

COMHAIRLE CHONTAE NA GAILLIMHE

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL
HELD AT ARAS AN CHONTAE, PROSPECT HILL, GALWAY ON
MONDAY, 27TH SEPTEMBER, 2010**

CATHAOIRLEACH:

Cllr. J. McClearn

ILATHAIR FREISIN:

Baill:

Cllrs. S. Canney, L. Carroll, P. Connaughton,
D. Connolly, M. Connolly, J. Cuddy, Comh S
O Cuaig, Comh T. Ó Curraoin, Cllrs. M. Fahy,
P. Feeney, G. Finnerty, M. Hoade, P. Hynes, C.
Keaveney, S. Kyne, M. Maher, E Mannion, J
McDonagh, T. Mc Hugh, M. Mullins, M.
Noone, P. Roche, Comh S. Ó Tuairisg, Cllrs. S.
Walsh, T. Walsh, T. Welby, B. Willers.

Oifigigh:

Ms. M. Moloney, County Manager,
Messrs. J. Cullen, F. Gilmore, K. Kelly,
Directors of Services, G. Mullarkey, Head
of Finance, M. Dolly, E. Molloy, M. Lavelle
Senior Engineers, B. McDermott, County
Secretary, M. Owens, A. Comer, Senior
Executive Officers, B. Barrett, Administrative
Officer, P. O'Neachtain, Oifigeach Gaeilge, R.
O'Boyle, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

RESOLUTIONS OF SYMPATHY

451

A resolution of sympathy was extended to the following:-

Cllr. Michael Mullins on the death of his father-in-law, Mr. Harry Lyne former
Town Clerk, Ballinasloe Town Council.
The Family of the late Mr. Tom Darcy former employee of Galway County Council
Mary Neylon, 16 McBride Avenue, Mervue, Galway
Geraldine O'Grady, 15 Emmett Avenue, Mervue, Galway
Jim Fahy, Ballydotia, Belclare, Tuam, Co. Galway
John Hughes, Killererin, Tuam, Co. Galway
Joe Desmond, Lavally, Tuam, Co. Galway
John Diskin & Family, Dooras, Cornamona, Co. Galway
Anne Sullivan, Ballyhugh, Gort, Co. Galway

Mary Mullins, Cleaghmore, Ballinasloe, Co. Galway
Martin Concannon, Ballinvoher, Turloughmore, Co. Galway
Grace Conneely, Lemonfield, Oughterard, Co. Galway
John Coreally, Athenry Road, Loughrea, Co. Galway

The Mayor welcomed Students from Class 3.1 of St. Jarlath's College, Tuam who were in attendance as part of their C.S.P.E., Project. He also welcomed their teachers Mr. John B. McLoughlin and Mr. F. Stockwell who accompanied them

CONFIRMATION OF MINUTES OF MEETING 452

The Minutes of the Monthly Meeting held on 26th July 2010 were approved by the Council and signed by the Mayor on the proposal of Cllr Mullins, seconded by Cllr. Cuddy.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION 453

The Report of the Ballinasloe Area Committee Meeting held on 26th May 2010 was considered. It was adopted by the Council on the proposal of Cllr Connaughton, seconded by Cllr. D. Connolly

The Report of the Loughrea Area Committee Meeting held on 17th June 2010 was considered. It was adopted by the Council on the proposal of Cllr. Maher, seconded by Cllr. Finnerty.

The Report of the Loughrea Area Committee Meeting held on 21st July 2010 was considered. It was adopted by the Council on the proposal of Cllr. Fahy, seconded by Cllr. Maher

The Report of the Oranmore Area Committee Meeting held on the 16th March, 2010 was considered. It was adopted by the Council on the proposal of Cllr. McDonagh, seconded by Cllr. Carroll.

The Report of the Oranmore Area Committee Meeting held on the 20th July, 2010 was considered. It was adopted by the Council on the proposal of Cllr. Cuddy, seconded by Cllr. Carroll.

The Report of the Planning, Economic Development & Community SPC Meeting held on the 10th May, 2010 was considered. It was adopted by the Council on the proposal of Cllr. Carroll, seconded by Cllr. Fahy.

The Report of the Conamara Electoral Area Committee Meeting held on the 2nd June, 2010 was considered. It was adopted by the Council on the proposal of Cllr. O Curraoin, seconded by Cllr. Kyne.

The Report of the Conamara Electoral Area Committee Meeting held on the 8th July, 2010 was considered. It was adopted by the Council on the proposal of Cllr. S. Walsh, seconded by Cllr. O Tuairisg.

Matters arising from the Minutes

Cllr. S. Walsh proposed that the Right of Way at An Pointe, An Cheathrú Rua be recognized as a public Right of Way. This was seconded by An Comh O Tuairisg.

Comh. O Tuairisg also raised the issue of CCTV Cameras erected in the same area, and wished to know if the erection of these was in compliance with the Planning Regulations.

Mr. Kelly in reply, confirmed that if the relevant details are supplied to him he will arrange to have the matter checked.

DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT, 1993

454

A report was already circulated to each Member.

On the proposal of Cllr. Hynes 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:-

Road commencing at junction with County Road L82471 in the townland of Earlsparck and extending east for a distance of 441 metres in the townland of Earlsparck and finishing at Brian Barrett's gate in the townland of Earlsparck.

Electoral Area: Loughrea

A report was already circulated to each Member.

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

Road commencing at Regional Road R347 Aggard Railway Bridge in the townland of Killora and extending south west for a distance of 240 metres in the townland of Killora and finishing at existing R347 in the townland of Killora.

Electoral Area: Loughrea

A report was already circulated to each Member.

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

Road at junction with Local Road L-5371-0 in the townland of Leagaun and extending north for a distance of 150 metres in the townland of Leagaun and finishing at crossroads in the townland of Leagaun.

Electoral Area: Conamara

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.0512 HECTARES AT MOUNTPOTTER, TUAM, CO. GALWAY 455

Report dated 3rd August, 2010 was already circulated to each Member.

