



GALWAY COUNTY COUNCIL

MINUTES

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**GALWAY COUNTY COUNCIL,
COUNCIL MINUTES**

GC/1/54

23 MAY 2011 - 23 APRIL 2012



GALWAY COUNTY COUNCIL

MINUTES

23rd May 2011 - 23rd April 2012

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Minutes of April Monthly Meeting held on 21st April 2012

COMPTROLLER CHONTAE NA DAILLIMH

MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL
HELD AT ANAS AN CHONTAE, PROSPECT HILL, ON MONDAY, 21st
APRIL 2012

MAYOR

Michael

MAHER

2011 - 2012

Galway County Council Archives

COMHAIRLE CHONTAE NA GAILLIMHE

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL
HELD AT ARAS AN CHONTAE, PROSPECT HILL, ON MONDAY, 23rd
APRIL, 2012**

CATHAOIRLEACH:

Cllr. M. Maher

I LATHAIR FREISIN:

Baill:

Cllrs. T. Broderick, S. Canney, L. Carroll, D. Connolly, M. Connolly, J. Cuddy, S. Cunniffée, Comh T. Ó Curraoin, Cllrs. M. Fahy, P. Feeney, G. Finnerty, M. Finnerty, M. Hoade, P. Hynes, Comh. S. Ó Laoi, E Mannion, T. Mannion, J. Mc Clearn, J. McDonagh, T. Mc Hugh, M. Noone, P. Roche, K. Ryan, Comh S. Ó Tuairisg, Cllrs. S. Walsh, T. Walsh, T. Welby, B. Willers.

Oifigigh:

Ms. M. Moloney, County Manager, Messrs. J. Cullen, K. Kelly, Director of Services, Mr. G. Mullarkey, Head of Finance, Messrs. E. Molloy, L. Gavin, Senior Engineers, Ms. C. McConnell, Senior Planner, Ms. G. Kavanagh, Asst. Planner, Mr. M. Owens, County Secretary & Meetings Administrator, Ms. M. McGrath, Ms. M. Donoghue, Senior Staff Officers, Mr. P. O' Neachtain, and Ms. R. O'Boyle, Staff Officers.

Thosnaigh an cruinniú leis an paidir.

RESOLUTIONS OF SYMPATHY

988

A resolution of sympathy was extended to the following:

Mrs. Una Griffin, Poulaweerin, Lettermore, Co. Galway.
Ms. Mary Whelehan, Hillcrest, Ballinasloe, Co. Galway.
Mrs. Sheila Casey, Knocknagreea, Ballinasloe, Co. Galway.
Mrs. Mary Thornton, Lydican, Carnmore, Oranmore, Co. Galway.
Mr. Mark Hehir, Knock, Moycullen, Co. Galway.
Ms. Edel Kelly, Mackney, Ballinasloe, Co. Galway.
Ms. Peggy Fahy, Gilmartin Road, Tuam, Co. Galway.

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Mrs. Francis Cooley, Kilcurrive, Belclare, Tuam, Co. Galway.
The Honorary Lady Hemphill & Family, Raford, Kiltulla, Athenry, Co. Galway.
Joyce Family, Cloughan, Kilchrest, Loughrea, Co. Galway.
John & Eileen Forde, Castletown, Gort, Co. Galway.
Mrs. Furey & Family, Mannionard, Ardrahan, Co. Galway.
Mrs. Josephine King, Loughanbeg, Inverin, Co. Galway.
Mr. Micheál Waldron, Newford, Athenry, Co. Galway.

Cllr. Fahy proposed that a vote of sympathy be extended to the wife and family of the Late Lord Hemple of Tullira Castle described by Cllr. Fahy as an outstanding Irish personality of our time, Master of the Galway Blazers and Chair of the Galway Races on two occasions. Cllr. McDonagh, on his own behalf, and on behalf of the Fine Gale party joined in the expression of sympathy.

CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS

989

The Minutes of Monthly Meeting held on 26th March 2012 were approved by the Council and signed by the Mayor on the proposal of Cllr. McClearn, seconded by Cllr. McDonagh.

Matters Arising

In reply to An Comh O'Tuairish, Mr. Owens confirmed that the Council's nominee for appointment to the Board of Comharchumann na nOileann was An Comh S. O'Laoui as previously determined by Council and that notification of same had issued to Comharchumann na nOileann.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION

990

The Report of the Planning, Economic Development & Community SPC Meeting held on 5th December 2011 was approved by the Council on the proposal of Cllr. Carroll, seconded by Cllr. D. Connolly.

