to the Connemara Bog Complex SAC, which hosts 2 priority habitats listed on Annex 1 of the EU Habitats Directive - blanket bog and lagoons.;

- The town waste water treatment facilities are at capacity and any further residential zoning would be premature pending upgrading of sewage treatment facilities;
- The location is remote from the town centre and leapfrogs unzoned land closer to the town centre; and
- There appears to be significant amounts of land zoned and undeveloped within the town from the previous plan.

Architectural Heritage

The commitment of Galway County Council to the protection of the architectural heritage of the town as set out in the draft plan is welcomed.

It is considered that some of the text in Section 3.3. of the draft plan relating to protection of the architectural heritage within the town and its environs should be clarified and strengthened.

1. It is recommended that the reference in Policy 3.3.2 to Table 2.1 and Maps 3 and 4 is rechecked as the reference may be incorrect.
2. It is recommended that the text at Policy 3.3.3 and Policy 3.3.6 is reviewed and revised, viz.

3.3.3 *Prohibit developments which would destroy or damage, or cause inappropriate change to protected structures.*

3.3.6 *Resist the demolition of any building or item of Architectural significance, which is included in the Record of Protected Structures unless a conclusive case based on technical evidence is made for its alteration or removal."*

Both policies deal with works affecting protected structures and, as such, overlap.

Section 57(1) of the 2000 Planning and Development Act requires that planning permission is required for the carrying out of works to a protected structure if those works materially affect the character of the structure.

Section 2 of the 2000 Act defines the term 'works' as including -
"any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure".

In the case of Policy 3.3.3 and Policy 3.3.6 planning permission would be required in respect of the works referred to in each policy. It is recommended that the text is amended in this regard. It is also recommended that that the text is amended on account of it being inappropriate to include in a local area plan criteria for the demolition of protected structures, i.e. *"unless a conclusive case based on technical evidence is made for its alteration or removal."*

Section 57(10)(b) of the 2000 Planning and Development Act provides that permission may only be granted for the demolition of a protected structure or proposed protected structure in exceptional circumstances. Within the context of the proper planning and sustainable development of a locality there may well be a

situation whereby exceptional circumstances do exist which would lead to the removal or demolition of a protected structure, or indeed any other structure of architectural heritage merit. This is recognised in Section 57(10)(b).

However the meaning of the term should be recognised for what it is, i.e. 'exceptional circumstances', and each instance must be judged on its own individual merits. It is inadvisable to include in a local area plan criteria for exceptional circumstances that justify the demolition of a protected structure. This includes offering examples of 'justification' for demolition such as condition or use.

It will not be possible to establish either on the part of the planning authority or the owner that a protected structure that a conclusive case "based on technical evidence is made for its alteration or removal". An owner may show that the economic return on the expenditure made in returning the structure to a safe and usable condition may not warrant that expenditure.

However, that is a different issue to a structure not being capable of being repaired. It is a matter of taking each case on its own individual merits and determining if exceptional conditions exist.

Moreover, if the situation is so prevalent as to warrant mention in the local area plan, it raises the issue of the lack of timely action on the part of the planning authority, except in exceptional circumstances such as an outbreak of fire, where a protected structure has been allowed to become so endangered that it is now beyond repair.

The text might be amended to read, for instance,
"In accordance with Section 57(1) of the 2000 Planning and Development Act planning permission will be required for carrying out any works to a protected structure which materially affect the character of the structure.

In accordance with Section 57(10)(b) of the 2000 Planning and Development Act planning permission may only be granted for the demolition of a protected structure or proposed protected structure in exceptional circumstances."

- 3 Thirdly it is recommended that the text at Policy 3.3.7 is reviewed and revised, viz.

"Protect, conserve and enhance the essential character of the proposed ACA through the control of the design, location and layout of new properties or the alteration or extension of existing ones."

It should be noted that Part IV of the 2000 Planning and Development Act relates to the protection of structures and the preservation of the character of areas. In that regard the designation of ACAs relate to the preservation of the character of an area.

The text might be revised to read, for instance,
"Preserve the character of the Clifden ACA through encouraging the design, location and layout of new development and the alteration of existing structures in a manner which enhances that character."

Nature Conservation

General

However, despite the finding that full SEA is not required, the screening report and draft plan allude to significant environmental problems relating to the town's sewerage, wastewater treatment, surface water collection, and water supply. Projects

put forward (and with preliminary approval) to address these problems and deficiencies may suffice as mitigation in relation to SEA requirements. However, it should be noted that where existing, potential or increased effects on Natura 2000 or European sites (SACs and SPAs, including any candidate sites) are at issue, such mitigation measures are unlikely to be acceptable unless delivery within a certain timeframe is guaranteed.

The screening for effects on Natura 2000 sites is considered deficient in respect of SEA and appropriate assessment requirements (see below). The statement in the report that *"it is not considered that any development consequent of the implementation of the Clifden LAP will have any detrimental effect on either complex"* (meaning either of the Natura 2000 sites listed) is neither reasoned nor supported by any scientific evidence and objective criteria. A review of possible effects arising from the plan, of existing environmental problems in the plan area that may be of significance to Natura 2000 sites and the habitats and species they support, and of the environmental conditions necessary for the habitats and species in question would be required to make the screening determination. See below:

Article 6(3) Appropriate Assessment Screening

The plan area includes parts of two Natura 2000 sites: Connemara Bog Complex cSAC (site code 2034) and The Twelve Bens/Garraun Complex cSAC (site code 2031). These two sites have been selected for the conservation of a range of EU Habitats Directive Annex I habitats and Annex II species. .

In the absence of completed management plans for these Natura 2000 sites, the conservation objectives should be taken to include maintaining or restoring the favourable conservation status of the Annex I habitats and Annex II species (and their habitats) for which these sites are selected.

There is potential for the plan on its own, and in combination with other plans and projects, to have significant effects on Natura 2000 sites and their conservation objectives, or the possibility of such effects cannot be excluded with certainty. Direct, indirect and in combination effects to the Natura 2000 sites may result from habitat fragmentation (including habitat loss and alteration, creation of barriers and loss of connectivity, disturbance, displacement and habitat encroachment); changes to water quality and quantity; air, noise, light and water pollution; eutrophication, etc. Key problem areas for the town appear to include sewerage and wastewater treatment, surface water collection, and water supply. The potential for effects outside the plan area is also noted.

As there is potential for significant effects as a result of the plan on its own and in combination with other plans and projects, appropriate assessment is required in line with Article 6(3) of the Habitats Directive.

All changes made to the plan in the course of plan development must be subject to appropriate assessment, as well as SEA, with reports updated and amended accordingly.

There are concerns that SAC lands along the Owenglin are zoned for 'recreation and amenity' in the absence of appropriate assessment.

Other ecological/natural heritage issues

Sites with nature conservation designations around Clifden of regional and local importance for biodiversity, and their importance, including as corridors and stepping

stones for wildlife and biodiversity, should be recognised in the plan. Article 10 of the EU Habitats Directive should be noted in this regard:

In general, the policies and objectives for natural heritage are weak and fail to make clear statements about the conservation, protection and enhancement of sites, habitats and species of biodiversity value, or about ecological corridors and networks in and around the plan area. Stronger policies and objectives are required for the following, as appropriate:

1. Sites with nature conservation designations, including all existing, proposed, new or extended sites in the lifetime of the plan. Designations include candidate Special Areas of Conservation (cSAC), Special Protection Area (SPA), Natural Heritage Area (NHA) and proposed Natural Heritage Area (pNHA);
2. Rare and protected species, including those that are legally protected under the Wildlife Acts, 1976-2000, Flora Protection Order, 1999, EU Birds Directive, EU Habitats Directive, and European Communities (Natural Habitats) Regulations, 1997, and other species that are rare or threatened including those listed in Red Data Books, and BoCCI 1 Red and Amber list species;
3. Rare and threatened habitats, including those listed on Annex I of the EU Habitats Directive and all fens and natural/semi-natural woodlands of ecological value, and the habitats of species listed above;
4. Ecological networks comprising ecological corridors and stepping stones, including sites of local to regional or national importance for biodiversity or nature conservation. Article 10 of the EU Habitats Directive recognises the important role that spatial or land use plans have in maintaining such networks, and the importance these networks have in maintaining biodiversity and slowing or reversing the negative effects of habitat fragmentation in the wider countryside (e.g. COST 341 European Review of Habitat
5. Fragmentation 2, and the UK's PAS 2010 3). That Ireland has signed up to Countdown 2010, the EU target for halting the loss of biodiversity by 2010, should be recognised.
6. There are serious concerns that some large areas of land (outside the protected area network) have been zoned for development in the apparent absence of any information on the habitats present, or on the ecological sensitivities of the lands in question. There should be no zoning for development without basic information on the habitats and nature conservation sensitivities of the lands in question.

The current plan should have due regard to the County's Heritage Plan and Biodiversity Plan.

¹ Birds of Conservation Concern in Ireland

² Trocmé, M. ed. (2002) *COST 341. Habitat Fragmentation Due to Transport Infrastructure: The European Review*. European Commission, Brussels

³ BSI (2006). *PAS 2010 – Planning to halt the loss of biodiversity. Biodiversity conservation standards for planning in the United Kingdom – Code of Practice*. Association of Local Government Ecologists

Some suggestions for additional objectives/policies to be included in the plan are outlined below:

- Protect, conserve and enhance areas of natural or semi-natural woodland, and maintain and enhance their interconnectivity. There should be a presumption against permitting housing development in areas where such woodlands would be directly impacted.
- Preserve and enhance hedgerows and treelines as ecological corridors, and promote their sensitive management.
- Protect nesting birds by preventing the cutting of hedgerows and the removal or excavation of areas with natural or semi-natural vegetation between 1st March and 31st August. In this regard, the provisions of the Wildlife (Amendment) Act, 2000, should be noted: *It shall be an offence for a person to cut, grub, burn or otherwise destroy, during the period beginning on the 1st day of March and ending on the 31st day of August in any year, any vegetation growing on any land not then cultivated or in any hedge or ditch.*
- Protect and conserve peatlands and other wetlands. There should be a presumption against permitting development where sensitive peatlands or wetlands would be directly or indirectly impacted, and where flood storage or conveyance would be reduced, or otherwise negatively impacted. It should be an objective to have no net loss of wetlands in the plan area.
- Protect and conserve the river and its margins, including the associated floodplain or flood zone, and any fringing wetlands, woodlands or other habitats of ecological value. Recognise that the river corridor is an important wildlife corridor.
- Retain and properly protect significant trees, treelines or groups of trees (including the above and below ground parts) in all new developments where possible. Seek compensatory planting of appropriate native species, in appropriate locations, in situations where woodland or trees will be lost. It should be an objective to have no net loss of woodland in the plan area.
- Protect the natural habitats and breeding and resting places of bats, barn owls and other species protected under the Wildlife Acts, 1976-2000, and the EU Habitats Directive. For example, bats can be disturbed, harmed or killed when felling trees, demolishing buildings, or carrying out restoration or renovation works on buildings or stone bridges, and all bat species and their roost sites are legally protected in Ireland. Seek bat surveys as part of any planning applications where potential roosts/suitable buildings will be demolished or refurbished.
- Protect, conserve and enhance ecological networks/corridors and stepping stones, and the interconnectivity of areas of natural heritage importance within the plan area, and prevent habitat fragmentation. Recognise the importance of the wider ecological links outside the local areas in the plan area.
- Increase awareness and introduce measures to control and prevent the spread of invasive non-native species, including, for example, Zebra Mussel (see Galway County Council Heritage Plan Zebra Mussel control initiative), and the plants, Curly-leaved Pondweed (*Lagarosiphon major*; present in Lough Corrib; see Central Fisheries Board Leaflet), Japanese Knotweed (*Fallopia japonica*; see Clare County Council/Heritage Council leaflet), Giant Rhubarb (*Gunnera tinctoria*) and *Rhododendron ponticum*.
- Seek to prevent light spill and minimise external lighting in general. Lighting should not be directed at woodland, trees, rivers or other habitats or features of ecological or biodiversity sensitivity.

Policy 3.2.3, 3.2.4 & 3.3.7 changes accepted

Archaeological Heritage

In chapters 3 and 5, in addition to the existing statements concerning the preservation of archaeological monuments, the County Council should give an undertaking to refer planning applications to the relevant statutory bodies, as required under Article 28(1) of the Planning and Development Regulations 2001.

Paragraph 5.3.18, as written, implies that the developer will decide whether or not the development requires archaeological mitigation and will prepare and archaeological report. Applications accompanied by reports will then be referred to DoEHLG. It should be clear that, under the planning referrals procedure, it is the County Council, in collaboration with DoEHLG, who decide what applications need archaeological mitigation and they will require the developer to furnish a report.

Developers are of course to be encouraged to submit archaeological reports with planning applications and to have pre-planning consultations but applications which include archaeological reports should not be the only applications referred to DoEHLG.