On the proposal of Cllr. McHugh, seconded by Cllr. Canney, the disposal of 0.0512 hectares of land at Mountpotter, Tuam was approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – CONSTRUCTION OF A NEW FIRE STATION, TRAINING TOWER AND ASSOCIATED WORKS IN THE TOWNLAND OF DEMESNE, MILLTOWN ROAD, TUAM, CO. GALWAY 456

Report dated 17th September, 2010 was already circulated to each Member.

On the proposal of Cllr. Keaveney, seconded by Cllr. Canney, the construction of a new fire station, training tower and associated works at Demesne, Milltown Road, Tuam, Co. Galway on a site of approximately 1 acre, was approved

Arising from this item the issue of an additional Fire Station for Conamara was raised. It was proposed by An Comh. O Cuaig seconded by Cllr. S. Walsh and agreed that the provision of a Fire Station in Conamara is a top priority of Galway County Council.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2010 – DAWROS BRIDGE REPLACEMENT ON THE N59, LETTERFRACK 457

Report dated 21st September, 2010 was already circulated to each Member.

On the proposal of Cllr. S. Walsh, seconded by Cllr. E. Mannion, the demolition of the existing bridge structure and replacement of same was approved.

By unanimous agreement Item No. 13 was taken at this stage of the Meeting.

PRESENTATION BY RPS – PROPOSAL TO ABSTRACT WATER FROM RIVER SHANNON 458

The Mayor welcomed the following to the Meeting - Mr. Martin Kelly, Project Engineer, Dublin City Council, Mr. Gerry Geoghegan and Ms. Emily Ledwith, RPS Consulting Engineers, and Mr. Colm Ó Gógáin, Director of Strategic Infrastructure, Bord na Mona. He then invited Mr. Gerry Geoghegan to make the presentation on the Water Supply Project which proposes to address the long term water supply needs of Dublin, Meath and the Midlands Region.

The Mayor said that he was disappointed that the presentation did not address the issues of concern to Galway County Council

A questions and answer session followed where the Members raised the concerns regarding the proposal to extract water from Lough Derg

The Mayor thanked Mr. Geoghegan and the other attendees and advised that Galway County Council will discuss this matter further at a future meeting.

LEASING OF HOUSES SCHEME 459

Mr. Gilmore presented his Report dated 28th June, 2010 which had been previously circulated to each Member.

A number of issues were raised by the Members and clarification was given by Mr. Gilmore.

DRAFT DEVELOPMENT CONTRIBUTION SCHEME 460

Mr. Kelly referred to the revised report on the Draft Development Contribution Scheme 2010, with amendments, which had been discussed at the Area Committee Meetings and which had already been circulated to the Members.

It was proposed by Cllr. Mullins, seconded by Cllr. Cuddy and agreed to put the Draft Development Contribution Scheme, as amended, on Public Display.

ECONOMIC WORK OF GALWAY COUNTY COUNCIL 461

A Report was circulated to each Member

Mr. Barrett gave a presentation on the economic work of Galway County Council: what is in place, where we are as a County and the implications facing us. He advised that employment wise, the current figures on the live register are similar to 2004 figures. He continued by discussing the economic recovery envisaged. A lengthy discussion followed his presentation, with many concerns raised by the Members.

The Mayor and Members thanked Mr. Barrett for his very informative talk and slide presentation.

Report dated 21st September, 2010 was already circulated to each Member.

It was agreed that this issue required further debate and it was proposed by Cllr. Mullins, seconded by Cllr. McHugh, and agreed that this item be placed on the Agenda for the October Monthly Meeting for further discussion and debate.

SUSPENSION OF STANDING ORDERS

462

On the proposal of Cllr. Mullins, seconded by Cllr. Hoade it was agreed that Standing Orders be suspended to allow the Meeting to proceed after 6p.m.

PRESENTATION ON NEW CALENDAR OF EVENTS – GALWAY.IE

463

Mr. Barrett demonstrated to the Members how this website operates. All activities/events throughout the County can be included on the site. He requested the Members to bring the site to the attention of the local communities.

FLOODING UPDATE

464

Report dated 24th September 2010 was circulated to each Member and was presented by the Manager.

The Members were informed of an amendment in the report in relation to the Carnmore/Cashla area, and advised that the solution identified for Carnmore/Cashla will be included in the main works for the Claregalway Flood Relief Scheme.

In relation to Claregalway, disappointment was expressed that upstream of the Claregalway Bridge was not catered for in the Clare River Flood Relief Scheme.

In relation to the Dunkellin Flood Relief Scheme, concern was expressed regarding lack of plan for upstream of Craughwell.

The Members complimented Mr. Martin Lavelle, Senior Engineer and Mr. Christy Mannion, General Services Supervisor on the management of the works carried out on the Clarin River.

Concern was expressed regarding the difficulty being experienced by householders in obtaining insurance and the Manager was requested to follow up this issue with the Insurance Federation of Ireland.

In general the Members expressed their satisfaction with progress being made to date.

The Mayor requested that this item be kept on the Agenda.

NOMINEE FOR SOCIAL INCLUSION MEASURES (SIM) COMMITTEE

465

Report dated 21st September, 2010 was already circulated to each Member.

It was proposed by Cllr. Fahy, seconded by Cllr. Mullins and agreed that Cllr. Hynes be appointed to the Social Inclusion Measures Committee (SIM) of Galway County Development Board.

TO FIX DATES FOR OCTOBER AND DECEMBER COUNCIL MEETINGS

466

It was proposed by Cllr. McDonagh, seconded by Cllr. Maher and agreed that the October Monthly Meeting will take place on the 18th October, 2010, at 2.30 p.m. and that the December monthly will take place on the 17th December, 2010 starting at 2.00 p.m.

KILREEKIL WATER SUPPLY

467

Report dated the 27th September, 2010 was already circulated to each Member.

The Mayor said that this scheme was of high priority and he welcomed Mr. Dessie O' Brien, Chairman of the Local Committee to the meeting.