The Report of the Housing SPC Meeting held on 6th September 2011 was approved by the Council on the proposal of Cllr. T. Walsh, seconded by Cllr. McDonagh.
The Report of the Corporate Policy Group Meeting held on 17th January 2012 was approved by the Council on the proposal of Cllr. T. Walsh, seconded by the Mayor, Cllr. Maher.

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

991

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

Slí an Srutháin Housing Estate, Moycullen, Co. Galway

Road pavement and footpath commencing at its junction with the L-1320 in the townland of Kylebroughlan and extending in a southerly and easterly direction for a total distance of approximately 340 meters in the townland of Kylebroughlan and ending in the townland of Kylebroughlan.

Electoral Area: Conamara

Cllr. D. Connolly referred to a road at Lowpark that was a public road but was not reflected as same in the current records of the Council, he requested that the matter be reviewed and the status of the roads and records be regularised.

In reply to Cllr. McDonagh, Mr. Molloy undertook to review the position and revert to Cllr. McDonagh in relation to the current status of declaring a road to be a public road at Mira, Turloughmore.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – TRAFFIC CALMING ON THE N17 AT KNOCKDOE CROSS, IN THE TOWNLANDS OF CARRAGHY AND RACOONA

992

A Report on the matter was already circulated to each Member.

On the proposal of Cllr. McDonagh, seconded by Cllr. Noone, it was agreed that the proposed provision of Traffic Calming Measures on the N17 at Knockdoe Cross, in the townlands of Carraghy and Racoona, as set out in the report, be approved.

TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.004218 HECTARES OF LAND AT CAHERNASHILLEENY, CLAREGALWAY, CO. GALWAY

993

Notice dated 10th April, 2012 was already circulated to each Member in accordance with the statutory timeframe, together with accompanying Report.

On the proposal of Cllr. Cuddy, seconded by Cllr. Noone, it was agreed that the disposal of 0.004218 hectares of land at Cahernashilleeny, Claregalway, Co. Galway, as set out in the Notice, be approved.

TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS/OBSERVATIONS RECEIVED ON THE ATHENRY DRAFT LOCAL AREA PLAN AS PER SECTION 20(3)(C)(I) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

994

The Mayor invited Ms. McConnell to present the Manager's Report on the submissions received on the Athenry Draft Local Area Plan 2012-2018.

Ms. McConnell advised that as required under the Planning and Development (Amendment) Act 2010, the issues raised by Statutory Bodies, Ministerial bodies and any other National Authority have been dealt with first in the Manager's Report and the remaining submissions are then dealt with in order in which they were received.

Ms. McConnell gave an outline of the Manager's Report on the submissions received, working through each submission individually.

Submission No. 20 - Department of the Environment Community and Local Government

Ms. McConnell outlined the four issues raised by the Department of the Environment Community and Local Government under the following headings:

1. Criteria underpinning the allocation of Residential Zoned lands to Phases 1 and 2
2. Business and Technology Zoning
3. Flood Risk Assessment
4. Retail Guidelines and Draft Retail Guidelines.

In respect of each issue raised, she advised of the Manager's response and recommendation.

The Members agreed to accept the recommendation in the Manager's Report.

Submission No. 22 - Department of the Arts, Heritage and the Gaeltacht

Ms. McConnell outlined submission Number 22 from the Department of the Arts, Heritage and the Gaeltacht and the Manager's response and recommendation.

In relation to Archaeological Heritage, Ms. McConnell advised of a text change to Objective HC 9 – Monuments and Places in line with legislative wording. In relation to Nature Conservation, Ms. McConnell advised of amendments to the wording of Objectives DS3 & NH1 in relation to the Natura 2000 Network and Habitats Directive Assessment, and Objective NH4 in relation to Impact Assessment and she also advised of a new Objective NH11 – Consultation with Environmental Authorities to be added, which ensures that all development proposals are screened to determine whether they are likely to have a significant direct, indirect or cumulative effect on the integrity or conservation objectives of any Natura 2000 site and, where significant effects are likely or uncertain, there will be a requirement for consultation with the relevant environmental authorities as part of any Habitats Directive Assessment that may be required.