Response:

Strategic Environmental Assessment and Appropriate Assessment

SEA screening is considered to be adequate, however the Council is prepared to have this checked in tandem with Appropriate Assessment.

The Council will undertake Appropriate Assessment for the Clifden LAP.

West Regional Planning Guidelines

The three points made are noted. Issues in relation to holiday homes are addressed under "holiday homes".

Settlement Strategy

The core policies and objectives they are contained in Chapter 2. The core policies and objectives will be monitored and evaluated. Development Management assessment will be of assistance here also.

Population Projections

They are not targets for growth; they merely allow for maximum expected growth. Moreover these have been adopted in the CPP since the Draft went into preparation. It is essential that these figures agree.

Holiday Homes

Holiday homes balance policy can be included as per CDP. This is appropriate.

Zoning

The reasoning behind the low density

The Council will consider phasing of new zonings which will allow for development of lands only when there is adequate capacity in the town waste water treatment system. This will be implemented through the Development Management system.

Architectural Heritage

Reference correction noted

Policies 3.3.3, 3.3.6 & 3.3.7 changes accepted

Nature Conservation

General

No new development which requires significant additional services will be permitted until the necessary deficiencies are overcome in water and sewerage. (The timeframe is in the hands of the DOEHLG) This will be managed through the Development Management Process.

SEA screening is considered to be adequate, however the Council is prepared to have this checked in tandem with Appropriate Assessment.

Article 6(3) Appropriate Assessment Screening

Appropriate assessment will be carried out, as stated already.

Other ecological/natural heritage issues

The proposed policies and objectives are generally being inserted in a more succinct format (see Recommendations) below.

Archaeological Heritage

Reference of planning applications is statutorily carried out at all times and should not require a policy/objective. It is, as assumed, a reference to aid pre planning work for planners and developers. This can be clarified.

Ms McConnell explained to the Members that because of the various zonings agreed by them so far that it was not possible now to agree with the following recommendations

Cllr Welby queried the scientific basis of the designations under the EU Habitats Directive and stated that by accepting the following recommendations in relation to this the Council are legitimising these designations.

Ms McConnell explained that it was not a question of adopting the designations but that the Council have to comply with National and European legislation when making a development plan. She added that it was an acknowledgement of the Council's obligation in relation to the EU Habitats Directive and that it had already been carried out in the County Development Plan process.

She stressed that these designations are legal regardless of whether they are mentioned or not in the plan. She added that the Planning and Development Acts state that the Council must have regard to the Directives and that it was not up for negotiation

She referred to section 10 (2)(c) of the Planning and Development Act 2000 and informed the meeting that.....' a development plan shall include objectives for 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'.....

Cllr Welby stated that he would be satisfied if the designations had a scientific basis. The Manager stated that the Council has a legal obligation to deal with the designations that are in place in accordance with Planning Regulations. The Council must also inform the public that these designations are in place and must be complied with, it is not an option for the Council to opt out. The appropriate body responsible for the designations is the National Parks and Wildlife Services and these designations have been accepted by the EU.

Cllr M. Connolly acknowledged that the Members have a legal obligation but also added that there is no scientific basis for the designations and that the Council were being asked to accept something that they don't agree with.

Cllr Welby stated that the amendments can be revisited again and proposed that Policies 3.27, 3.28 and 3.29 not be included in the plan.

Cllr Feeney suggested putting in a preamble to this outlining that the Council are obliged to include reference to the designations but that they do not agree with them. The Manager stated that she understood the frustration of the Members and queried what would be achieved by not including the recommended policies. She added that it does not mean that the Planning Authority can ignore it.

Ms McConnell also strongly recommended against not including the policies and added that it would be the public who would suffer.

Cllr Canney stated that the grievance the Members have is that they are not in favour of the designations which they know are legal but that this is the only forum available to them to highlight their disagreement to the designations.

Recommendation:

Strategic Environmental Assessment and Appropriate Assessment

SEA screening is considered to be adequate, however the Council is prepared to have this checked in tandem with Appropriate Assessment.

The Council will undertake Appropriate Assessment for the Clifden LAP.

West Regional Planning Guidelines

Issues in relation to holiday homes are addressed under "holiday homes".

Settlement Strategy

No change in Clifden Draft LAP

Population Projections

No change in Clifden Draft LAP

Holiday Homes

Insert Policy

In Chapter 3.12 Add/include as policy

Policy 3.12.16: *The Planning Authority shall have regard to the cumulative total of holiday homes contained within the LAP boundary. Maintain this total at a level appropriate to the size and function of the Settlement Centre.*

On the proposal of Cllr Conneely and seconded by Cllr S Walsh it was agreed to accept the recommendation in the Manager's Report and make the necessary changes to the Draft Plan.

Cllr. S Walsh pointed out that holiday home developments may bring some employment to the area.

Architectural Heritage

Make changes as requested
Correct references between text and Map numbers

Change 3.3.3 and 3.3.6

To

3.3.3 "Require that In accordance with Section 57(1) of the 2000 Planning and Development Act planning permission will be required for carrying out any works to a protected structure which materially affect the character of the structure."

&

3.3.6 "Require that In accordance with Section 57(10)(b) of the 2000 Planning and Development Act planning permission may only be granted for the demolition of a protected structure or proposed protected structure in exceptional circumstances."

And change **3.3.7** to

3.3.7 "Protect, conserve and enhance the essential character of the proposed ACA through the control of the design, location and layout of new properties or the alteration or extension of existing ones."

On the proposal of Cllr Conneely and seconded by Cllr S Walsh it was agreed to accept the recommendation in the Manager's Report and make the necessary changes to the Draft Plan.

Nature Conservation

General

SEA screening is considered to be adequate, however the Council is prepared to have this checked in tandem with Appropriate Assessment

Article 6(3) Appropriate Assessment Screening

Appropriate assessment will be carried out, as stated already.

Other ecological/natural heritage issues

Natural Heritage and Biodiversity Policies etc.

For consistency, clarity and to provide for all suggestions by Department all policies and Objectives from CDP to be included

Re number accordingly as below

i.e

Include 3.3 and replace from 3.3.1 onwards to "Archaeological Heritage" from LAP and replace with (i.e replace policies and objectives):

Policy 3.2.1: *Promote education, knowledge and pride in the natural heritage of the LAP area*

Policy 3.2.2: *Facilitate the identification and protection of the main elements of the ecological network in the LAP area and provide for its appropriate and sustainable use.*

Policy 3.2.3: *Seek to maintain and enhance, as far as it is practical and prudent, the natural heritage and amenity of the LAP area by seeking to encourage the preservation and retention of woodlands, hedgerows, stone walls and wetlands. Where their removal or interference with same cannot be avoided,*

Policy 3.2.10: appropriate measures to replace like with like should be considered, subject to considerations of safety and practicality.

Policy 3.2.4: *Protect and conserve insofar as is practicable, and in consideration of the strategic aims of this Plan, the geological and geomorphological system, sites and features from inappropriate development that would detract from their heritage value and interpretation.*

Policy 3.2.5: *Encourage and support the protection, enhancement of, and access to, the geological and geomorphological system, sites and features in the LAP area through the planning system where feasible.*

Policy 3.2.6: *Ensure that new developments consider the implications of climatic and sea level changes for natural systems, human settlements and infrastructural elements.*

On the proposal of Cllr Welby and seconded by Cllr Reilly it was agreed to accept the recommendation in the Manager's Report and make the necessary changes to the Draft Plan except in relation to Policy 3.2.2 where it was agreed not to include this policy in the Plan.

Natural Heritage and Biodiversity Objectives

Objective H1: *Prepare an inventory of the geological heritage sites in the LAP area.*

Objective H2: *No ecological networks or parts thereof which provide significant connectivity between areas of local biodiversity are to be lost as a result of implementation of the Local Area Plan without appropriate and reasonable remediation and/or compensatory measures.*

9.3.5 Designated Sites, Habitats and Species Policies

Policy 3.2.7: *Have regard to any impacts developments may have on existing and proposed, Natural Heritage Areas, Special Protection Areas and Special Areas of Conservation, Nature reserves, and any other designated sites.*

Policy 3.2.8: *Consult with the Department of the Environment, Heritage and Local Government in relation to proposed developments adjoining designated conservation sites.*

Policy 3.2.9: *Seek to have protected and conserve habitats, which have been identified in the Habitats Directive, Birds Directive, Wildlife Act 2000 and the Flora Protection Order nature reserves, and any other Directives, Acts or Policies which may be issued during the lifetime of this Plan.*

On the proposal of Cllr Welby and seconded by Cllr Canney it was agreed to accept the recommendation in the Manager's Report and make the necessary changes to the Draft Plan except in relation to Policies 3.2.7, 3.2.8, and 3.2.9 where it was agreed not to include these policies in the Plan.

Coastal Zone and Inland Waterways Policies

- Policy 3.2.10:** *Seek to have protected and preserve in so far as is practicable the quality of the coastline, while balancing against the economic and social needs of coastal community.*
- Policy 3.2.11:** *Seek to have protected in so far as is practicable, the flora and fauna and natural habitats along the coastline.*
- Policy 3.2.12:** *Seek to have protected any views of special amenity value along the coastline.*
- Policy 3.2.13:** *Seek to have protected rivers, streams and other watercourses and, wherever possible, maintain them in an open state capable of providing suitable habitat for fauna and flora.*
- Policy 3.2.14:** *Seek to have protected and enhance the natural heritage and landscape character of river and stream corridors, floodplains and valleys to maintain them free from inappropriate development, and to provide for public access where feasible and appropriate.*
- Policy 3.2.15:** *Seek to have protected and conserve their quality character and features of by controlling developments close to navigable and non-navigable waterways.*
- Policy 3.2.16:** *Seek to have protected and seek to provide access to inland waterways.*
- Policy 3.2.17:** *Ensure the adequate protection and sustainable use of the coastal zone as an area of natural heritage, amenity value, recreational use, economic potential and, where appropriate, quality living environment.*
- Policy 3.2.18:** *Incorporate the issue of provision/protection/enhancement of access into an integrated coastal management plan.*
- Policy 3.2.19:** *Conserve the character, quality and distinctiveness of seascapes.*
- Policy 3.2.20:** *Address the issue of bathing water quality and seek to put in place appropriate policies and objectives with associated commitment and timescales to ensure the provision of adequate and appropriate wastewater treatment .*
- Policy 3.2.21:** *Support the implementation of appropriate measures to manage surface water drainage and prevent/minimise flooding impacts on natural systems, human settlements and infrastructural elements.*

9.3.8 Coastal Zone and Inland Waterways Objectives

- Objective H3:** *Consider the preparation of integrated coastal zone management plans for specific areas of the coastline as the need arises, based on identified zones of vulnerability such as shellfish farming areas or expanding harbours.*

Objective H4: Where possible, the landward migration of coastal features, such as dunes and marshes, shall be facilitated as these features form an integral part of the coastal system – both physically and ecologically – and provide protection against wave energy through dissipation.

Objective H5: Comply with the provisions of the Bathing Water Regulations to ensure that where any bathing water fails the mandatory bathing standards that the public are made aware of this fact by means of information notices posted at the bathing area.

Objective H6: Carry out Flood Risk Management in accordance with the approach as adopted by the OPW should there be an identified risk of flooding.

Objective H25: Adopt appropriate zoning of lands and restriction of use in areas liable to flooding to avoid increased risk of flooding of the lands either within or adjoining the zoned areas.

On the proposal of Cllr Welby and seconded by Cllr Canney it was agreed to accept the recommendation in the Manager's Report and make the necessary changes to the Draft Plan

9.3.9 Natural Water Systems

The increase in population, development pressures and intensification of agriculture over recent

Natural Water Systems Policies

Policy 3.2.22: Implement water protection measures to prevent any deterioration of 'good status' waters, and to restore substandard waters to 'good status'.

Policy 3.3.23: Adopt and implement the provisions of the River Basin District Management for the Western River Basins. Have regard to recommendations that may result from the River Basin District Management Plan.

Policy 3.2.24: Introduce a comprehensive and integrated approach to the management of our natural water resources.

Policy 3.2.25: Intensify public awareness of water quality issues and the measures required to protect natural water bodies.