Mr. Cullen then read the report as circulated, and said he appreciated the opportunity to state the facts so that there is no misunderstanding. He said that Galway County Council is doing all it can to progress the Kilreekil Water Supply, and he hoped that the report clarifies where the Council stands in relation to this.

A lengthy debate followed and the Members expressed concern that a village the size of Kilreekil was still without their basic right of a water supply in 2010.

It was proposed by Cllr. Hynes, seconded by Cllr. Feeney and agreed that the following resolution be forwarded to the Minister for the Environment:

“that the Mayor/Loughrea Councillors and Officials of Galway County Council seek an urgent meeting with the Minister for the Environment Heritage, and Local Government and officials, with a view to securing funding for the Loughrea Regional Water Scheme, including the extension to Kilreekil.”

The Members paid tribute to Mr. John Diskin, Senior Engineer in the Water Services Department who is retiring next week and said he had put a huge effort into progressing and completing works on Group Water Schemes.

MANAGERS BUSINESS

468

Cllr. Kyne requested an update on the Galway City Outer Bypass. The Manager reported as follows:

Following the decision of An Bord Pleanála on the 20th November 2008 to grant approval to the Galway City and County Councils for the Eastern portion of the Galway City Outer ByPass, Peter Sweetman environmentalist and Hands Across the Corrib brought two separate Judicial Review proceedings in the High Court to have

that approval quashed. In the course of the proceedings, the State joined Peter Sweetman in challenging the Board's decision. Both these cases were heard together by the High Court in June and July 2009. Judgment was later delivered on the 9th October 2009, where the Court found fully in favour of the decision of the Board to grant approval for the eastern section of the ByPass.

The decision was appealed to the Supreme Court and after requests by Galway County Council for a priority hearing, was heard in early June of this year.

The High Court had allowed the appeal to the Supreme Court on one ground only namely:

“What is the correct interpretation of the phrase “adversely affect the integrity of the site concerned” as that phrase appears in Article 6 (3) of Council Directive 92/43/EEC of the 21st May 1992 on the conservation of natural habitats and of wild flora and fauna and Regulation 30 of the European Communities (Natural Habitats) Regulations 1997”.

The High Court had been asked to make a reference to the European Court of Justice prior to making a decision, but the High Court Judge was satisfied that the language of the Directive and the Regulations was sufficiently clear such that it was not necessary to ask the European Court of Justice for assistance in the interpretation of the law. During the Supreme Court appeal, the State repeated this request for a reference, urging the Chief Justice to make a reference to the ECJ seeking a response from them as to the correct interpretation of Article 6 and the correct interpretation of the phrase “adversely affect the integrity of the site”.

The Supreme Court agreed to make the reference and asked for draft questions to be submitted by the parties to the case for consideration. Whilst this was done, agreement as to the questions was not possible and the Chief Justice is currently drafting the reference which will contain specific questions to be asked of the ECJ. It is hoped that this will be finalised soon and that the case will then be referred to the ECJ. On receipt of the reference the following occurs:

The Order for reference is translated in the other official languages of the Community

The Member States are notified and given a copy of the reference with a translation in their official language

The Commission is notified by the Registrar. In some circumstances, the Council of Europe and the European Parliament is notified.

The Member States, the Commission and the parties to the case may submit observations within 2 months of notification.

When all submissions have been received, the judge-rapporteur submits a preliminary report to the administrative meeting of the Court.

The President will decide on a Court of 3 or 5 judges

The President will prescribe time limits for written observations by the parties.

The President will fix a date for the hearing. Dates assigned are based on date of entry of cases in the list.

Priority may be given if an application by the Member State for an accelerated hearing is granted, only to be granted in cases of exceptional urgency

The Advocate General's (AG) opinion is generally delivered a few days after the conclusion of the hearing.

The Judgment of the ECJ issues after the AG's opinion and is final

The effect of the judgment will be to answer the questions put to it by the Supreme Court, whose hearing of the appeal against the High Court Order currently stands suspended. The Supreme Court will then resume the hearing of the case, with the benefit of the ECJ's response and give its judgment on the judicial review.

There is uncertainty regarding the timescale involved in this process, from date of reference to the ECJ to the delivery of judgment by the ECJ. However, after the case has been sent, it is Galway County Council's intention to promote an application for an accelerated hearing.

On the 7th July, the CPO (Extension of Time Limits) Act 2010 was passed which allows for an extension of the 18 month period for service of the Notice to Treat in certain cases where the project has been delayed by legal proceedings brought to challenge the approval. This was a very welcome development.

Cllr. Kyne required that the County Manager write to the 15 MEP's in relation to this issue based on the summary given to the Members. The Members were supportive of this.

MAYORS BUSINESS

469

Cllr. Dermot Connolly raised his Notice of Motion No. 22 "That Galway County Council will not issue a Waste Permit for which planning permission was granted by An Bord Pleannala for sludge treatment at Poolboy in the Ballinasloe Electoral Area."

Mr. Cullen confirmed that he is not aware of any role Galway County Council has in this regard.

The Mayor pointed out that this issue was not for debate as a response had been issued to Cllr. D. Connolly.

It was agreed that the implications of the New Planning Act will be an item on the Agenda for the next Council Meeting.

CONFERENCES

470

- **A.M.A.I. 97th Annual Conference – Local Government for the Future – 9th – 11th September – Inishowen Gateway Hotel, Buncrana, Inishowen, Co. Donegal**
 1. Michael Maher

- **Greystones Town Council – La Touche Legacy Seminar 2010 – Local Democracy – in Changing Times – 1st – 3rd October – Charlesland Golf & Country Club, Greystones, Co. Wicklow**
 1. Tomás Mannion
 2. Seamus Walsh
 3. Jimmy McClean

NOTICE OF MOTIONS

NOTICE OF MOTION NO 20 – CLLR. B. WILLERS

471

The following reply was given:-

“It is considered that a Prohibition Order in accordance with Section 48 of the Local Government (Sanitary Services) Act 1948 offers a more immediate and effective means of regulating camping and overnight parking of campervans. The terms of such an Order are currently the subject of consideration by the Loughrea Electoral Area Committee.”