Ms. McConnell advised of an amendment to the wording of Objective LU8 – Open Space/Recreation & Amenity (OS).

On the proposal of Cllr. Feeney and seconded by Cllr Willers, it was agreed that the wording under Section. 3.8.2 – Objective HC4 – Development/Works relating to Protected Structures and Architectural Conservation Area, Section (c) is amended to read "*Prohibit development proposals, either in whole or in part, for the demolition of Protected Structures or structures within an Architectural Conservation Area, which contribute to the special character of the area, save in exceptional circumstances*".

The Members agreed to accept the other recommendations in the Manager's Report in relation to this submission.

Submission No. 2 – West Regional Authority

Ms. McConnell outlined submission Number 2 from the West Regional Authority and the Manager's response and recommendation.

Ms. McConnell advised that the submission referred to the addition of text under Section 3.9.1 on the SEA Non Technical Summary which is an advisory document and not part of the actual Plan.

The Members agreed to accept the other recommendations in the Manager's Report in relation to this submission.

Submission No. 3 - National Roads Authority

Ms. McConnell outlined the main issues of submission Number 3 from the National Roads Authority under the following headings:

1. Economic Development (Section 3.4)
2. Transport Infrastructure (Objective TI),
3. Business and Technology Zoning Objective
4. Goods Transportation Hub (Objective TI 12).

and the Manager's response and recommendation.

Ms. McConnell stated that it is proposed in the Manager's Report to amend as follows:

1. The Draft Land Use Zoning Objective Other – Strategic Reserve on the Land Use Zoning Maps 1A/1B to be amended to TI – Transport Infrastructure, and this will include all road and rail routes.
2. The Draft Land Use Zoning Matrix shall be amended to include Transport Infrastructure and appropriate uses including minor amendments.

3. The 6 linear pockets of land (between the old Local Area Plan (LAP) boundary and the corridor of the Athenry Relief Road) and that were zoned as Strategic Infrastructure in the Draft LAP is proposed to be re-zoned to Agriculture.
4. S.3.1.2 Objective LU10 to be re-titled Transport Infrastructure (TI) and the wording of the objective to be amended as follows: "to facilitate the provision and maintenance of essential transportation infrastructure which shall include the reservation of lands to facilitate possible track dualing of the rail line between Galway and Athenry and other rail infrastructure improvements, public roads including the completion of the Athenry Relief Road, footpaths, cycle ways, and bus stops and landscaping, together with any necessary associated works, as appropriate".

Ms. McConnell advised that the contents of Submission No. 3 in relation to Business and Technology Zoning including phasing and transport assessments had been considered under Submission No. 20 (DECLG) and includes the response and recommendations.

Ms. McConnell advised of a new Objective TI 12 - Goods Transportation Hub to be added which will include the engagement with relevant stakeholders to identify demand and identify potential locations for a Goods Transportation Hub within the Plan area.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 4 - Department of Education and Skills

Ms. McConnell outlined submission Number 4 from the Department of Education and Skills and the Manager's response and recommendation. In response to the Department's request that a site of 1.14Ha (2.8 acres) will be required for the Gaelscoil in Athenry (RN20237T) and requests that the Draft Plan be amended to reflect the need for a primary school site together with the need for the post primary site, Ms. McConnell advised that the Draft Land Use Zoning Matrix is flexible and allows for education provision within a number of land use zoning objectives including residential and agriculture.

In reply to Cllr. D. Connolly's query in relation to the Department's request to amend the Plan when the Planning Department feel there is adequate provision, Ms. McConnell stated that there was a substantial amount of land zoned CF (Community Facilities) in the Draft Plan and explained that there is a great deal of flexibility within the Zoning Matrix for school provision which allows the local authority to consider a wide range of land use zones as areas for school sites and stated that if the site is right, the Local Area Plan will not be a hindrance to the provision of a School.

On the proposal of Cllr. Feeney and seconded by Cllr. D. Connolly, it was agreed that the Land Zoning Matrix under the Land Use Education - Primary/Secondary be amended from 'N' - Not Normally Permitted to 'O' - Open for consideration in respect of the land use zone 'Business and Technology' (IDA Site).