Policy 3.2.26: Seek to Ensure that the substandard public wastewater treatment plan is upgraded. In the interim prevent an increase in the nutrient load discharged from these plants and the urgent provision of modern sewerage treatment systems

- Policy 3.2.27:** *Ensure that industrial facilities and commercial premises discharging wastewater are operating within the parameters of an IPC license or a wastewater discharge license.*
- Policy 3.2.28:** *Ensure that any dwellings outside the town sewerage systems have an appropriate wastewater treatment system, correctly installed and maintained.*
- Policy 3.2.29:** *Ensure that agricultural waste is returned to the land in accordance with the provisions of scientifically prepared nutrient management plans.*
- Policy 3.2.30:** *Ensure that all new treatment systems, including single house systems, comply with the relevant EPA wastewater manuals.*
- Policy 3.2.31:** *Restrict agricultural or forestry practices which contribute to nutrient enrichment.*
- Policy 3.2.32:** *Protect and maintain the quality of beaches*
- Policy 3.2.33:** *Work towards a Blue Flag beach status.*
- Policy 3.2.34:** *The Local Authority will investigate other "quality mark" schemes for beaches and work to achieve such awards such as the Green Coast award which will increase the number of recognised beaches with a high standard of environmental quality and tourism potential.*
- Policy 3.2.35:** *Support the relevant agencies and statutory bodies in the control and elimination of invasive species in water bodies.*
- Policy 3.2.36:** *Ensure that all new development which is reliant on private waste water treatment and disposal systems is assessed with regard to the impact on ground waters, having regard to the relevant EPA wastewater treatment manuals.*
- Policy 3.2.37:** *Adopt the Galway Groundwater Protection Scheme and have regard to the need to protect water sources through the identification of source protection zones in the scheme.*
- Policy 3.2.38:** *Have regard to the programme of measures set out in the River Basin Drainage Plans to bring water up to a good standard, as defined in the EU Water Framework Directive, by 2015.*
- Policy 3.2.39:** *Ensure that the ongoing development of the LAP area and its 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 Local Area Plan area.*
- Policy 3.2.40:** *The Planning Authority shall consider the use of temporary proprietary effluent treatment units to service new developments as an interim measure until such time as the*

Archaeological Heritage: planned infrastructural investment as set out in the Water Services Investment programme is delivered and commissioned.

On the proposal of Cllr Welby and seconded by Cllr M. Connolly it was agreed to accept the recommendation in the Manager's Report and make the necessary changes to the Draft Plan except in relation to Policy 3.2.31 which it was agreed to omit from the Plan. It was also agreed to put the following words, 'will seek to' at the beginning of Policies 3.2.28 and 3.2.29. It was also agreed to amend the wording of Policy 3.2.27 to read as follows,

"Ensure that industrial facilities and commercial premises discharging wastewater and requiring licensing are operating within the parameters of their IPC licenses or their wastewater discharge license".

Invasive Species

The continuing spread of invasive species, both invertebrate and plants can have a serious impact on the water quality and on the native flora and fauna of a water system. The control of such species is imperative if the status of our water systems as both water sources and as rich ecological and tourism resources is to be maintained.

Invasive Species Policies

Policy 3.2.41: Promote public awareness of the impact of invasive species on water systems and natural habitats and support the other statutory agencies in the control of such species.

General Objectives

- H26 Seek to provide guidance to the community in the implementation of a heritage awareness programme.
- H27 Seek to develop walks in an environmentally sensitive manner within the plan area in consultation with the relevant stakeholders.
- H28 Seek to ensure insofar as is possible that there is greater habitat and species diversity through the appropriate planting of trees, shrubs and hedgerow indigenous to the Clifden area in public and private developments / parks /amenity areas.
- H29 Seek to promote greater awareness of the natural heritage and natural heritage designations in Clifden.
- H30 Seek to protect non-designated habitats and landscapes.
- H31 Support the facilitation of a habitat mapping project for the plan area and seek to take cognisance of any relevant findings from such a project
- H32 Support the facilitation of the development of a biodiversity action plan for Clifden to include the Owenglin River.

On the proposal of Cllr Welby and seconded by Cllr Conneely it was agreed to accept the recommendation in the Manager's Report and make the necessary changes to the Draft Plan

Archaeological Heritage

No change to Chapter 3 Draft Clifden Development Plan.

In Chapter 5: Add to 5.3.18

"The County Council in collaboration with DOEHLG will decide what applications need archaeological mitigation"

On the proposal of Cllr Welby and seconded by Cllr Conneely it was agreed to accept the recommendation in the Manager's Report and make the necessary changes to the Draft Plan

The County Manager stated that cognisance would be taken of the designations under the EU Habitats Directive regardless of whether the policies in relation to them are mentioned in the Development plan or not.

She added that the public would not be fully informed, if the policies in relation to the EU Habitats Directive were not included in the Plan.

Cllr Welby stated that the Draft Plan with the amendments will go to the DoEHLG for their comments and that it will give them an opportunity to outline their comments on these omissions.

Ms. McConnell stated that it would be necessary to carry out an Appropriate Assessment on the Draft Plan and stated that the Development Plan would have negative impacts on the environment and therefore could not be adopted.

The Manager accepted that the Members had problems with the designations but advised them to deal with them as a separate issue rather than using the Local Area Plan as a vehicle to vent their dissatisfaction on the issues in relation to the designations set out in the EU Habitats Directive.

Cllr Welby stated that he did not want to see the Draft Clifden Plan fall but added that the Plan would come back to the Council again for its final consideration.

Cllr Feeney queried that if the policies were not included in the amended Clifden Plan, could the policies come up for discussion again in the next stage of the plan process.

Ms. McConnell stated that the policies were on Page 17 of the Draft Plan which was on public display and that the submission from the DoEHLG suggested rewording of these policies.

Ms Flynn summarised the content of Submission No 28 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 28

Submitted by:

Coordination Unit

Department of Communications, Energy and Natural Resources

Synopsis:

The submission states that the DCENR has no comments to make at this time, without prejudice to any comments the Western Fisheries Board may have to make.

Response:

The WFB have made no submission on this occasion. An earlier submission before the statutory period in reply to submissions sought after the public meeting was made by the WFB.

Recommendation:

No change to be made to Draft Clifden LAP

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

SUBMISSION No. 29

Submitted by:

Mr. James Sullivan,
Sullivan's Supermarket,
Main Street,
Clifden.

Synopsis:

The submission requests that no pedestrian only zone be provided in Main Street. He also suggests pedestrian crossings for Main Street

Response:

Mr. Sullivan read this proposal in the "Connemara View" and not in the Clifden LAP.

Policy 3.10.26 (Town Centre) simply states "Promote pedestrian/cycling access to, and use of the Town centre."

Policy 3.5.12 states "Provide adequate facilities for people with special needs including mobility needs to create a safe and accessible environment by providing parking facilities on ground floor level, **tactile crossing points** etc.

Recommendation:

No change to be made to Draft Clifden LAP

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

SUBMISSION No. 30

Submitted by:

Ms. Maria King Schiro,
43 New Cottages,
Tullyvoheen Local Authority Estate,
Galway Road,
Clifden

Synopsis:

1. The submission states that the residents of this estate have the right from years of occupancy on grounds zoned Residential and Low Density and Recreation and Amenity under the current development plan to expect that NO Industrial, Transportation Roadway or Commercial Development will be authorised or exempted in its installation by Galway County Council.
2. She also states that no effort was made to discuss the proposed bypass adjacent.

She also refers to the permissions granted to Aldi and Lidl on lands which remain residential zonings.

She later amended her submission to, and when constructed will be so change word "bypass" to "distributor road"

Response:

1. The road is outside the lands in question designed as to protect the lands in question from negative affects. The proposed "distributor road" or "relief road" is considered necessary for the proper planning and development of the transportation network for Clifden, and has been proposed in the current LAP. (i.e. is not new to the Draft LAP). It should be noted that Clifden does not have a network of local roads to accommodate in depth development, and this road provides the catalyst for the development of such facilities. The proposed "distributor road" or "relief road" will be subject to Part 8 planning process, where the public can become involved in the proposal, and make their case known before any final decision will be taken.
2. A public meeting was held when the review of the LAP was first started in May 2007. All statutory means of engaging with the public were availed of in the preparation of this Plan. These included Newspaper notices etc.

Recommendation:

No change to be made to Draft Clifden LAP

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

SUBMISSION No. 31

Submitted by:

**Ms. Eimear Dolan,
Administrative Officer,
Community and Enterprise Section,
Galway County Council**

Synopsis:

Clifden Chamber of Commerce has expressed a direct interest to Galway County Council with regard to acquiring a site for small scale Enterprise Development. Due to lack of space from IDA point of view, the issue of availability of space in publicly owned land arises. Most of this space is zoned "Community Facilities" Consideration of how mixed use facility would be accommodated is requested. in either the Community or Enterprise and Industry.

Reference to County Development Board Economic Forum to be included 3.12.6 suggested

3.12.6 *Co-operate with the IDA, Enterprise Ireland, the County and City Enterprise Board and other State Agencies and other potential employers and promote Clifden as a location for employment generating enterprises*

Lack of indoor tourism type products reference is noted in Policies and affirmed, as is

RA3 Encourage and facilitate suitable facilities for teenagers at appropriate locations in raising issues of support for Youth Projects as youth disadvantage, drug use, alcohol abuse and lack of facilities for teenagers

RA12 Prepare a comprehensive Landscaping Plan for the Galway Road approach West of Waterloo Bridge. Prepare also a Landscaping Plan for the town area visible from the Ballyconneely approach road, and a similar plan for the Westport Road approach

Is welcomed

As is

RA6 Plan for the provision of an amenity Area in the vicinity of the Ball Alley area subject to the necessary ownership issues being put in place

and

T10 Facilitate the development of bus shelter in the town centre.

Finally suggested inclusion of cross departmental projects as follows to be included

1. Town Trail (similar to Galway East Trails) audio with potential for signed trail. This has links with Policy 3.12.12& RA 1, 1 & T6& 3.3.8
2. Marconi Site Walking Trail of the NPWS /3.12.12
3. Clifden Rail Line 8.2 section Munga to Ballinahinch/links to EIT7
4. Completion of signed Cycle Route in 3 Loops/ RA 1 and 3.10.26

Response:

Enterprise Centres in land zoned "Community Facilities" is open to consideration. Such an application and what it involved in predominant user type would be taken on its individual merits given the proposal and the proposed site, subject to normal proper planning and development assessment.

Include reference to County Development Board Economic Forum in 3.12.6
Affirmation of policy and Objectives RA3 to 3.10 is noted

Cross Departmental projects are covered by existing policies and Objectives. None should be too specifically to allow for imaginative and practical outcomes possible during lifespan of Clifden Draft LAP

Recommendation:

No change to Land Use Zoning Objectives
Include reference to County Development Board Economic Forum in 3.12.6
Rewording

"Co-operate with the IDA, Enterprise Ireland, the County and City Enterprise Board, with the County Development Board Economic Forum, and other State Agencies and other potential employers and promote Clifden as a location for employment generating enterprises."

Specific walk/cycling projects not to be listed. Generically all are covered by existing policies and objectives, subject to proper planning and development considerations and budgetary allowances.

On the proposal of Cllr Conneely and seconded by Cllr S. Walsh it was agreed to accept the recommendation in the Manager's Report and make the necessary changes to the Plan.

1.3 Bathing Water

Ms Flynn summarised the content of Submission No 32 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 32

Submitted by:

**Mr Tadhg O' Mahony,
Senior Scientific Officer
SEA Section – Environment Research Centre,
Office of Environmental Assessment,
Environmental Protection Agency,
Regional Inspectorate,
Iniscarra,
County Cork**

Synopsis:

EPA Ireland's Environment 2008 – "Main Environmental Challenges"

Galway County Council should ensure that relevant Policies and Objectives are included in LAP Plan, to address, where appropriate, the "Main Environmental Challenges" for Ireland as set out in Chapter 16 – "Main Environmental Challenges" of EPA Ireland's Environment 2008 (EPA, October 2008). These are as follows:

- Limiting and Adapting to Climate Change
- Reversing Environmental Degradation
- Complying with Environmental Legislation and Agreements
- Mainstreaming of Environmental Considerations
<http://www.epa.ie/downloads/pubs/other/indicators/irlenv/43366%20epa%20report%20chap%2016.pdf>

1. Water

1.1 Water Framework Directive

Provisions should be made in the Plan for the incorporation of the specific objectives and measures that will be set out

1.2 Drinking Water

The Plan should include specific objectives for the Public Water Supplies
<http://www.epa.ie/downloads/data/water/name,24319,en.html>.

The Plan should include specific policy (ies) to reflect the requirement to ensure provision and maintenance (and upgrading, as appropriate), of adequate appropriate and robust water treatment infrastructure.

<http://www.epa.ie/downloads/pubs/water/drinking/>

Zoning and Water Supply

Zoning for development should be linked to the availability of adequate safe and secure drinking water supply and drinking water treatment infrastructure and capacity. In this regard, particular consideration should be given to the significant increased demands on water supply generated by the significant transient tourist population visiting Clifden.

1.3 Bathing Water

The Plan should include, as appropriate, relevant policies and objectives to ensure the protection of freshwater areas, which are used for bathing.