NOTICE OF MOTION NO 21 – CLLR. B. WILLERS

472

The following reply was given:-

“The provision of safety/ traffic calming measures in Ballindereen Village has been the subject of discussions with the National Roads Authority. Arising from same, the National Roads Authority has indicated that the location does not meet existing criteria to qualify for funding under the Safety Measures Programme.”

NOTICE OF MOTION NO 22 – CLLR. B. WILLERS

473

The following reply was given:-

“The development of a sludge facility and associated works, for which One Bio Ltd has been granted planning permission by An Bórd Pleanála, requires an Integrated Pollution Prevention Control (IPPC) Licence before development can commence,

which is set out as a condition of the grant of planning. The Environmental Protection Agency, and not Galway County Council, is the competent authority in this regard.”

NOTICE OF MOTION NO 23 – CLLR. D. CONNOLLY 474

The following reply was given:-

“In line with national water pricing policy, Galway County Council implements a standard domestic allowance per house of 50,000 gallons (227m³) per annum or the actual consumption, whichever is the lower. For billing purposes, this annual allowance is applied as a daily allowance of 0.621m³ to each customer’s bill. This daily allowance is multiplied by the number of days in the billing period to calculate the total domestic allowance to be deducted from that particular bill.

The purpose of the domestic allowance is to allow for reasonable consumption for domestic water usage. Applying a daily allowance per house for domestic usage is a fair and equitable method of achieving this end. While consumption for agricultural users will indeed vary considerably depending on the time of year, the domestic allowance is not intended to be used to offset higher levels of non-domestic consumption.”

NOTICE OF MOTION NO 24 – CLLR. J. MCDONAGH 475

The following reply was given:-

“Galway County Council is in consultation with the NRA to ensure the adequate signage of Oranmore Village from the M6 Motorway.”

NOTICE OF MOTION NO 25 – CLLR. J. MCDONAGH 476

The following reply was given:-

“The type of sign requested is not recommended for this location, as it is intended for roads which are primarily residential in character with continuous housing frontage.”

NOTICE OF MOTION NO 26 – CLLR. J. MCDONAGH 477

The following reply was given:-

“The sign in question will be provided as soon as possible.”

NOTICE OF MOTION NO 27 – CLLR. J. CUDDY 478

The following reply was given:-

“This Notice of Motion requires a Resolution of the Council.”

NOTICE OF MOTION NO 28 – CLLR. J. CUDDY

479

The following reply was given:-

“Galway County Council is obliged to follow the legal requirements as set down by the EU in relation to public procurement of contracts. Contract documents for the Claregalway Sewerage Scheme have been sent to the Department of the Environment, Heritage and Local Government and approval to go to tender is awaited. Once approval is received, the formal tender process must be completed to award the contract, following which, works on the scheme will commence.”

NOTICE OF MOTION NO 29 – CLLR. J. CUDDY

480

The following reply was given:-

“The existing Road Traffic (Special Speed Limits) County Galway Bye-Laws 2010 were implemented in April 2010. Taking into consideration the requirement to complete the 2010 Roads Programme and deliver an extensive programme of flood mitigation works over the coming months it may not be possible to significantly advance the review of speed limits in the current year.”

NOTICE OF MOTION NO 30 – CLLR. M. FAHY

481

The following reply was given:-

“This project is currently being reviewed in the context of the current requirements of the ESB in relation to the provision of public lighting in order to determine the extent of public lighting that can be provided based on the available budget of €20,000.”

NOTICE OF MOTION NO 31 – CLLR. M. FAHY

482

The following reply was given:-

“Irish Rail will be informed of the issue and their direction and funding sought towards providing greater driver awareness of such structures.”

NOTICE OF MOTION NO 32 – CLLR. M. FAHY

483

The following reply was given:-

“Verge trimming is currently being undertaken on roads, prioritized based on reasons of road safety and taking into consideration traffic volumes, alignments, pavement

width and bus routes. Verges trimming will continue to be undertaken on this basis within the limits of available funding.”

NOTICE OF MOTION NO 33 – CLLR. P. HYNES **484**

The following reply was given:-

“This road is not included in the 2010 Roads Programme or the 2011-2013 Multi Annual Road Restoration Programme as recently approved for submission to the National Roads Authority. Accordingly, in the absence of specific funding it will not be possible to undertake reconstruction/ restoration work on the road. The road however will be considered for routine maintenance as necessary and appropriate within the limits of available funding.”

NOTICE OF MOTION NO 34– CLLR. P. HYNES **485**

The following reply was given:-

“This road has been included in the 2011-2013 Multi Annual Road Restoration Programme as approved for submission to the National Roads Authority. In the interim, the road will be scheduled for routine maintenance to address the issues of potholes.”

NOTICE OF MOTION NO 35– CLLR. P. HYNES **486**

The following reply was given:-

“It is intended to provide additional road markings on the N66 in the vicinity of Naomh Thomáis National School, Peterswell, Co. Galway in the coming weeks.”

NOTICE OF MOTION NO 36– CLLR. P. ROCHE **487**

The following reply was given:-

“When assigning Fire brigade station areas and PDA’s (Pre Determined Attendance) using the CAMP -Computer Aide Mobilising Project - System the base criteria used is the townland location. The PDA order of Fire station attendance is decided on the minimum travel time to the centroid of the townland in question. Hence Brigade area and PDA area boundaries are co-incident with townland boundaries. The CAMP system does not allow for the subdivision of town lands into different sub-PDA’s. Hence it is possible that a particular building/ risk at the edge of a PDA and townland boundary can be closer to another Fire station than the Fire station that is assigned to the townland in which the premises is located.