Submission No. 5 - Office of Public Works (OPW)

Ms. McConnell outlined submission Number 5 from the Department Office of Public Works which required the Planning System & Flood Risk Management Guidelines for Planning Authorities 2009 (DoEHLG/OPW) be integrated into the Plan. Ms. McConnell advised that the Strategic Flood Risk Assessment for the County including a more detailed examination of Athenry is nearing conclusion and recent outputs have confirmed the Flood Extents identified within the OPW PFRA maps and in order to comply with the Flood Risk Management Guidelines, these flood maps have been incorporated into the Athenry Local Area Plan

Ms. McConnell outlined the amendments to the Land Use Zoning Maps 1A/1B to rezone undeveloped/greenfield residential lands within Flood Zone A and B to Open Space/Recreation & Amenity (OS) including the following areas:

Undeveloped Residential Land to Open Space:

- Residential Phase 2 at Baunmore; (No. 1 on Working Flood Data Map);
- Sliver of Residential Phase 2 north of Pairc na hAbhainn; (No. 2 on Inhouse Working Flood Map)

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- Sliver of residential lands to the east of Caheroyan House and north of the River; (No. 3 on Inhouse Working Flood Map)
- Sliver of Residential Phase 2 to the north east of Caheroyan House and north of the River Clarin; (No. 4 on Inhouse Working Flood Map)
- Undeveloped Residential (backland) north east of Dunclarin Court and north of the River Clarin ; (No. 5 on Inhouse Working Flood Map)
- Undeveloped Residential Phase 2 at Carrowntober West, to the north east of the Plan Boundary. (No. 11 on Inhouse Working Flood Map)

Other Undeveloped Lands to Open Space:

- Industrial Lands at Gortnahown within Flood Zone A to Open Space (area: 0.2133Ha); (No. 6 on Inhouse Working Flood Map)
- Community Facility Zonings north east of Pairc na hAbhainn Housing estate; (No. 7 on Inhouse Working Flood Map)
- Sliver of undeveloped Industrial lands at Caheroyan townland south of the railway line and north of the River Clarin; (No. 8 on Inhouse Working Flood Map)
- Existing undeveloped Industrial lands immediately south of the proposed spur road; (No. 9 on Inhouse Working Flood Map)
- Public Utility zoning – southern aspect within Flood Zone A. (No. 10 on Inhouse Working Flood Map)

Ms. McConnell advised of an addition to Subsection S. 2.2.2 Preferred Development Option – Managed Phased Development (Option 4), second last paragraph, to include the text “In general undeveloped lands have been appropriately zoned to avoid flood risk”.

Ms. McConnell advised of a new Objective DS7 – Flood Risk Management and Assessment within S. 2.2.3 - Development Strategy Objectives, which ensures that proposals for new developments located within identified or potential flood risk areas, or which may exacerbate the risk of flooding elsewhere, are assessed in accordance with the provisions of the *Flood Risk Management Guidelines 2009* (or any updated/superseding document) and the relevant policies and objectives in this Plan.

Ms. McConnell advised of a new Objective LU11 – Flood Risk Areas and Land Use Zones within S.3.1.2 Land Use Zoning Objectives which will ensure that any proposed development that may be compatible with the land use zoning objectives/matrix but which includes a use that is not appropriate to the Flood Zone (as indicated on *Maps 3A/3B – Indicative Flood Risk Management Areas*) and/or that may be vulnerable to flooding is subject to flood risk assessment, is in accordance with *The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009* and the policies and objectives of this Plan.

Ms. McConnell advised of a new subsection (after Water Services) titled Surface Water Drainage within S. 3.6.1 - Utility and Environmental Infrastructure, and the insertion of text under the Flood Zone table which refers to SuDS. This highlights that in order to ensure that surface water is disposed of in a controlled and sustainable manner, future developments will be required to address surface water disposal through on-site systems, (depending on site characteristics), discharge to adjacent surface water (where available or discharge to an existing surface water sewer if available. The Local Area Plan will facilitate the upgrading of surface water infrastructure where necessary and promote the use of Sustainable Drainage Systems (SuDs) in developments, such as permeable surfaces, retention ponds and rainwater harvesting, to restrict surface water runoff in new developments to Greenfield levels and to minimise flood risks and potential impacts. Proposals for SuDS will be in accordance with the recommendations as contained within the EPA document entitled *Guidance on Authorisation of Discharges to Groundwater 2011* (or any updated version of this document).