<http://www.epa.ie/downloads/pubs/water/bathing/name.24442.en.html>

This Report identifies Seawater Bathing area in Clifden s failing to meet EU Mandatory and Guide levels as set out in the EC "Directive concerning the Quality of Bathing water (76/160/EEC)

*"As the purpose of the Bathing Water Regulations is the protection of human health, local authorities", Galway County Council in this instance, and where appropriate the relevant Town Councils/Urban District Councils, "should ensure that where any bathing water fails the mandatory bathing standards that the public are made ware of this fact by means of **information notices** posted at the bathing area."* To this effect the Plan should include a Policy/ Objective to reflect this requirement is complied with.

In relation to Clifden, *"the existing wastewater treatment plant in Clifden is the most significant source of contamination of bathing waters and there is a permanent notice at Clifden beach informing the public that it is unsafe for bathing"*. It is acknowledged by the EPA that County Council, under direction of the EPA Office of Environmental Enforcement (OEE), has improved the operation of the Clifden wastewater treatment plant (WWTP) through remediation works. **Galway A larger, state of the art, waste water treatment plant, with adequate capacity to treat foul drainage arising from the drainage network associated with the WWTP Clifden area is, however, required if Clifden is to comply with the EU bathing water standards.** In advance of this, the *"OEE has recommended that Galway County Council install temporary waste water treatment in order to improve the quality of the effluent being discharged"*.

It is recommended that the SEA addresses the issue of bathing water quality in County Galway and that appropriate policies and objectives with associated commitment and timescales are included in relation to the provision of adequate and appropriate wastewater treatment in the county. This is necessary for the protection of Bathing waters (Seawater and Freshwater), Shellfish areas, and freshwater (surface water and groundwater, transitional and coastal waters). In addition, it is recommended that consideration be given to the feasibility of connecting of unsewered areas, including individual properties/ premises, serviced by septic tanks to existing and planned sewer networks.

In addition to the above, **in considering zoning of new lands and individual planning applications, in advance of the replacements/ upgrade of the Clifden WWTP, these should be assessed in the context of the existing capacity of Clifden WWTP and /or other temporary installations, to adequately treat the predicted waste water load likely to be generated so that the quality of water in the Clifden Bathing area is not further compromised.**

You are also referred to the new "*Directive on bathing water* (Directive 2006/7/EC)" which came into force on 24 March 2006 and which will repeal the existing 1976 Directive with effect from 31 December 2014. The new Directive is implemented in Ireland by the new *Bathing Water Quality Regulations 2008* (S.I. No. 79) of 2008. The Plan should, as appropriate, include relevant policies/objectives to ensure bathing waters achieve "*sufficient or better status by 2015*". In addition, consideration should be given to the requirement to *increase the number of bathing waters classified as "good or "excellent"*.

1.4 *Groundwater Protection*

The Plan should include a clear Policy and Objective for the protection of groundwater resources and associated habitats and species as appropriate within, the Plan area.

1.5 *Waste Water Treatment*

The Plan should include, as appropriate, specific provisions for the implementation of 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) as included below in Appendix 2. <http://www.epa.ie/downloads/pubs/water/wastewater/name.13978,en.html>

1.6 *Water Conservation*

It is recommended that a specific Policy be included under Section 7.2.2 Water Supply Policies for the preparation and implementation of a "Water Conservation Strategy

1.7 *Flood Prevention*

The Flood Risk Management approach as adopted by the Office of Public Works (OPW) should be considered. A specific Policy and Objective should be included

Consideration should be given to the inclusion of a specific policy for the preparation and implementation of an "**Integrated Coastal Zone Management Plan**" for Galway's coastal zones and offshore islands. Such a Plan should take into account "coastal erosion" and "climate change".

1.8 *Lakes and Beaches Policies*

Lakes and Beaches Policies should include reference to "biodiversity, including fisheries".

2. **Biodiversity**

2.1 **Habitat Mapping**

Clarify how the Plan policies have addressed the specific issues raised below with respect to Biodiversity

Abstract from EPA SEA Scoping Submission dated 21.05.'08:

A specific objective for Habitat Mapping of the LAP area Mapping should be included.

Specific objectives should also be included in the Plan related to the protection of ecological corridors/ ecological networks.

2.2 **Wetlands**

In the context of the significant "wetland areas of biodiversity value" - habitats, it is recommended that a specific Policy be included in the Plan for the protection

wetlands and associated, surface and groundwater systems in the Plan area together with a wetland survey

2.3 Appropriate Assessment

Abstract from EPA SEA Scoping Submission dated 21.05.'08:

You are referred to the Circular Letter - **Appropriate Assessment** of Land Use Plans dated 15th February 2008 issued by the Department of the Environment, Heritage and Local Government.

Given the occurrence of significant areas designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), i.e. Natura 2000 sites both within and adjacent to Clifden LAP, it is recommended that you consult with the NPWS with regard to screening of the review of the County Development Plan for the requirement for Appropriate Assessment (as required under Article 6 of the Habitats Directive). A determination for the requirement for an appropriate assessment should be recorded and made available to the public.

In order to determine the requirement for an appropriate assessment you are referred to the following Guidance:

- *European Commission, 2000. Managing Natura 2000 Sites – The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC*
http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf
- *European Commission, 2002. Assessment of plans and projects significantly affecting Natura 2000 sites - Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*
http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

A specific objective should be included, under biodiversity with respect to the requirements for an Appropriate Assessment in accordance ...”

2.4 EU Protected Habitats and Species in Ireland

Clarify how the Plan policies have addressed the specific issues raised below with respect to “EU Protected Habitats and Species in Ireland”.

Consideration should, appropriate, be given to the inclusion of a Policy promoting the protection of marine mammals.

2.5 Fisheries

A specific Policy should be included under Natural Heritage Policies for the “*protection of fisheries*” including in particular those listed in the Annexes of the Habitats Directive.

A policy should also be included to take into account any Guidelines from the Central Fisheries Board, and the Shannon Regional Fisheries Boards in relation to conservation of fisheries.

Consideration should also be given to the inclusion of a specific policy for the protection of freshwater pearl mussel and white clawed crayfish populations within the Plan area.

2.6 Shellfish Growing Areas

The Plan should include a specific Policy to ensure the protection of "Shellfish Growing Areas" within the zone of influence of the Plan.

The proposed sites for designation in County Galway include *Clifden, Mannin Bay,*

2.7 Invasive Species

It is recommended, that a specific policy be included in the Plan which will proactively support, specific measures to control the spread of "zebra mussel" within the lake network in the county. This should be developed and implemented in consultation with the Shannon Regional Fisheries Board, the Central Fisheries Board and the National Parks and Wildlife Service,

2.8 Non-Designated Habitats and Species

Consideration should be given to the inclusion of a specific Policy under *Natural Heritage and Biodiversity Policies* to provide for enhanced protection of non-designated habitats and species and for the maintenance and enhancement of ecological corridors within the Plan area.

3. Landscape

A specific policy should be included in with respect to "tall/high buildings", which have potential to impact adversely on the setting and existing landscape character of the above mentioned areas.

Telecommunications and Electricity Transmission Infrastructure

In the context of the sensitivity of the landscape and habitats within the Plan area there would be merits in including a specific Policy with respect to telecommunications and electricity related infrastructure with a view to minimising the potential for impact on the sensitive landscapes, habitats and species in the Plan area.

4. Transportation

The *Department of Transport 2020 Vision –Sustainable Travel and Transport Public Consultation Document (Feb 2008)* should be reviewed in the context of possible initiatives which could be included as policies within the Plan.

5. Human Health - Quality of Life

Consideration should be given, as appropriate, to the inclusion of specific relevant policies for "Quality of Life" including for instance "Localised campaigns to encourage exercise and healthy living for all ages". See also comments under Water – Drinking Water, Bathing Water and under Air and Climatic Factors.

6. Air and Climatic Factors

Consideration should be given to the following:

- The inclusion specific policies/objectives in the Plan in relation to the protection and improvement, as appropriate, of air quality within the Plan area.
- The potential for including a specific "Environmental Objective" and associated relevant "Indicator" and "Target" with respect to "noise" and possibly also "vibration", as appropriate.

- The inclusion of a Policy in relation to the preparation and implementation of “An Energy Conservation Strategy” and associated awareness campaign. Specific timescales should be assigned to the preparation for such a strategy;
- The Plan should include specific Policies and associated provisions for the development and promotion of appropriate climate change adaptation and mitigation measures that can be implemented through the Plan;

Renewable Energy

Consideration should be given to the inclusion of a specific Plan Policy /Objective requiring a specific percentage of electricity usage in new developments to be derived from renewable energy resources.

7. Waste Management

National Hazardous Waste Management Plan

A policy should be included *Policy Infra-11* which makes reference to the Environmental Protection Agency’s, National Hazardous Waste Management Plan – 2008-2012, which was recently published.

<http://www.epa.ie/downloads/pubs/waste/haz/name.25129.en.html>).

Brownfield Development

Where any environmental risk is identified, provisions should be made for appropriate investigations to be undertaken to determine the nature and extent of any materials, contaminated soils on the proposed development site. The Policy should require a site specific “remediation plan” to be prepared to ensure the construction and operation phases of development do not result in risk to human health, water quality, biodiversity, fisheries, air quality etc.

Burning of Waste

Consideration should be given to the inclusion of a specific Policy/ Objectives under Waste Management Policies with respect to the prohibition of backyard/ farmyard “burning of waste”.

Agriculture

Consideration should be given, as appropriate, to the inclusion of specific Plan policies for the “protection” / “appropriate zoning “ of agricultural land” within the Plan.

10. Strategic Environmental Assessment (SEA)

etc.

The Policy should be taken into account for any “amendments” etc. which may be proposed for the current Draft Development Plan which is the subject of this submission.

11. SEA and Infrastructure Planning

In proposing Local Area Plans, and in implementing the Plan, adequate and appropriate infrastructure should be in place or required to be put in place to service any development proposed and authorised during the life of the Plan.

In particular, adequate and appropriate wastewater treatment, water supply, surface drainage, flood protection measures, transport, car parking, waste management, community services and amenities etc. should be planned and phased to address any current problems deficits and to reflect predicted increases in population.

12. Obligations with respect to national and EU Environmental Legislation

You are referred to your responsibilities and obligations in accordance with all national and EU environmental legislation. It is a matter for Galway County Council to ensure in undertaking and fulfilling their statutory responsibilities they are at all times compliant with the requirements of national and EU environmental legislation.

Recommendation:

The policies and objectives in the LAP address the **Main Environmental Challenges** pertaining to the smaller scale relevancies for an LAP area. These Policies and Objectives can be found under the relevant headings e.g. Water & Drainage, Natural Heritage etc.

Galway County Council also ensures at macro level that relevant Policies and Objectives are included in the CDP, to address, where appropriate, the "Main Environmental Challenges" for Ireland as set out in Chapter 16 – "Main Environmental Challenges" of EPA Ireland's Environment 2008 (EPA, October 2008). These are as follows:

- Limiting and Adapting to Climate Change
- Reversing Environmental Degradation
- Complying with Environmental Legislation and Agreements
- Mainstreaming of Environmental Considerations

1. Water

1.1 Water Framework Directive

Provisions should be made in the Plan for the incorporation of the specific objectives and measures that will be set out.

Objective H11 states: "Seek to cooperate and coordinate with all relevant public authorities under the Water Framework Directive regulation in ensuring that the Owenglin River can be protected from pollution, sedimentation and aquatic invasive species

1.2 Drinking Water

Refer to LAP as follows

2.4 *Clifden is served by the Clifden Regional Water Supply Scheme. This is*

a large scheme serving the town and environs and extending southwards to Ballyconneely and northwards to Claddaghduff. In relation to the Clifden Regional Water Supply Scheme, a supplementary report to the preliminary report was submitted to the Department of Environment Heritage and Local Government in December 2007.

Policies and Objectives under 3.6 also refer

e.g. **Policy 3.6.1.** Provide new water and waste water facilities to cater for the

growth of Clifden in accordance with new policies and directives

and

- 3.6.11** Ensure that the provision of water and sewerage facilities is undertaken in accordance with EU policies and directives.

et al.

Zoning and Water Supply

Policies and Objectives under 3.6 also refer

e.g.

- 3.6.6** Encourage only as much development, both in terms of quantity and type of development as can be provided for, based on the utility services available.

1.3 Bathing Water

The Plan should include, as appropriate, relevant policies and objectives to ensure the protection of freshwater areas, which are used for bathing.

- 3.12.13** Facilitate the development of water based tourism activities such as sailing, and canoeing while protecting, conserving and enhancing the unique angling resources of the Bay and Owenglin River
- EIT5** Support the development of water-based recreational facilities that will benefit the local community and visitors to the area and enhance the tourism infrastructure in an environmentally sustainable manner.

However

Add as Policy 3.6.18

“Seek to ensure the protection of bathing waters through the proper management of water and wastewater services.”