A fire occurred at Arrawbawn Co-Op near Abbeyknockmoy on the morning of the 6th September 2010. The address given to the CAMP dispatcher in Castlebar was

Newtown Abbeyknockmoy, which is 3 km east of Abbeyknockmoy on the southern side of the N63. This location is near the intersection of 3 brigade areas Tuam, Athenry and Mountbellew respectively. The former two Brigade areas are subdivided by the N63 road, with Tuam area been to the north of the road and Athenry to the south of the road respectively. Mountbellew's boundary is just further east along N63.

It should be noted that Arrawbawn Co-Op is in fact located in the townland of Clashard, which has the same PDA as Newtown Townland.

The PDA for Newtown Townland is Athenry and Mountbellew
The first Fire appliances (Pumps) from both stations were initially alerted as follows.

The 999 call was received by Camp West in Castlebar at 05.00, Mountbellew Station were alerted at 05.02 and Athenry at 05.04 respectively with Athenry Fire appliance booking in attendance at 05.32 and Mountbellew Fire appliance booking in attendance at 05.28. Further appliances from Galway city -a water tanker -and a second pump from Athenry were subsequently mobilised to this incident, which lasted until 15.22 on the 6th September.

There were subsequent clean up incidents to the premises later on the 6th and 7th September which were assigned to Athenry as first appliance on the PDA.

There was no time delay in assigning and mobilising Fire appliances to this incident as per PDA, and the PDA was not changed."

NOTICE OF MOTION NO 37 – CLLR. S. CANNEY

488

The following reply was given:-

"Following a complete review of this file in August, 2010 and after discussions with the Law Agent it was decided to recommence enforcement proceedings in this case. A revised Warning Letter has been issued and the situation is being monitored by the Planning Enforcement Section to ensure a successful conclusion to the matter."

NOTICE OF MOTION NO 38 – CLLR. S. CANNEY

489

The following reply was given:-

"Galway County Council has on an ongoing basis sought funding from the National Roads Authority for the realignment of the existing N17 at Castletown."

NOTICE OF MOTION NO 39 – CLLR. S. CANNEY

490

The following reply was given:-

"Galway County Council are in discussion with the National Roads Authority in relation to the N17 at Carrownurlaur and Gortnagunned. A high skid resistance surface was recently provided at both locations at a cost of approximately €80,000."

NOTICE OF MOTION NO 40– COMH. S. Ó TUAIRISG

491

The following reply was given:-

“Is mian liom a chur in iúl go ndéantar measúnú ar airgeadú agus cuirtear ar fáil é, cás ar cás agus caithfear a fháil ón Stiúrthóir Seribhísí. Déantar machnú ar gach scéim Athnuachan Bailte ar an mbealach seo.”

NOTICE OF MOTION NO 41– COMH. S. Ó TUAIRISG

492

The following reply was given:-

“Is mian liom a chur in iúl nach bhfuil aon chostas ar Ceantair Toghascán Chonamara de bharr foirne a bheith aistrihe, go Sealadach. Beidh an foirne ag déanach obair an Chomhairle Chontae in oirthear na Gaillimhe agus beidh siad ar fáil má bhíonn dualgaisí práinneach i gConamara. Is mian liom a chomhairlúí go mbeidh an foirne ar ais faoi dheire na bliana.”

NOTICE OF MOTION NO 42– COMH. S. Ó TUAIRISG

493

The following reply was given:-

“Is mian liom a chur in iúl nach bhfuil aon airgeadú ar fáil faoi láthair chun an obair seo a dhéanamh.”

NOTICE OF MOTION NO 43 – CLLR. T. BRODERICK

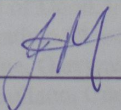
494

The following reply was given:-

“The position with regard to the Draft Sludge Management Plan is that the Council expects the final draft to be available for consideration by the Environmental SPC at a meeting in October. The overall strategy of the plan envisages a central hub facility supported by a number of satellite centres. The purpose of the satellite centres is to act as an intermediate focal point between the Sludge Hub Treatment Centre and outlying Wastewater Treatment Plants. In the case of Ballinasloe, it is identified as one of the satellites.”

Criochnaigh an Cruinniú Ansin

Submitted, Approved + Signed



12th October 2010

Date

CHOMHAIRLE CHONTAE NA GAILLIMHE

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL
HELD AT ÁRAS AN CHONTAE, PROSPECT HILL ON MONDAY 26th
JULY, 2010.**

CATHAOIRLEACH: Cllr. J. McClearn

ILATHAIR FREISIN:

Baill:

Cllrs. T. Broderick, S. Canney, L. Carroll, P. Connaughton, D. Connolly, M. Connolly, J. Cuddy, Comh S O'Cuaig, Comh T. Ó Curraoin, Cllrs. M. Fahy, P. Feeney, G. Finnerty, M. Hoade, P. Hynes, C. Keaveney, S. Kyne, M. Maher, E. Mannion, T. Mannion, J. McDonagh, T. Mc Hugh, M. Mullins, M. Noone, P. Roche, Comh S. Ó Tuairisg, Cllrs. S. Walsh, T. Walsh, T. Welby, B. Willers.

Oifigigh:

Ms. M. Moloney, County Manager;
Messrs. J. Cullen, F. Gilmore, Directors
of Service; G. Mullarkey, Head of
Finance; M. Dolly, E. Molloy Senior
Engineers; B. McDermott, County
Secretary; M. Owens, A. Comer, J.
Brann, Senior Executive Officers, B.
Barrett, Administrative Officer, P.
O'Neachtain, Oifigeach Gaeilge, G.
Healy, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

RESOLUTIONS OF SYMPATHY

419

A resolution of sympathy was extended to the following:-

Mrs Nonie Tierney, Bournagurtheeney, Oughterard, Co. Galway.
Mr. Martin Butler, Hill of Doon, Oughterard, Co. Galway.
Ashley, Francis, & Jonathon Clancy, Danesfield, Moycullen, Co. Galway
Paddy & Pauline Malone, Garrymore, Kilconnell, Ballinasloe, Co. Galway.
Pat & Kay Costelloe, Bullaun, Cummer, Tuam, Co. Galway.
Pakie Burke, Corbally, Cummer, Tuam, Co. Galway.