Ms. McConnell advised of a Subsection title and text change under S.3.6.1 - Utility and Environmental Infrastructure, to read Flood Risk Management and Assessment which advises that the the *Flood Risk Management Guidelines 2009* require Planning Authorities to ensure that, where relevant, flood risk is a key consideration in preparing development plans, local area plans and the assessment of planning applications. The aim of the Guidelines is to avoid flood risk where possible, substitute less vulnerable uses when avoidance is not possible and mitigate and manage the risk where avoidance and substitution are not possible. It also states that the OPW has produced flood maps as part of the Preliminary Flood Risk Assessment (PFRA) that identify areas at risk of flooding, including fluvial, coastal, pluvial and groundwater flooding, for the entire country.

Galway County Council has also carried out a Strategic Flood Risk Assessment (SFRA) for County Galway, including a specific assessment for the Athenry Plan Area. As part of the SFRA, the historic flood risk areas have been identified and a number of local level assessments have also been carried out, including local knowledge of flood events and site walkovers.

The LAP also promotes the use of Sustainable Drainage Systems (SuDS) in developments, which can contribute to surface water retention and help reduce and prevent flooding. Proposals for SuDS will be in accordance with the recommendations as contained within the EPA document entitled *Guidance on Authorisation of Discharges to Groundwater 2011* (or any updated version of this document).

Ms. McConnell advised of the amendment of the title and text of Objective UI 4 under S. 3.6.2 - Utility and Environmental Infrastructure, to read as follows: Objective UI 4 – Surface Water Drainage and Sustainable Drainage Systems. This objective states that the existing surface water drainage system in the Plan Area, be maintained and enhanced, as appropriate, to ensure that new developments are adequately serviced with surface water drainage infrastructure and promote the use of Sustainable Drainage Systems in all new developments. Surface water runoff from development sites will be limited to pre-development levels and planning applications for new developments will be required to provide details of surface water drainage and Sustainable Drainage Systems proposals.

Ms. McConnell advised of the amendment of the title and text of Policy UI 4 under S. 3.6.2 - Utility and Environmental Infrastructure, to read as follows: Policy UI 4 – Flood Risk Management and Assessment. This Policy advised that it is the policy of Galway County Council to support, in co-operation with the OPW, the implementation of the *EU Flood Risk Directive (2007/60/EC)*, the *Flood Risk Regulations (SI No. 122 of 2010)* and the DoEHLG/OPW publication *Flood Risk Management Guidelines 2009* (and any updated/superseding legislation or policy guidance). Galway County Council will also take account of the *Catchment Flood Risk Management Plans (CFRAMs)*, *Preliminary Flood Risk Assessment (PFRA)* and *County Galway Strategic Flood Risk Assessment 2012* and any recommendations and outputs arising from same that relate to or impact on the Plan Area.

Ms. McConnell advised of the amendment of the title and text of Objective UI 10 under S. 3.6.2 - Utility and Environmental Infrastructure, to read as follows:

Objective UI 10 – Flood Risk Management and Assessment, which ensures the implementation of the DoEHLG/OPW publication *Flood Risk Management Guidelines 2009* (or any superseding document) in relation to flood risk management within the Plan Area. She advised this sets out how the local authority will deal with any application with flood risk.

Ms. McConnell advised of the amendment of the title and text of Objective UI 11 under S. 3.6.2 - Utility and Environmental Infrastructure, to read as follows:

Objective UI 11 – Flood Zones and Appropriate Land Uses, which protects Flood Zone A and Flood Zone B from inappropriate development and direct developments/ land uses into the appropriate Flood Zone in accordance with the *Flood Risk Management Guidelines*

2009 (or any superseding document) and guidance contained in DM Guideline UI1- Flood Zones and Appropriate Land Uses.

Ms. McConnell advised of the amendment of the title and text of Objective UI 12 under S. 3.6.2 - Utility and Environmental Infrastructure, to read as follows:

Objective UI 12 – Waterbodies and Watercourses which protects waterbodies and watercourses within the Plan Area from inappropriate development, including rivers, streams, associated undeveloped riparian strips and natural floodplains. This will include a 10m environmental management buffer on either side of the River Clarin and its tributary, measured from the near river bank and promotes the sustainable management and use of watercourses and avoid the culverting or realignment of these features.

In reply to Cllr. Feeney's and Cllr. Welby's query re the 10m environmental management buffer on either side of the River Clarin, Ms. McConnell advised that the 10m buffer is as per recommendation by Fisheries Board and NPWS and must be free of development. She advised that the River Clarin is a tributary of the Galway Bay Complex SAC and has a sensitivity rating and needs more protection than any other river. A higher Buffer Zone is usually acceptable if a river is outside of a SAC tribute.