It is acknowledged by the EPA that County Council, under direction of the EPA Office of Environmental Enforcement (OEE), has improved the operation of the Clifden wastewater treatment plant (WWTP) through remediation works. Galway A larger, state of the art, waste water treatment plant, with adequate capacity to treat foul drainage arising from the drainage network associated with the WWTP Clifden area is, however, required if Clifden is to comply with the EU bathing water standards. The time frame for this is included in 3

The new treatment plant will of course be critical in this effort see 2.4 (revised as per Submission No. 3)

Clifden Town is currently served by the Clifden Water Supply Scheme. This scheme is at capacity and requires upgrading. A capital project in the form of Clifden regional Water Supply Scheme is on the Department of Environment Heritage and Local Government Water Services Investment Programme. This proposed scheme is a

large scheme extending southwards to Ballyconneely and northwards to the Tullycross area. The current status of the proposed regional scheme is that a supplementary report to the preliminary report was submitted to the Department of the Environment, Heritage and Local Government in December 2007. Galway County Council is currently awaiting approval to proceed with the scheme."

Objective H5 refers to information at bathing areas

Objective H5: Comply with the provisions of the Bathing Water Regulations to ensure that where any bathing water fails the mandatory bathing standards that the public are made aware of this fact by means of information notices posted at the bathing area.

1.4 Groundwater Protection

Policy 3.2.22 (As per Report on Submission 27) is applicable

Policy 3.2.22: Implement water protection measures to prevent any deterioration of 'good status' waters, and to restore substandard waters to 'good status'.

1.5 Waste Water Treatment

Details already given as regards new treatment plant

1.6 Water Conservation

It is recommended that a specific Policy be included under Section Water Supply Policies for the preparation and implementation of a "Water Conservation Strategy

Such a strategy is an objective of the CDP at macro level and applies to the entire County

1.7 Flood Prevention

The Flood Risk Management approach as adopted by the Office of Public Works (OPW) should be considered. A specific Policy and Objective should be included

Objective W6 applies

W6 Have regard to any flood plain details including maps and data that may be issued by the Office of Public Works during the lifetime of this Plan. Have regard to DoEHLG Guidelines "The Planning System and Flood Risk Management, Consultation Draft Guidelines for Planning Authorities" September 2008 www.environment.ie

Consideration should be given to the inclusion of a specific policy for the preparation and implementation of an "**Integrated Coastal Zone Management Plan**" for Galway's coastal zones and offshore islands. Such a Plan should take into account "coastal erosion" and "climate change".

Objective H3 (as per Report on Sub 27) applies

Objective H3: Consider the preparation of integrated coastal zone management

Plans for specific areas of the coastline as the need arises, based on identified zones of vulnerability such as shellfish farming areas or expanding harbours.

1.8 Lakes and Beaches Policies

Lakes and Beaches Policies should include reference to "biodiversity, including fisheries".

It was agreed to accept the recommendations in the Manager's Report and make the necessary changes to the Plan.

2. Biodiversity and

2.1 Habitat Mapping

Clarify how the Plan policies have addressed the specific issues raised below with respect to Biodiversity

Objective H2 (as per Report on Sub 27) applies

No ecological networks or parts thereof which provide significant connectivity between areas of local biodiversity are to be lost as a result of implementation of the Local Area Plan without appropriate and reasonable remediation and/or compensatory measures.

H31 and H32 (as per Report on Sub 27) apply

- H31** Support the facilitation of a habitat mapping project for the plan area and seek to take cognisance of any relevant findings from such a project
- H32** Support the facilitation of the development of a biodiversity action plan for Clifden to include the Owenglin River.

Specific objectives should also be included in the Plan related to the protection of ecological corridors/ ecological networks.

Objective H2 (as per Report on Sub 27) applies

No ecological networks or parts thereof which provide significant connectivity between areas of local biodiversity are to be lost as a result of implementation of the Local Area Plan without appropriate and reasonable remediation and/or compensatory measures.

2.2 Wetlands

Policy 3.2.3 (as per Report on Sub 27) applies

- Policy 3.2.3:** Seek to maintain and enhance, as far as it is practical and prudent, the natural heritage and amenity of the LAP area by seeking to encourage the preservation and retention of woodlands, hedgerows, stonewalls and wetlands. Where their removal or interference with same cannot be avoided, appropriate measures to replace like with like should be considered, subject to considerations of safety and practicality.

2.3 Appropriate Assessment

2.4 EU Protected Habitats and Species in Ireland

Appropriate Assessment will be carried out.

2.5 Fisheries

Policy 3.2.13: (as per Report on Sub 27) applies to non coastal waters
"Seek to have protected rivers, streams and other watercourses and, wherever possible, maintain them in an open state capable of providing suitable habitat for fauna and flora."

A specific Policy should be included under Natural Heritage Policies for the "protection of fisheries" including in particular those listed in the Annexes of the Habitats Directive.

A policy should also be included to take into account any Guidelines from the Central Fisheries Board, and the Shannon Regional Fisheries Boards in relation to conservation of fisheries.

Consideration should also be given to the inclusion of a specific policy for the protection of freshwater pearl mussel and white clawed crayfish populations within the Plan area.

2.6 Shellfish Growing Areas

The Plan should include a specific Policy to ensure the protection of "Shellfish Growing Areas" within the zone of influence of the Plan.

The proposed sites for designation in County Galway include *Clifden, Mannin Bay,*

Objective H3: (as per Report on Sub 27) applies

Consider the preparation of integrated coastal zone management plans for specific areas of the coastline as the need arises, based on identified zones of vulnerability such as shellfish farming areas or expanding harbours.

2.7 Invasive Species

Invasive Species Policies

Policy 3.2.41: (as per Report on Sub 27) applies

Promote public awareness of the impact of invasive species on water systems and natural habitats and support the other statutory agencies in the control of such species.

2.8 Non-Designated Habitats and Species

Consideration should be given to the inclusion of a specific Policy under *Natural Heritage and Biodiversity Policies* to provide for enhanced protection of non-designated habitats and species and for the maintenance and enhancement of ecological corridors within the Plan area.

H30 (as per Report on Sub 27) applies

Seek to protect non-designated habitats and landscape

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

3. Landscape UD3 Building Design and Height Objectives: applies

- New development should be consistent with existing building heights.
- New development should use corner/marker buildings to define the urban structure and accentuate corners. Increased heights at these locations may be considered where proposals contain a high standard of architectural design, and adequately address issues of residential amenity.

Telecommunications and Electricity Transmission Infrastructure

Section 5.6.3 applies

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

4. Transportation

This is adequately covered in 3.5

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

5. Human Health -Quality of Life

This is adequately covered in various relevant topics

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

6. Air and Climatic Factors

Consideration should be given to the following:

This is covered for the county in CDP.

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

7. Waste Management

The CDP policies are considered adequate as detail is unnecessary in localized issues

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

Agriculture

Consideration should be given, as appropriate, to the inclusion of specific Plan policies for the "protection" / "appropriate zoning" of agricultural land" within the Plan.

This is inherent in zoning etc. throughout LAP

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

10. Strategic Environmental Assessment (SEA)

AS ABOVE

11. SEA and Infrastructure Planning

AS ABOVE

12. Obligations with respect to national and EU Environmental Legislation

As already detailed

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

Ms Flynn summarised the content of Submission No 33 and outlined the recommendation in the Manager's Report as follows

SUBMISSION No. 33

Submitted by:

**Mr. Frank Gilmore,
Director of Services,
Housing Section,
Galway County Council**

Synopsis:

The Submission is divided into two requests

Recommendation that the area north of the existing County Council Estate be zoned Residential. Industrial zoning at this location is not suitable as an adjoining zoning to residential lands.

Recommendation that the existing Convent/Orphanage and its surrounding lands be zoned as residential. The existing uses of the site are residential. A day care centre on the site is run by Clifden Sheltered Housing Association. The old Orphanage is in a state of total disrepair, cannot be rehabilitated and has none or limited architectural merit. It has already been de-listed from the Protected Structure List.

Response:

The area of land in question is zone for Enterprise and Industry, which is not necessarily incompatible with residential use. Any application for enterprise/industry would take account of the residential uses adjacent.

The use of these lands includes sheltered housing. Extension of such residential use is not incompatible with Community Facilities zoning. The Old Orphanage (The Former Industrial School) has not been delisted. RPS 593

Recommendation:

No change to Clifden Draft LAP

It was proposed by Cllr Conneely and seconded by Cllr S. Walsh not to accept the recommendation in the Manager's Report and to zone the two blocks of lands the subject of submission 33 as follows:

The lands the subject of submission 33 to be zoned from Enterprise and Industry to Residential and the lands the subject of Submission 33 to be zoned from Community Facilities to Residential

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

AR SON: Cllr Canney Cllr Conneely, Cllr M Connolly, Cllr Feeney Cllr Hoade Cllr. Kyne, Comh O Tuairisg Cllr Reilly, Cllr S. Walsh, Cllr Welby (10)

IN AGHAIDH, (0)

GAN VOTÁIL (0)

The Mayor declared Cllr. Conneely's proposal carried

It was proposed by Cllr Walsh that the orphanage at Clifden be removed from the list of protected structures

Ms. McConnell stated that the Section 55 procedure as per the Planning and Development Act 2000 must be followed in order to have a protected structure removed. It could not be done by a single amendment to the Draft Plan.

It was proposed by Cllr Conneely and seconded by Cllr. S Walsh that the orphanage at Clifden be removed from the list of protected structures and that the procedure for this be set in motion.

SUBMISSION No. 34 (See also Sub. No. 22)

Submitted by:
Dr. John Casey

Clifden

Lands at Beach Road: (same person and same lands as Submission No. 22)

Synopsis:

The submission requests a change of zoning from Agriculture to Residential and Amenity use.

Response:

Re Residential Uses

1. Additional rezoning for residential uses is unjustified. The Clifden Local Area Plan Boundary zoning provides for approximately 40 hectares of undeveloped residential land that could theoretically accommodate an increase in population of approximately 3,000 persons, based on an average density of 25 units per hectare (3 persons per unit).
2. The need to comply with the recently circulated Ministerial Statutory Sustainable Residential Development Planning Guidelines Sustainable Residential Development in Urban Areas precludes arbitrary rezoning for residential purposes. The objectives of these new Guidelines includes the need to help achieve the most efficient use of urban land through housing densities that are appropriate to the location involved and availability of supporting services and infrastructure, particularly transport; and to set high standards in terms of space and facilities to meet the needs of the Irish context into the future. The new Guidelines are being issued under section 28 of the 2000 Planning Act, which requires them to be taken into account when preparing or varying development plans and local area plans.
3. The site is in an area zoned "agriculture" where Residential development within the Agricultural zone will be restricted to fully substantiated immediate family of landowners, or to people who are a fully substantiated intrinsic part of the rural community by way of background or the fact that they work full time in the town or immediately surrounding rural area. "Immediate family" refers to sons and daughters. "Immediately surrounding area" shall refer to a radius of no more than 10 miles from the town centre. As a general principle, but also subject to good planning practice in matter of location, siting, design and the protection of environmentally sensitive areas of high landscape value, such housing shall be occupied by such bona fide residents only.

Re: Amenity Uses

Certain uses which would have an Amenity aspect are open to consideration within an agricultural zoning (see Appendix 1). One example would be "Open space/Playing Pitch/Playground". Such application for usage of Amenity/Recreational nature would be taken on an individual basis on its own merits. However, it should be noted that lands specifically lending themselves to Amenity Recreational use have already been designated as such in the LAP Draft Plan zoning proposals.

It should also be noted that these lands contains a house of significant architectural merit with attendant grounds.

The land also contains trees of note and distinction, especially in a local context. Objective H5 of the Draft LAP refers to the aim to retain such trees.

Recommendation:

No change to be made to Draft Clifden LAP

This submission was already dealt with earlier in the meeting under Submission 22

On the proposal of Cllr Conneely and seconded by Cllr S. Walsh it was agreed to accept the amended map indicating the full length of the Distributor Road.

On the proposal of Cllr Hoade and seconded by Cllr Conneely it was agreed to put the Draft Clifden Local Area Plan with the amendments as agreed on public display for 4 weeks.

MANAGERS BUSINESS

2030

The County Manager informed the members that a letter had been received from the Dept of Communications, Energy and Natural Resources in relation to the implementation of the National Broadband Scheme. The scheme will be rolled out on an electoral area basis and will be delivered within 21 months of the contracts being signed.

The County Manager advised that the Regional Planning Guidelines are being reviewed and that observations and submissions need to be made in writing to the Western Regional Authority before the 15th April 2009.

Mr. Kelly drew the member's attention to correspondence which had been circulated to them regarding "Election Posters Pilot Scheme" which they may wish to consider.

Ms. McDermott referred to a circular letter regarding "spending limits for local election candidates" which had been circulated to the members. She advised that further information and guidance for local authorities will issue in due course and the members will be informed.