CONFIRMATION OF MINUTES OF MEETINGS

420

The Minutes of the Monthly Meeting held on 28th June, 2010 were approved by the Council and signed by the Mayor on the proposal of Cllr. Mullins, seconded by Cllr. McHugh.

Arising from the minutes and in response to a query from Cllr. Cuddy, Mr. Cullen stated that the Council had written to the Minister for the Environment, Heritage and Local Government seeking a deputation in relation to the Water Services Investment Programme and that a reply is awaited.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – AN CHEATHRÚ RUA THEAS, AN CHEATHRÚ RUA, CO. NA GAILLIMHE

421

Report dated the 15th July, 2010 was already circulated to each Member

On the proposal of Comh. O Tuairisg, seconded by Comh. O Cuaig, it was agreed that the proposal for the demolition of existing bungalow and construction of a new dwelling house at An Cheathrú Rua Theas, An Cheathrú Rua, be approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – SALT STORAGE BARN AND ANCILLARY WORKS IN THE TOWNLAND OF KILLALOONTY, TUAM

422

Report dated 20th July, 2010 was already circulated to each Member.

On the proposal of Cllr. McHugh, seconded by Cllr. Canney, it was agreed that the proposal for the construction of a salt storage barn and ancillary works in the townland of Killaloonty, Tuam, be approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – SALT STORAGE BARN AND ANCILLARY WORKS IN THE TOWNLANDS OF BALLYGASTY AND GRAIGUE, LOUGHREA

423

Report dated 20th July, 2010 was already circulated to each Member.

On the proposal of Cllr. Willers, seconded by Cllr. Fahy, it was agreed that the proposal for the construction of a salt storage barn and ancillary works in the townland of Ballygasty and Graigue, Loughrea, be approved.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – SALT STORAGE BARN AND ANCILLARY WORKS IN THE TOWNLAND OF KININCHA, GORT

424

Report dated 20th July, 2010 was already circulated to each Member.

On the proposal of Cllr. Willers, seconded by Cllr. Finnerty, it was agreed that the proposal for the construction of a salt storage barn and ancillary works in the townland of Kinincha, Gort, be approved.

Members from the Conamara Electoral Area expressed concern that no salt storage facilities are proposed for West Galway and Mr. Gilmore replied that the three Part 8 proposals are for bulk storage of salt for the whole county and he emphasized that Conamara is not placed at any disadvantage as regards the availability of salt as trucks are pre-loaded and deployed to the various destinations where salt is needed. He also said that the Council is preparing a Policy on Salting of Roads which will be brought before the relevant SPC shortly.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – N63 CANAVAN'S BRIDGE IN THE TOWNLANDS OF CASTLEGAR AND CARROWNAGANNIVE.

425

Report dated 22nd July, 2010 was circulated to each Member.

On the proposal of Cllr. McHugh, seconded by Cllr. Willers, it was agreed that the proposal for bridge refurbishment works to the N63 Canavans Bridge over the Castlegar river, be approved.

AGREEMENT WITH NORTH TIPPERARY COUNTY COUNCIL PURSUANT TO SECTION 85 OF THE LOCAL GOVERNMENT ACT 2001 – REFURBISHMENTS TO THE BRIDGE AT PORTUMNA ON THE N65 OVER THE RIVER SHANNON

426

Report dated 20th July, 2010 was already circulated to each Member.

On the proposal of Cllr. Fahy, seconded by Cllr. Hynes, the making of an Agreement with North Tipperary County Council pursuant to Section 85 of the Local Government Act 2001 in order to enable Galway County Council to undertake the repair and refurbishment of Portumna Bridge and to exercise all the functions necessary for this purpose in the area administered by North Tipperary County Council, which authority will also have to be party to the Agreement, was agreed.

TO CONSIDER A PROPOSAL UNDER SECTION 73 OF THE ROADS ACT 1993 TO EXTINGUISH A PUBLIC RIGHT OF WAY – A SECTION OF THE LT71072 IN THE TOWNLAND OF FRENCHFORT COMMENCING FOUR

HUNDRED AND FIFTY FIVE METRES FROM ITS JUNCTION WITH THE LS7107 IN FRENCHFORT FOR A LENGTH OF SEVENTY SIX METRES 427

Report dated 20th July, 2010 was already circulated to each Member.

On the proposal of Cllr. Cuddy, seconded by Cllr. Carroll it was agreed to defer this item until a further meeting.

TO APPROVE DRAFT BYE-LAWS FOR THE REGULATION OF CILL RÓNAIN HARBOUR AND CILL ÉINNE HARBOUR 428

Report dated 20th July, 2010 was already circulated to each Member.

On the proposal of Comh. O Tuairisg, seconded by Cllr. Welby, it was agreed that the Draft Bye-Laws for the Regulation of Cill Rónain Harbour and Cill Éinne Harbour be put on public display.

EUROPEAN ROAD SAFETY CHARTER 429

Report dated 16th July, 2010 was already circulated to each Member.

Mr. Gilmore referred to the report and stated that Galway County Council initially signed the European Road Safety Charter in 2007, thus committing to assuming its share of the responsibility in helping to achieve the common target of saving lives.

A number of the Members expressed the view that some people still do not appear to be getting the message regarding road safety and continue to drive dangerously and they asked what is being achieved through the European Road Safety Charter.

Mr. Gilmore outlined the various Road Safety Initiatives undertaken by the Council's Road Safety Together Committee in 2009 which included: Junior School Warden Scheme; Cycle Training Programme; Advanced Pitstop Initiative; Drive for Life Programme; "Check it Fits" Roadshow which aimed to identify child car seats which were fitted incorrectly; "Are you Daylighted" Road Safety Awareness Campaign; and the "Think Twice" Road Safety Show aimed at transition and senior year students in Galway County and City Secondary Schools and Youthreach Groups. He said that these Road Safety Initiatives are examples of the work being done as a result of the European Road Safety Charter and he said that work on these initiatives will continue over the next three years.