Ms. McConnell advised of the insertion of a new Subsection 3.6.3 - Utility and Environmental Infrastructure – Development Management Guidelines for the inclusion of a new Development Control Standard titled DM Guideline UI1 – Flood Zones and Appropriate Land Uses. This Guideline incorporates a table which indicates the types of land uses that are appropriate in each of the Flood Zones identified within the Plan Area, in accordance with the *Flood Risk Management Guidelines 2009*.

In reply to Cllr. Feeney's query re clarification on the twelve areas of land effectively being de-zoned because of the flood risk, Ms. McConnell advised that it is very clear from the OPW PFRA maps the areas that flood and in the areas under Flood Zone A this is a frequent occurrence. Galway County Council must comply with the Flood Risk Management Guidelines, and should not zone lands that are at risk of flooding.

Cllr. Feeney advised that planning permission for houses have been granted on some of these lands and this de-zoning might have a detrimental affect on the value of land and requested no alteration on these lands. In reply, Ms. McConnell advised that Galway County Council are obliged to adhere to the Flood Risk Management Guidelines 2009 and explained that the Flood Zone A and B areas should not be zoned for highly vulnerable development such as housing and essential infrastructure. She further added that strong justification tests and detailed site specific Risk Assessments will be required where developments/ land uses are proposed.

Mr. Kelly advised the meeting that to zone the smaller section open space/amenity, and the larger section agricultural would be more practical. In terms of future development proposals, including any applications for extension of duration, the flood risk areas will have to be taken into account and will have to comply with the *Flood Risk Management Guidelines 2009*.

In reply to Cllr. Willers, Ms. Mc. Connell advised that the Department of National Parks and Monuments did not submit any distance in their submission.

Cllr. Willers also enquired into the input of Galway County Council into the OPW Studies. Ms. Mc. Connell advised that Galway County Council commissioned CASS to do the Flood Risk assessment with special emphasis on the seventeen Local Area Plan towns. Galway County Council also undertook their own assessment of historic flood zones and incorporated the OPW Flood Risk work. Galway County Council also undertook a ground trooping exercise which included with consultation with Area Engineering staff and a very comprehensive and tested flood risk map was compiled. This process allowed for Galway County Council to add to the OPW report and not just a wholesome acceptance of the OPW report.

The Members agreed to accept the recommendations in the Manager's Report in relation to submission No. 5.

Submission No. 16 – Cian O'Mahony, EPA

Ms. McConnell outlined submission Number 16 from Cian O'Mahoney, SEA Section, Office of Environmental Assessment, which was a very detailed submission and the Manager's response and recommendation. She referred to the inclusion of an Objective NH10 Visual Impact Assessment which will require Visual Impact Assessment for developments with potential to impact on the Esker Riada.

Cllr. Feeney enquired as to which piece of legislation gives protection to Eskers and questioned if Galway County Council were now creating a blanket protection for Eskers used for thousands of years as a source of aggregate. In reply, Ms. McConnell advised that the Department of the Environment, Heritage and Local Government had clarified that the Eskers do not have statutory protection as geological features and she clarified that this proposed objective does not offer any additional protection. She advised that there is an objective in the County Development Plan to protect Eskers.

Cllr. Feeney requested that Objective NH10 Visual Impact Assessment be amended to exclude the wording 'such as Esker Riada'.

Cllr. M. Finnerty expressed his regret that protection for the Eskers wasn't included in the Ballinasloe Town Plan.

Ms. McConnell advised of a text change in Objective TI 12 – Transport Network Improvements under S. 3.5.2 – Transport Infrastructure Policies and Objectives, to include the completion of the Athenry Relief Road, an amendment to Objective RD1 – Phased Residential Development, and an amendment to Objective ED5 – Tourism Development and the addition of the word 'species' to the end of Objective NH9 – Control of Invasive and Alien Invasive Species which was omitted in error from the Manager's Report. She advised of an amendment to S.1.3.2 Statutory Process 3rd paragraph to accurately reflect the EU Habitats Directive and the National European (Birds and Natural Habitats) Regulations 2011.