Ms. McDermott referred to a letter which had been received from an t-uasal Sean O Neachtain MEP regarding the "undocumented Irish in America" a copy of which had been circulated to the members.

Cllr Hoade proposed that a letter be sent to President Obama and Secretary of State Hilary Clinton requesting the new American administration to legalise the undocumented Irish in America, this was seconded by Cllr M. Connolly and agreed.

Ms. McDermott advised that the official opening of the Regional Offices in Loughrea would take place on the 31st March and that the Mayor would perform the official opening with the approval of the members. This was agreed.

MAYORS BUSINESS

2031

The Mayor informed the members that the Harbour Board were anxious to address the Council and to advise them of their plans. It was proposed by Cllr. Hoade, seconded by Cllr. Reilly and agreed that the Harbour Board be invited to make a presentation to the members.

The Mayor informed the members that the April Monthly meeting would be held in the Raheen Woods Hotel, Raheen Athenry on the 27th April 2009 at 2.30pm with the approval of the members and this was agreed.

CONFERENCE 2032

On the proposal of Cllr. J. McDonagh, seconded by Cllr. Mullins, 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:-

Esperanza Enterprises – Irish Language Course for Councillors – 2nd – 4th January – Connemara Coast Hotel, Furbo, Co. Galway

Cllrs. W Burke, T Reilly, M Regan

Esperanza Enterprises – The Local Government Planning Service – 9th – 11th January – Hotel Westport, Westport, Co. Mayo

Cllrs. P Hynes, W. Burke, M. Hoade, M. Regan, T. Reilly, C. Keaveney, J. Conneely

Kadenza Consultancies – Effective Communications for Councillors – 30th January – 1st February – Clonea Strand Hotel, Clonea, Dungarvan, Co. Waterford

Cllr. P Hynes

Esperanza Enterprises – Information and Communication Technologies for Councillors – 6th – 8th February 2009 – Glendalough Hotel, Glendalough, Co. Wicklow

Cllrs. P.Hynes, T. Reilly, M. Carey

A.M.A.I. Spring Seminar 2009 – 13th – 14th February 2009 – Clanree Hotel, Letterkenny, Co. Donegal

Cllrs. M. Carey, J. Cuddy, M. Hoade, P. Hynes, J. Joyce, S. Kyne, M. Maher, T. Mannion, J. McDonagh, T. McHugh, C. Ni Fhatharta, T. Reilly, S. Walsh, T. Walsh, T. Welby

Mid-West Regional Authority – Annual Conference 2009 – “Ireland’s Water” – What is the Real Cost? – 19th – 20th February, Woodlands House Hotel, Adare, Co. Limerick

Cllrs. C. Ni Fhatharta, J. McDonagh, T. Welby, M. Carey

Kadenza Consultancies – North-South Confederation of Councillors Training Seminar – 20th – 21st February 2009 – Bellingham Castle Hotel, Castlebellingham, Co. Louth

Cllrs. S. Kyne, P. Feeney

TJK Conferences – Freedom of Information Seminar for Councillors – 20th – 21st February – Patrick Punch Hotel, Limerick

Cllrs. M. Hoade, P. Hynes, M. Mullins, J. Cuddy

Third Sector Forum – Maximising Your Vote – 26th – 28th February – Red Cow Morans Hotel, Dublin

Cllrs. T. Welby, S. Canney, S. Kyne

20th Colmcille Winter School – 27th February – 1st March – Colmcille Heritage Centre, Gartan, Church Hill, Co. Donegal

Cllrs. M. Mullins, T. McHugh, P. Feeney

Disability Federation of Ireland – Count Me In! Conference – 3rd March – Hilton Hotel, Kilmainham, Dublin

Cllrs. M Hoade, D.Connolly

NOTICE OF MOTIONS

NOTICE OF MOTION NO 14 – COMH. C. NI FHATHARTA 2033

The following reply was given:-

“Breathnófar ar an droichead chun breathnú ar thuirisc a réiteach ar riocht an droichid agus moladh a dhéanamh maidir le aon oibreacha riachtanacha.”

NOTICE OF MOTION NO 15 – COMH. C. NI FHATHARTA 2034

The following reply was given:-

“Bheadh fad iomlán de 700 meadar do chosán coisithe i gceist agus chaithfí ballaí a bhrú siar chun a dhóthain spás don chosán a fháil. Beidh costas mór ag baint le leathnú leithead iomlán an bhóthair agus aiscur ballaí cloch atá ann faoi láthair. Is é an costas measta ná €300,000.”

NOTICE OF MOTION NO 16 – COMH. C. NI FHATHARTA 2035

The following reply was given:-

“Tá an dréacht deiridh don Phlean Bainistíochta Tráichta beagnach críochnaithe. Tá sé ar intinn an dréacht a chuir i láthair Choiste Chonamara roimh dheireadh Márta 2009.”

NOTICE OF MOTION NO 17 – CLLR. J. MCDONAGH 2036

The following reply was given:-

“The provision of a pedestrian crossing in Lackagh Village was included in projects proposals submitted to the National Roads Authority for funding under the 2009 Low Cost Remedial Works/Safety Measures Programme. No funding has been provided by the National Roads Authority in the 2009 grant allocations to facilitate this project.”

NOTICE OF MOTION NO 18 – CLLR. J. MCDONAGH 2037

The following reply was given:-

“The location will be examined with a view to preparing an estimate for any works deemed necessary.”

NOTICE OF MOTION NO 19 – CLLR. J. MCDONAGH 2038

The following reply was given:-

“As the road in question is not a public road, the Council is not responsible for its maintenance.”

NOTICE OF MOTION NO 20 – CLLR. M. FAHY 2039

The following reply was given:-

“Pothole repairs will continue to be carried out on a priority basis in the context of available resources.”

NOTICE OF MOTION NO 21 – CLLR. M. FAHY 2040

The following reply was given:-

“The Council is actively negotiating with landowners on the Oranmore/Gort section of the Gort to Tuam Scheme with a view to determining the appropriate compensation payable in each case. In accordance with the Compulsory Purchase Order process, interest on the compensation payable shall be paid from the date the Council take possession of the relevant lands.”

NOTICE OF MOTION NO 22 – CLLR. M. FAHY 2041

The following reply was given:-

“Galway County Council is currently examining the design review report and will be submitting this to the DOEHLG for approval by the end of March 2009. On foot of approval we will then proceed to prepare the contract documents for the Kinvara scheme.”

NOTICE OF MOTION NO 23 – COMH S. O’TUAIRISG 2042

The following reply was given:-

“Déanfar oibreacha athchóirithe ar na bóithre seo sna míonna seo romhainn.”

NOTICE OF MOTION NO 24 – COMH S. O’TUAIRISG 2043

The following reply was given:-

“Tá sé annas cinnte go mbeidh buiséad na Comhairle do shíneadh ar Reiligí do 2009 caite go hiomlán ar thograí atá ar bun cheanna féin agus gealltanais atá tugtha cheanna. Da bhrí sin ní bheidh sé indéanta síneadh don Líonán a chur chun cinn sa ghearr tréimhse. É sin ráite, beidh sé dhá chur san áireamh chun machnamh a dhéanamh ar ag tráth níos déanaí mar chuid don Chlár Soláthar Reiligí.”

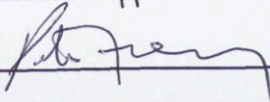
NOTICE OF MOTION NO 25 – COMH S. O’TUAIRISG 2044

The following reply was given:-

“Tá obair athlíniú dhá dhéanamh ar an mbealach isteach chuig an Líonán ar an N59 ón gClochán le riar blianta. De bharr an riachtanas riar droichid a leathnú tá fad curtha leis an obair seo. Tá riar soilse ar an bpósa seo bóthair ach tá córas soilse iomlán nua molta. Beidh maoiniú ón Údarás um Bhóithre Náisiúnta riachtanach chun an obair a chríochnú agus don gcóras soilse nua. Níl aon mhaoiniú don obair seo ar fáil i 2009.”

Criochnaigh an Cruinniu Ansin

Submitted, Approved + Signed



23RD March 2009

Date

CHOMHAIRLE CHONTAE NA GAILLIMHE

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL
HELD AT ÁRAS AN CHONTAE, PROSPECT HILL ON MONDAY 26th
JANUARY, 2009.**

CATHAOIRLEACH:

Cllr. P. Feeney

I LATHAIR FREISIN:

Baill:

Cllrs. W. Burke, S Canney, J. Conneely,
D. Connolly, M. Connolly, Comh. S.
O'Cuaig, Cllrs. J. Cuddy, M. Fahy, M.
Finnerty, M Carey, M Hoade, P Hynes,
J. Joyce, C. Keaveney, S Kyne, M. Maher, 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.

Oifighe:

Ms. M. Moloney, County Manager; Messrs. J.
Cullen, P. Ridge, K. Kelly, F. Gilmore, J.
Morgan, Directors of Service; G. Mullarkey,
Head of Finance; M. Lavelle, Senior Engineer;
B. McDermott, County Secretary; A. Comer,
Senior Executive Officer; V. Loughnane, Senior
Executive Planner; P. O'Neachtain, Oifigeach
Gaeilge; G. Healy, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

Cllr. McDonagh congratulated Cllr. McHugh and his family on winning the LAMA
award for "Best Commercial Building" in respect of the Ard Rí House Hotel in Tuam.

Cllr. McHugh thanked the Council for nominating his hotel for the award.

RESOLUTIONS OF SYMPATHY

1978

Mr. Ollie Kearney, Pearsepark, Aughrim, Ballinasloe, Co. Galway.

Mr. Pierce O' Malley, Station Road, Oughterard, Co. Galway.

Ms. Nancy Melia & Family, Marley, Tuam, Co. Galway.

CONFIRMATION OF MINUTES OF MEETINGS

1979

Minutes of Monthly Meeting held on 15th December, 2008.

The Minutes of the Monthly Meeting held on 15th December, 2008 were approved by the Council and signed by the Mayor on the proposal of Cllr. Regan, seconded by Cllr. Mullins.

Arising from the Minutes, Cllr. D. Connolly asked that adequate resources be allocated to the issue of Estate Management in the town of Ballinasloe.

Minutes of Budget Meeting held on 15th December 2008

The Minutes of the Budget Meeting held on 15th December, 2008 were approved by the Council and signed by the Mayor on the proposal of Comh. Ní Fhatharta, seconded by Cllr. Hoade.

In response to issues raised by the Members regarding savings to be made in respect of payroll costs, the Manager said that the reduction of €1.8M in payroll costs which is proposed in line with Central Government requirement will be achieved through various mechanisms, such as a reduction in overtime, non-recruitment of staff, non-replacement of temporary vacancies, review of contract positions and a significant reduction in travel costs for employees. She also outlined the broad range of family friendly policies in place within Galway County Council and indicated that all applications from staff wishing to avail of these schemes would be granted.

Cllr. McHugh raised the issue of parking fines and the fact that a person who does not pay their parking fine within the statutory timeframe is not allowed to do so and must proceed to court. Mr. Morgan replied that the Road Traffic Act does not allow for the acceptance of a fine after the statutory period.

Cllr. McHugh proposed "that Galway County Council apply to the Department of Transport to have legislation in relation to the Road Traffic Act 2002 amended so that discretion is allowed in relation to the number of days permitted to pay parking fines. He also proposed that the Management of the County Council review the case referred to and resolve it without letting it into court which will cost the Council much more than the fines involved" This proposal was seconded by Cllr. Mullins, and agreed.

In reply to a query from Comh. O'Cuaig regarding the proposed Non-Private Residence Levy, the Manager stated that while the Council will be given the task of collecting the levy, the proceeds will be transferred to Central Government for allocating to all local authorities as part of the Local Government Fund.

In response to a query from Cllr Welby, Mr. Gilmore stated that a policy for the prioritising of Housing Grants had been prepared and would be placed on the Agenda for the next Monthly Meeting.

In reply to Cllr. Burke, Mr. Gilmore confirmed that no applications had yet been received in respect of the new Home Choice Loan Scheme.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION 1980

The Report of the Loughrea Area Committee Meeting held on 30th October 2008 was considered. It was adopted by the Council on the proposal of Cllr. Maher and seconded by Cllr. Regan

The Report of the Conamara Area Committee Meeting held on 18th July 2008 was considered. It was adopted by the Council on the proposal of Comh. Ní Fhatharta and seconded by Cllr. Conneely

The Report of the Conamara Area Committee Meeting held on 22nd September 2008 was considered. It was adopted by the Council on the proposal of Comh. Ní Fhatharta and seconded by Cllr. Conneely.

The Report of the Conamara Area Committee Meeting held on 14th October 2008 was considered. It was adopted by the Council on the proposal of Comh. Ní Fhatharta and seconded by Comh. O'Tuairisg.