It was proposed by Cllr. Kyne, seconded by Cllr. Cuddy and agreed "That Galway County Council commence the process of reviewing speed limits on our county roads with the view to improving road safety".

It was proposed by Cllr. S. Walsh, seconded by Comh Ó Tuairisg and agreed "That the road junctions at Drimnahoon and Moyvoon on the N59 between Rosscabhill and Oughterard be made safe as a matter of priority". Mr Gilmore undertook to examine this issue.

In relation to road safety, some Members referred to the matter of verge trimming and stated that where public safety is at risk, verge trimming should be carried out.

Mr Gilmore said that road safety is a priority on all roads and it is the Council's policy to carry out verge trimming at all locations that are considered dangerous.

He also pointed out that the speed limits shown on the road signs are maximum speed limits and drivers must be responsible and take the condition of the road and the environment into consideration when driving.

On the proposal of Cllr. Mullins, seconded by Cllr. Carroll, it was agreed that Galway County renew its commitment to the European Road Safety Charter up to end of 2012.

DEVELOPMENT CONTRIBUTION SCHEME

430

Report dated 20th July, 2010 was already circulated to each Member.

Mr. Comer presented the Draft Development Contribution Scheme to the Members.

It was proposed by Cllr. Welby that the Draft Development Contribution Scheme be put on public display and this proposal was seconded by Cllr. McHugh.

However, some Members expressed reservations regarding the proposals contained in the Draft Scheme in respect of Bearna.

The Mayor pointed out that the review of the Development Contribution Scheme was being carried out at the request of the Members due to the downturn in the economy. He said that a sub-committee of the Council was set up in order to formulate the review and this sub-committee has met on a number of occasions and as a result the Draft Scheme was prepared.

Following a lengthy discussion, Mayor McClearn proposed that this item be referred back to the Area Committees for further discussion. This proposal was seconded by Comh. O Curraoin and agreed.

FINANCIAL REPORT FOR PERIOD ENDING 30TH JUNE 2010

431

Report dated 19th July, 2010 was already circulated to each Member.

Mr. Mullarkey presented the Financial Report for the period ending 30th June, 2010, as circulated.

In reply to a query from Cllr. Kyne regarding re-tendering of electricity provision, Mr. Mullarkey confirmed that the Council re-tendered and made significant savings.

In reply to a query from Cllr. D. Connolly, Mr. Cullen stated that the contract between the Council and Celtic Anglian in relation to water metering and collection of water charges is for 10 years and is currently at year three of the contract.

In reply to Cllr. Broderick's query regarding VAT on Affordable Housing, Mr. Mullarkey stated that he is awaiting clarification from the Minister for the Environment, Heritage & Local Government in this regard.

In reply to issues raised by the Members regarding staff shortages, the Manager stated that the Council will have to deal with staff shortages through the re-deployment of staff to areas of greatest need.

LEASING OF HOUSES SCHEME

432

Report dated 28th June, 2010 was already circulated to each member.

On the proposal of Cllr. Finnerty, seconded by Cllr. McDonagh, it was agreed that this item be deferred to the September Monthly Meeting of the Council.

FLOODING UPDATE

433

Report dated 23rd July, 2010 was circulated to each Member and was presented by the Manager.

A discussion took place and the following points were made by the Members:

- The Joint Working Group was complimented on progress to date and the Members were optimistic that the work programme presented would be completed.
- The Members welcomed the proposed construction of a flood eye at Claregalway Bridge but stated that the Council needs to put a traffic management plan in place to avoid traffic problems on the N17 when this work is being carried out.
- Disappointment was expressed at the lack of progress regarding a scheme for re-location for families where there is no solution to the flooding problem

The Manager thanked the Members for their comments and she stated that the Council has contributed a lot of resources to the flooding issue, as has the Office of Public Works.

She stated that the Council has been unsuccessful in their efforts to date in relation to a scheme for re-location and that this issue will be raised again with the OPW.

In reply to issues raised regarding proposed works on Claregalway Bridge, Mr. Gilmore confirmed that Galway County Council is liaising with the OPW and the Consultants in this regard.

Mr. Dolly confirmed that approval to a third tranche of Minor Works Schemes is awaited from the OPW.

ECONOMIC WORK OF GALWAY COUNTY COUNCIL

434

“Mid Term Report 2010” was circulated to each Member.

It was agreed by the Members to defer this item.

PRESENTATION ON NEW CALENDAR OF EVENTS – GALWAY.IE

435

It was agreed by the Members to defer this item.

MAYORS BUSINESS

436

Cllr. Willers raised the issue of Sunday Markets stating that it is not fair to retailers who pay their rates if Sunday Markets are allowed to operate on private property without planning permission. Cllr. Willers proposed that if trading is being carried out without planning permission, enforcement notices under the planning legislation should be issued to the property owner (if known) rather than the trader and this proposal was seconded by Cllr. Carroll, and agreed.

Mr. Gilmore informed the Members that the 2011-2013 Multi Annual Scheme of Grants for Regional and Local Roads is being prepared at the moment and must be submitted to the NRA by 10th September, 2010. He stated that if the Members wish to make submissions on the scheme, they should contact the relevant area office staff in order to do so.

The Mayor asked that RPS Consultants be invited to address the Members at the September Meeting of the Council regarding water abstraction from the River Shannon. Mr Cullen confirmed that this would be arranged.

Cllr. Hoade proposed that the Western Development Commission be asked to make a presentation to the Council at a future meeting and this proposal was seconded by Cllr. Walsh and agreed.

In reply to a query from Cllr. Carroll regarding the proposed Oranmore train station, Mr. Owens stated that the Council met with Irish Rail and a planning application for the station, carpark and access road is being prepared which Irish Rail hope to lodge by the end of the year with a view to opening the station by the end of 2011.