Arising from the Report, Comh. O'Cuaig referred to the cryptosporidium in the waterworks in Rosmuc and stated that this could jeopardise the running of the traditional Irish Courses in Rosmuc during the summer. He asked that water be provided to Mná Tí; the Irish Schools where the courses take place; and the community halls where some of the activities associated with the Irish Courses take place.

Mr. Cullen stated that the water supply at Rosmuc will be treated but this will take some time and will be expensive. In the meantime, he said that water will be made available to the schools and halls and that Council officials will meet with a deputation from the area affected on a regular basis in order to keep them updated on progress regarding alleviation of the problem.

The Report of the Oranmore Area Committee Meeting held on 15th September 2008 was considered. It was adopted by the Council on the proposal of Cllr. McDonagh and seconded by Cllr. Carey.

The Report of the Oranmore Area Committee Meeting held on 20th October 2008 was considered. It was adopted by the Council on the proposal of Cllr. Hoade and seconded by Cllr. Cuddy.

The Report of the Oranmore Area Committee Meeting held on 24th November 2008 was considered. It was adopted by the Council on the proposal of Cllr. Hoade and seconded by Cllr. McDonagh.

Minutes of Monthly Meeting held on 26th January 2009

The Report of the Tuam Area Committee Meeting held on 8th July 2008 was considered. It was adopted by the Council on the proposal of Cllr. T. Walsh and seconded by Cllr. Reilly.

Arising from the Report, Cllr. Reilly and Cllr T. Walsh queried the speed limits on the Milltown and Dunmore Roads respectively leading into Tuam

Cllr. T. Walsh stated that he wished to put on record that he feels that common sense must prevail when setting speed limits.

Mr. Morgan confirmed that proposals had been forwarded to the NRA and Gardaí and a report will be prepared when reply received.

The Report of the Tuam Area Committee Meeting held on 18th September 2008 was considered. It was adopted by the Council on the proposal of Cllr. Keaveney and seconded by Cllr. T. Walsh.

The Report of the Tuam Area Committee Meeting held on 14th October 2008 was considered. It was adopted by the Council on the proposal of Cllr. Keaveney and seconded by Cllr. McHugh.

The Report of the Corporate & Cultural Affairs SPC Meeting held on 3rd November 2008 was considered. It was adopted by the Council on the proposal of Comh. Ní Fhatharta and seconded by Cllr. D. Connolly.

Arising from the Report, the Members raised the issue of the Draft Bye-Laws for Beaches, Recreational Craft and Personal Watercraft (Jet-Skis). Mr. Kelly, in response, stated that a number of issues had been raised as a result of the proposed Bye-Laws and these would have to be carefully considered. He stated that the Draft Bye-Laws would be brought before the Council later on in the year.

The Report of the Corporate & Cultural Affairs SPC Meeting held on 28th November 2008 was considered. It was adopted by the Council on the proposal of Cllr. McDonagh and seconded by Cllr. D. Connolly.

The Report of the Environment & Water Services SPC Meeting held on 9th October 2008 was considered. It was adopted by the Council on the proposal of Cllr. M. Connolly and seconded by Comh. Ní Fhatharta.

Arising from the Report, Cllr. M. Connolly asked what progress had been made regarding the Sludge Management Plan and Mr. Cullen stated that this matter would be placed on the agenda for the next Environment & Water Services SPC Meeting to be held in February.

**TO REVOKE THE RESOLUTION PASSED AT THE COUNCIL MEETING
OF 28TH APRIL 2008 ON THE DISPOSAL OF 0.0189 HECTARES AT
BAUNOGUE, LOUGHREA, CO. GALWAY** 1981

Report dated 14th January, 2009 was already circulated to Each Member

On the proposal of Cllr. Willers, seconded by Cllr. Regan, it was agreed that the resolution passed at the Council Meeting of 28th April 2008 on the disposal of 0.0189 hectares at Baunogue, Loughrea, Co. Galway be revoked.

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.0189 HECTARES AT BAUNOGUE, LOUGHREA, CO. GALWAY 1982

Report dated 14th January, 2009 was already circulated to Each Member

It was agreed that this item be withdrawn.

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.897 HECTARES AT ORANMORE, CO. GALWAY TO ORANMORE COMMUNITY DEVELOPMENT ASSOCIATION 1983

Report dated 14th January, 2009 was already circulated to Each Member

On the proposal of Cllr. Cuddy, seconded by Cllr. Hoade, the proposed disposal of 0.897 hectares at Oranmore, Co. Galway to Oranmore Community Development Association, was approved.

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.198 HECTARES AT CARROWBEG SOUTH, BELCLARE, CO. GALWAY TO MARY AND JOHN PATRICK KEARNS 1984

Report dated 6th January, 2009 was already circulated to Each Member

On the proposal of Cllr. Keaveney, seconded by Cllr. McHugh, the proposed disposal of 0.198 hectares at Carrowbeg South, Belclare, Co. Galway to Mary and John Patrick Kearns, was approved.

Comh. O'Cuaig asked if the Council had a pricing policy regarding the disposal of land.

Mr. Gilmore stated that the Council only pays a nominal sum when purchasing a site for the construction of a single rural house, from a housing applicant. On rare occasions, a house may not be built on the site, and therefore the Council may decide to transfer the site back to the owner, but only a nominal sum is charged. However, he stated that if the Council disposes of any other land, it is usually by tender or by public auction to the highest bidder.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – CONSTRUCTION OF NEW

RURAL DWELLING, SEWERAGE TREATMENT PLANT AND ASSOCIATED SITE WORKS AT REASKMORE, EYRECOURT, BALLINASLOE, CO. GALWAY LA06/08 1985

Report dated 13th January, 2009 was already circulated to Each Member

On the proposal of Cllr. D. Connolly, seconded by Cllr. Joyce, the proposed construction of a new rural dwelling, sewerage treatment plant and associated site works at Reaskmore, Eyrecourt, Ballinasloe, Co. Galway, was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – CONSTRUCTION OF A SINGLE RURAL HOUSE AND EFFLUENT TREATMENT SYSTEM AT AN ROISIN, AN FHAIRCHE, CO. NA GAILLIMHE LA13/08 1986

Report dated 13th January, 2009 was already circulated to Each Member

On the proposal of Comh. Ní Fhatharta, seconded by Comh. O'Tuairisg, the proposed construction of a single rural house and effluent treatment system at An Roisin, An Fhairche, Co. na Gaillimhe, was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – CLIFDEN SEWERAGE SCHEME STAGE 1 – WASTE WATER TREATMENT PLANT 1987

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

On the proposal of Cllr. Conneely, seconded by Cllr. Kyne, the proposed Clifden Sewerage Scheme Stage 1 – Waste Water Treatment Plant, was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – CARRAROE SEWERAGE SCHEME – WASTE WATER TREATMENT PLANT 1988

Report dated 16th January, 2009 was already circulated to Each Member

Comh. O'Cuaig proposed that this item be deferred pending a meeting which representatives of the local community hope to have with the Minister for the Environment Heritage and Local Government to discuss concerns they have regarding certain aspects of the proposal.

Comh. Ní Fhatharta seconded this proposal stating that although it is imperative that a suitable treatment plant be provided for the An Cheathrú Rua Sewerage Scheme, she understands that the local people have concerns and she would like these concerns to be addressed before proceeding further.

Cllr. Mannion stated that decisions to defer approval of proposals such as this can have a negative impact on the whole county while the Council is crying out for funding to provide sewerage schemes.

Cllr. Keaveney stated that there is sense in Cllr. Mannion's views but he can see the merit in referring the proposal back to the Minister in order to come to an acceptable conclusion for the locals in An Cheathrú Rua.

Cllr. Conneely suggested that a time limit should be placed on the deferral of this item and that a meeting be organised between council officials, the Conamara Area Committee Members and representatives of the local community in order to address the concerns arising from this proposal.

Cllr. T. Walsh asked if the work done so far on An Cheathrú Rua Sewerage Scheme would be a waste of time if the treatment plant is not approved and asked how much works to date had cost.

Mr. Cullen stated that the network in the ground is not a waste and needed to be done as the old network was very defective causing risk with storm overflows. He said that the works to date on An Cheathrú Rua Sewerage Scheme have cost in the region of €2.5 - €3m. He also said that the Council had spent a lot of time meeting the Conamara Members and the local community discussing this scheme but he said there was nothing to stop the Members deferring their decision.

Mr. Ridge stated that the Council accepted that the local community needed to explore all avenues open to them in trying to come to an acceptable conclusion to this proposal but he stated that if a decision on the Part 8 proposal is not made within six weeks, then the Part 8 will have to be commenced again.

It was agreed that this item be deferred until the next Monthly Meeting to allow the local community to arrange a meeting with the Minister for the Environment Heritage and Local Government.

TO CONSIDER DRAFT TRAVELLER ACCOMMODATION PROGRAMME
2009 - 2013 **1989**

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

Cllr. Burke stated that it is not acceptable that traveller families from outside the county are being accommodated at the Capira Halting Site, Portumna. He said that people in the surrounding area feel threatened by some of these families and he expressed the view that this hardstand should be closed.

Cllr. Hoade stated that there is an unauthorised encampment of travellers on the Headford Road at present and although she has been told that this encampment will only be there for a short time, she feels that it is causing a danger.

Cllr. Keaveney stated that the Council's housing stock consists of mainly two and three-bedroomed houses and these could not accommodate the average traveller family so therefore transient sites and halting sites have been used instead of housing.

He said that if these sites were not made available, then the Council would have a big problem as regards unauthorised encampments.

Cllr. D. Connolly stated that if travellers are condensed into small areas this leads to social problems and people should understand the fact that a lot of travellers are transient by nature and therefore transient sites can meet their needs.

Cllr. Mullins stated that more and more unauthorised encampments are appearing in rural areas with families living in poor circumstances, leading to health and safety issues. He said that the Council needs to be proactive in the provision of housing for traveller families but not all in one area but in smaller group housing.

Cllr. Willers stated that she is on the Traveller Consultative Committee and that the Draft Traveller Accommodation Programme 2009-2013 was put on public display and submissions invited up to 9th January, 2009 and she stated that if the Members had strong views on the Draft Programme, they should have made submissions during the statutory period.

The Mayor stated that as Chairperson of the Traveller Consultative Committee, he has found that there is wonderful liaison between the travelling community and the Council because the Council's two Social Workers and Traveller Liaison Officer ensure that a good relationship between travellers and the Council is promoted and encouraged. He stated that a lot of work had been put into preparing the Draft Programme and he agreed with Cllr. Willers that the Members had the opportunity to make submissions on the Draft and they should have availed of this opportunity to express their views or make suggestions on the Draft Programme. He stated that he would like to see travellers accommodated in houses but that the onus is on them to respect the community in which they are housed.

Mr. Gilmore in response said that the facility at Capira has improved dramatically over the past few years but he understands that it needs constant monitoring. The Council has two halting site caretakers employed and that they do an excellent job in managing the Council's halting sites and transient sites. He does not consider that the Council cater for large numbers of travellers from outside the county and this is kept to a minimum. The vast majority of travellers require conventional housing, however this is not possible for all travellers. He said that only very few travellers are problematic and the council is constantly monitoring any anti-social behaviour in this regard. The Council checks previous tenancy records of applicants and does not offer tenancies to people who have a bad history in other local authority areas. The Council does not propose to provide any further halting sites as the existing sites are adequate to cater for demand.

He informed the Members that the Draft Programme presented to them today must be adopted within three months, i.e. by the end of April, 2009.

Cllr. Keaveney stated that he welcomed the fact that applicants for housing are vetted and asked were there any proposals to move families from Limerick to Galway while the re-generation programme is underway, and Mr. Gilmore stated that there is absolutely no truth in this rumour.

On the proposal of Cllr. Willers, and seconded by Cllr. Reilly, it was agreed that the Draft Traveller Accommodation Programme 2009 – 2013 be adopted

On the proposal of Cllr. Willers, seconded by Cllr. Canney it was agreed that the Standing Orders of the Council be suspended to allow the meeting continue after 6p.m.

TO NOTE INDICATIVE PROGRAMME OF WORKS FOR SPC AND COUNTY DEVELOPMENT BOARD FOR 2009 1990

Report dated 26th January, 2009 was circulated to Each Member

The Indicative Programme of Works for SPC and County Development Board for 2009 was noted by the Members.

PRESENTATION BY ESBI ON PROPOSAL FOR 110KV LINE IN CONAMARA. 1991

Mr. Ridge introduced Mr. Bart Moriarty, Manager of Infrastructural Planning at ESBI, who proceeded to make a presentation to the Members on the proposal to provide a 100kv line in Conamara.

Mr. Moriarty informed the Members that ESBI had given notice to the Council on 7th January, 2009 of its intention to make an application for approval to An Bord Pleanála in relation to a proposed strategic electricity infrastructure development in County Galway. He said that the proposed development will consist of the upgrade of the Screeb 38kv substation to a 110kv/38kv substation and to erect a new 110kv overhead electricity line of 100kv single circuit construction from the townland of Lenabower to Screeb substation.

He said that the application also includes a proposal to construct a cable/interface mast under the Recess-Screeb 38kv line from Screeb substation to make room for the 110kv line connection and that the Screeb substation will be upgraded to a 110kv/38kv electrical switching and transformer substation.

He concluded his presentation stating that submissions or observations on the proposal may be made only to An Bord Pleanála relating to:

- (i) the implications of the proposed development for proper planning and sustainable development, and
- (ii) the likely effects on the environment of the proposed development, if carried out.

and that submissions/observations must be received by the Board not later than 5.30pm on Monday 2nd March, 2009.

The Mayor thanked Mr. Moriarty for the presentation. The Members expressed support for the proposal and raised a number of issues including concern at the proximity to houses and asked when will the project go ahead if the application is successful.

In reply Mr. Moriarty stated that the legal requirement is that the line would be at least 23m from any house but this proposed line will be 50m from the nearest house.

He indicated that the current line is overstretched and needs reinforcement but it looks like it will be the end of 2011 before ESBI gets the go ahead for the proposal.

Mr. Ridge stated that he wished to thank ESBI for the tremendous effort they have made with this proposal and he hoped the application would be successful.

MANAGERS BUSINESS

1992

Mr. Morgan informed the Members that an application had been lodged by a group called "Hands Across the Corrib" for a Judicial Review in relation to the granting of approval for a section of the Galway City Outer By-Pass by an Bord Pleanála.

MAYORS BUSINESS

1993

The Mayor reminded the Members that the closing date for acceptance of completed applications for the Financial Support Grants and Arts Act Grants is 20th February, 2009.

In response to a query from Cllr. Joyce, Mr. Kelly confirmed that an extra staff member had been deployed to assist with the processing of applications for Higher Education Grants.

Cllr. Joyce also asked that staff concentrate on late applications for the grants, but Mr. Kelly in reply indicated that priority had to be given to those applications which were received by the closing date. However, he stated that he was anxious that all applications for Higher Education Grants be finalized as soon as possible.

The Members raised the issue of the commitment given by the N6 construction company regarding repairs to local roads during the construction of the M6. Mr. Morgan stated that the contractor has accepted the responsibility of repairing the roads and has appointed two people to coordinate crews to keep up the repairs required.

Cllr. Regan asked if any progress had been made by the Task Force which had been set up to deal with recent job losses in Loughrea due to the closure of Cigna.

The Manager stated that in response to the announcement of the winding down of operations by Cigna, the Galway County Economic Development Committee had met the previous week to discuss the coordinated response required to ensure that an integrated and strategic response is put in place to address the crisis in the Loughrea based company.

The County Economic Development Committee is a subgroup of the County Development Board and comprises of:

- Department of Social and Family Affairs
- Enterprise Ireland
- FAS
- Galway County and City Enterprise Board

- Galway County Council
- Galway Rural Development
- IDA Ireland
- Udaras na Gaeltachta
- Western Regional Authority

The committee intends to convene on a regular basis to ensure that the needs of the workforce in the town are being addressed appropriately and in a coordinated framework.

Cllr. McDonagh proposed that the attendance of the Members at Conferences be approved, and this was seconded by Cllr. Mannion, and agreed.

CONFERENCE

1994

On the proposal of Cllr. J. Mc Donagh, 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:-

“Mid West Regional Authority - Irelands Water – 19th -20th February 2009, Woodlands House Hotel, Adare.

Cllrs. J. Mc Donagh, M. Hoade, T. Welby, C. Ni Fhatharta.

“A.M.A.I Annual Spring Seminar” 13th -14th February 2009, Clanree Hotel, Letterkenny, Co. Donegal.

Cllrs. Mc Donagh, Ni Fhatharta, M.Regan, C. Keaveney, M. Carey, W. Burke, T. Welby, M. Maher, M. Hoade, M. Mannion, J. Cuddy, S. Kyne,

“Antrim Tourism Conference 2009” 23rd -24th January 2009 – Muckamore, Dunadry, Co. Antrim.

Cllrs. T. Welby, M. Maher.

NOTICE OF MOTIONS

NOTICE OF MOTION NO 15 – CLLR. B. WILLERS

1995

The following reply was given:-

“There is no funding available at present to carry out this work.”

NOTICE OF MOTION NO 16 – CLLR. B. WILLERS

1996

The following reply was given:-

“It is intended that reflective bollards will be provided at junctions on the N66 Loughrea to Gort National Secondary Road within the next six months.”

NOTICE OF MOTION NO 17 – CLLR. B. WILLERS

1997

The following reply was given:-

“Drainage works have been undertaken on the N66 in the vicinity of Castledaly to address the issue of flooding and it is intended to open water tables along the route in the coming weeks.”

NOTICE OF MOTION NO 18 – COMH. C. NI FHATHARTA

1998

The following reply was given:-

“Tá maoiniú agus árachas curtha ar fáil do na Páirceanna Spraoi seo leanas atá i bhfeidhm anois.

Deontas agus Árachas

Clifden

Cloch na Rón

Inis Bó Finne

Inis Oírr

Árachas

An Cloigeann

An Sraith Salach

An Caiseal

An Líonán

Camas

An Mám

Tá Tacaíocht Deontais agus Árachas **ceadaithe** do na ceantair seo leanas.

Maigh Cuilinn, An Spidéal, An Cheathrú Rua, Inis Mór, Baile Chláir agus Uachtar Ard.

Beidh dul chun cinn dhá dhéanamh ar Pháirc Spraoi Uachtar Ard go gairid.

Tá fadhbanna ag ceantair Mhaigh Cuilinn, An Spidéal, Inis Mór agus Baile Chláir súimh a fháil i gcóir Páirceanna Spraoi. Táthar ag súil go mbeidh réiteach ar an scéala maidir le suíomh do Pháirc Spraoi Inis Mór go gairid.

Tá céadú d'árachas faighte do na grúpaí seo leanas chomh fada agus go dtógtar na Páirceanna Spraoi de réir na rialacháin.

Tír an Fhia; Leitir Móir, Cill Chiaráin, Baile Conaola agus Corr na Móna.

Tá súil agam go soiléiríonn sé seo an scéala duit.”

NOTICE OF MOTION NO 19 – COMH. C. NI FHATHARTA 1999

The following reply was given:-

“Is é costas reatha scéim soláthar uisce réigiúnach Chasla mar a cuireadh chuig an RCORA é leis na doiciméid conartha ná 15.5 milliún.”

NOTICE OF MOTION NO 20 – COMH. C. NI FHATHARTA 2000

The following reply was given:-

“Luann Clár Forbartha na Leabharlanna, 2006-2010 go n-oibreoidh Comhairle Chontae na Gaillimhe in éindí le Ollscoil na hÉireann, Gaillimh chun soláthar leabharlann poiblí a bhaint amach mar chuid de fhorbairt iar-fhoirgneamh Chlochar na Trócaire i gCarna. Le míonna anuas bhí comhráití ag Comhairle Chontae na Gaillimhe le Údarás na Gaeltachta agus Ollscoil na hÉireann, Gaillimh maidir le soláthar leabharlann i gCarna.

Ciallóidh srianta reatha ar fhoireann agus maoiniú nach dóigh go ndéanfar dul chun cinn ar an togra seo ag an am seo.”

NOTICE OF MOTION NO 21 – CLLR. D. CONNOLLY 2001

The following reply was given:-

“Routine maintenance to address the issue of potholes was undertaken at this location in December 2008, a further inspection will be arranged to determine if further repairs are necessary.”

NOTICE OF MOTION NO 22 – CLLR. D. CONNOLLY 2002

The following reply was given:-

“The location will be inspected with a view to undertaking any flood alleviation measures deemed necessary in the context of available resources.

NOTICE OF MOTION NO 23 – CLLR. D. CONNOLLY 2003

The following reply was given:-

“The Council through the Conservation Officer will be happy to provide advice to any interested parties in this regard and indeed would encourage any parties to consult with the Council prior to undertaking any works to ensure compliance with the National Monuments Acts.”

NOTICE OF MOTION NO 24 – CLLR. J. MCDONAGH 2004

The following reply was given:-

“The provision of a bus shelter in Lackagh will be raised with Bus Eireann and the response from Bus Eireann to the proposal will be made available in due course.”

NOTICE OF MOTION NO 25 – CLLR. J. MCDONAGH 2005

The following reply was given:-

“Surface Dwelling at this location will be carried out within the next two weeks.”

NOTICE OF MOTION NO 26 – CLLR. J. MCDONAGH 2006

The following reply was given:-

“Prior to January 2007 when volumetric consumption charges commenced, a fixed charge applied to schools.

Residential Schools : €693

Non-Residential Schools : €302

For 2007 a charge of €3 per pupil will apply

For 2008 a charge of €3.50 per pupil will apply

For 2009 a charge of €4.00 per pupil will apply

If the volumetric consumption charges as shown on the meter are lower than the pupil charges a bill for the lesser will be issued.

Bills will issue to all schools in February 2009 for water charges for 2007 and 2008.”

NOTICE OF MOTION NO 27 – CLLR. J. CUDDY 2007

The following reply was given:-

“No Housing Estates have been taken in charge. The following have applied to be taken in charge:

- Church View Estate & Summerfield Estate, Claregalway
- Sycamore Cove Estate, Maree
- Oakfield Estate, Oranmore.”

NOTICE OF MOTION NO 28 – CLLR. J. CUDDY 2008

The following reply was given:-

Minutes of Monthly Meeting held on 26th January 2009

“Under the Development Contribution Scheme an amount of €2,432,000 has been collected in the Oranmore electoral area for the period 2004 to 2007 for recreation and amenity facilities. To date the Council have funded the following projects from this stream of income:

	€
1. Purchase of amenity land in Oranmore	2,026,000
2. Contribution to amenity land Claregalway	1,090
3. Oranmore Playground	15,000
4. Rinville Park Playground	28,105
5. Headford all weather pitch	180,000
Funding spent to date	€2,250,195

In addition the Council have the following commitments in the Oranmore area:

Headford all weather pitch	20,000
Oranmore all weather pitch	200,000
Claregalway walking route	45,000
Playgrounds Claregalway, Headford, Corandulla.	150,000
Future commitments	415,000.”

NOTICE OF MOTION NO 29 – CLLR. J. CUDDY **2009**

The following reply was given:-

“It is proposed to complete the current Speed Limit Review for towns and villages as a priority with a completion date of the end of May 2009, subject to the approval of the Bye-Laws by Council. Thereafter, a review of speed limits on local roads will be considered in the context of available resources.”

NOTICE OF MOTION NO 30 – CLLR. M. FAHY **2010**

The following reply was given:-

“Improvement works were undertaken at this location in 2005 which included the setting back of a wall to improve visibility. A further assessment will be undertaken to determine if further measures are necessary.”

NOTICE OF MOTION NO 31 – CLLR. M. FAHY **2011**

The following reply was given:-

“Galway County Council are currently preparing the contract documents and are liaising with both the Roads Department and Bórd Gais on the provision of the water

mains in Gort. It is expected that the Council will tender the work in March/April 2009 and depending on contracts, work may start by October 2009.”

NOTICE OF MOTION NO 32 – CLLR. M. FAHY **2012**

The following reply was given:-

“It is intended to meet with the National Roads Authority in the coming weeks to discuss proposals relating to the bridge. To date, no funding has been provided by the National Roads Authority to facilitate works at this location.”

NOTICE OF MOTION NO 33 – CLLR. M. MULLINS **2013**

The following reply was given:-

“A monitoring committee has been set up with representatives from the N6 PPP Concession Company, the County Council, the National Roads Authority and local interested parties which meet on a regular basis to check and advise on progress with regard to dealing with the ongoing problem of maintaining the haulage network being used.”

NOTICE OF MOTION NO 34 – CLLR. M. MULLINS **2014**

The following reply was given:-

“The Council will assess the particular grants in question to determine the likelihood of the work being carried out and the corresponding timeframes involved.”

NOTICE OF MOTION NO 35 – CLLR. M. MULLINS **2015**

The following reply was given:-

“Having advertised for expressions of interest with regard to operating a Green Waste Facility in Ballinasloe, the Council received one response. The Council has held several meetings with the potential operator and is currently awaiting submission of a proposal.”

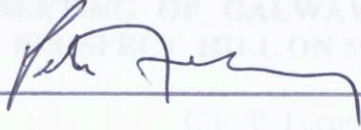
NOTICE OF MOTION NO 36 – CLLR. M. REGAN **2016**

The following reply was given:-

“The location will be inspected by area staff and details relating to the outcome of same will be made available in due course.”

Criochnaigh an Cruinniú Ansin

SUBMITTED, APPROVED + SIGNED



23RD FEBRUARY 2009

Date

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