Cllr. S. Walsh stated that the right of way at the pier in An Cheathru Rua has been narrowed due to the construction of a wall by a local landowner and he asked that the Council consider making the access road an official public right of way.

CONFERENCES

437

On the proposal of Cllr. Mullins and seconded by Cllr. Feeney the proposed attendances at conferences was agreed.

13th Lough Ree Environmental Summer School & Arts Festival 2010 – 7th – 11th July – Lanesborough, Co. Longford

Cllr. S Kyne, Cllr. T Welby

Superior Training – Local Government Roads & Transport Services – 9th – 11th July – West Cork Hotel, Skibbereen, Co. Cork

Cllr. C Keaveney, Cllr. T McHugh, Cllr. T Walsh, Cllr. P Feeney, Cllr. M Maher

Celtic Conferences – A Practical Guide to Media Skills – 15th – 18th July – Celtic Ross Hotel, Rosscarbery, Co. Cork

Cllr. J McClearn

Esperanza Enterprises – Housing (Miscellaneous Provisions) Act 2009 – 16th – 18th July 2010 – Glenroyal Hotel, Maynooth, Co. Kildare

Cllr. P Roche, Cllr. T McHugh, Cllr. T Walsh, Cllr. C Keaveney

MacGill Summer School – Reforming the Republic – Issues of Politics, Economics & Accountability – 18th – 24th July – Glenties, Co. Donegal

Cllr. C Keaveney, Cllr. M Connolly, Cllr. S Ó Tuairisg, Cllr. S Kyne, Cllr. P Feeney, Cllr. T Broderick

Parnell Summer School 2010 – The Role of Media in Politics & Society – 8th 13th August – Avondale House & Forest Park, Rathdrum, Co. Wicklow

Cllr. M Connolly

NOTICE OF MOTIONS

NOTICE OF MOTION NO 18 – CLLR. M. FAHY

438

The following reply was given:-

“The existing Road Traffic (Special Speed Limits) County Galway Bye-Laws 2010 were implemented in April 2010. This location will be considered in the context of the future review of the Bye-Laws 2010 and in the interim the existing signage and road markings will be examined and improved if deemed necessary.”

NOTICE OF MOTION NO 19 – CLLR. M. FAHY

439

The following reply was given:-

“It is anticipated that work on this road will be undertaken in the coming weeks.”

NOTICE OF MOTION NO 20 – CLLR. M. FAHY 440

The following reply was given:-

“The opening of the M17 Gort to Crusheen motorway scheme will substantially reduce the amount of traffic on the old N18 passing through Gort. It is anticipated that this will remove the need for the traffic signals at the junction with the N66. The situation will be reviewed after the opening of the Motorway.”

NOTICE OF MOTION NO 21 – CLLR. P. HYNES 441

The following reply was given:-

“Legal Agreements were sent to the applicant’s solicitor in relation to the transfer of a site in June 2009 and the matter rests therein.”

NOTICE OF MOTION NO 22– CLLR. P. HYNES 442

The following reply was given:-

“As the cost of purchase of demountable dwellings has to be funded through internal resources and cannot be recouped from the Department of the Environment it is unlikely that the Council will be purchasing any new Demountable dwellings in the current year. A scheme house would perhaps be an alternative the applicant might consider.”

NOTICE OF MOTION NO 23– CLLR. P. HYNES 443

The following reply was given:-

“It is anticipated that the issue of the ESB pots on the public footpath outside Duniry Church and School will be addressed in the coming weeks.”

NOTICE OF MOTION NO 24– CLLR. P. CONNAUGHTON 444

The following reply was given:-

“This road is not included in the 2010 Roads Programme and accordingly funding is not currently available for restoration works. However, the road will be scheduled for routine maintenance including minor repair works.”

NOTICE OF MOTION NO 25 – CLLR. P. CONNAUGHTON 445

The following reply was given:-

“Sewage sludge spreading is carried out according to the Sewage Sludge Regulations 2009. Galway County Council cannot prevent the spreading of sludge in an area provided that it is spread according to the regulations.”

NOTICE OF MOTION NO 26 – CLLR. P. ROCHE 446

The following reply was given:-

“The Council is satisfied that the road surface is adequate for the existing 50kph speed limit, notwithstanding same the possibility of providing a high skid resistance surface at the location is currently being examined.”

NOTICE OF MOTION NO 27 – CLLR. P. ROCHE 447

The following reply was given:-

“The kerbed island at this location was removed a number of years ago and it is not currently intended to re-instate same. Minor junction improvements are proposed for the junction and will be undertaken in the coming months.”

NOTICE OF MOTION NO 28 – CLLR. S. CANNEY 448

The following reply was given:-

“The following works have recently been undertaken at the above location in accordance with the NRA Regional Road Safety Engineer’s recommendations:

- Replacement of studs along centreline of road and edge of carriageways for a length of 258m
- Erection of 13 new chevron signs bringing the total number of chevron signs (double-sided) in place to 17
- Relocation of 2 existing flag signs on local road L6510
- Installation of a new junction definition post on local road L6510
- The installation by Rennicks of 2 Vehicle Actuated Signs along with 2 gateway signs.”

NOTICE OF MOTION NO 29 – CLLR. S. CANNEY 449

The following reply was given:-

“Galway County council can confirm that there are now two revenue collectors based in the Tuam office. Given the current embargo on recruitment it is not envisaged that any additional staff will be transferred to the regional offices. There will be additional costs incurred in providing a full cash receiving facility in the Tuam office and these will be assessed as part of the forthcoming budgetary process. In addition there will be a training requirement and we are currently preparing plans to deliver the required training in the near future.”

NOTICE OF MOTION NO 30 – CLLR. S. CANNEY

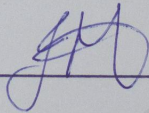
450

The following reply was given:-

“This matter is currently under consideration with a view to determining if the provision of additional signage is appropriate.”

Criochnaigh an Cruinniú Ansin

Submitted, Approved + Signed



27th September 2010

DATE