Ms. McConnell advised of a new Objective UL 5 – Maintenance and Improvement of Water Services Infrastructure under S.3.6.2 – Water Supply, Wastewater, Surface Water Objective which supports the maintenance, improvement and monitoring of public water supply, wastewater disposal/discharges including storm water discharges and surface water drainage infrastructure, as necessary to address deficiencies and/or service the development needs of the town.

On the proposal of Cllr. Feeney and seconded by Cllr Willers, it was agreed that the wording under Section. 3.9.2 – Objective NH10 – Visual Impact Assessment be amended to remove the Esker Riada and read "*Require Visual Impact Assessment for developments with potential to impact on areas of significant landscape character and should include urban and natural features and historic buildings as appropriate*".

The Members agreed to accept the other recommendations in the Manager's Report in relation to Submission No. 16.

Ms McConnell proceeded to outline the details of the individual submissions that were received on the Draft Plan and the recommendations on each one.

Submission No. 1 – Phillip Farrell

Ms. McConnell outlined submission Number 17 from Phillip Farrell which requested that his lands located at Furzypark Athenry, adjacent to the M6 Bypass and serviced by a spur road are zoned commercial or Industrial. In the Manager's response and recommendation, Ms. McConnell advised that the lands are located outside the 2005-2011 LAP boundary, including the Draft LAP boundary and are currently un-zoned Agricultural land. Ms McConnell recommended no change to the Draft plan as there was adequate zoned industrial within the Plan area and that the existing local road was too narrow to accommodate the level and type of traffic that the proposed development would generate. She added that the Planning Authority must have regard to NRA policies.

Cllr. Feeney proposed these lands to be zoned industrial as these lands served the new road, part of the M6 development. A previous CPO process quoted these lands as being ideal for development and the road has increased the value of these lands.

Ms. McConnell replied that this re-zoning will require a re-evaluation of the Local Area Plan and the SEA and Natura Reports will also have to be re-examined. She relayed her

concern with regard to the impact this development may have on the subject lands as there is a flood risk present on the lands adjacent to the link road and she added also that the NRA had concerns that proposed development could impact on the capacity and safety of the motorway.

Mr. Kelly advised that the situation in relation to the IDA lands is different as there is a considered approach to the possible development of the lands, the NRA were aware of the proposed access arrangements which was taken into account in developing the new link road. He pointed out that zoning the land could lead to a developer pursuing a proposal through the planning process in the expectation of a positive outcome only to find that in the end it might be considered not to comply with NRA Policy and be refused.

On the proposal of Cllr. Feeney and seconded by Cllr. Willers, it was agreed to extend the Plan boundary and zone the lands the subject of Submission numbered 1 as Industrial.

Submission No. 6 – Coffey Construction

Ms. McConnell outlined submission Number 6 from Coffey Construction and the Manager's response and recommendation.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 7– Coffey Construction

Ms. McConnell outlined submission Number 7 from Coffey Construction and the Manager's response and recommendation.

The submission requests that the lands outlined, located north of Cluain Ri housing estate and south of the Monivea road and which are currently zoned as Residential Phase 2 be re-zoned as Residential Phase 1.

In reply to Cllr. Feeney's query as to why the subject lands were not zoned Residential Phase 1 similar to the lands extending to these lands, Ms. McConnell replied that Residential lands have generally been phased in a sequential manner and Phase 1 residential lands have been identified for short to medium term growth in suitable locations that are serviced and accessible. If these lands are zoned Residential Phase 1, then equivalent lands which are already zoned Residential Phase 1 must be identified and re-zoned Residential Phase 2 instead. Galway County Council cannot exceed the zoning more than 32.36Ha of undeveloped Residential Phase 1 lands as it would be contravening the County Development Plan and the Regional Planning Guidelines.

In reply to Cllr. Feeney, Mr. Kelly advised the meeting that the land zoned was in accordance with the Core Strategy in the County Development Plan and the RPG (Regional Planning Guidelines) population allocation which included a 50% max on our capacity to zone lands Residential Phase 1 lands within the Plan area. The target population growth for Athenry is 32.36Ha and if this is exceeded, Galway County Council is, therefore, not complying with the Regional Planning Guidelines. He advised that the Plan allows for some flexibility in that if Phase 1 lands are not coming forward for development, then Phase 2 Residential Development that can be considered on its merits.

In reply to Cllr. Mc Hugh, Mr. Kelly advised that the current planning permission on the site can be activated, and will be considered on its merits, however if Galway County Council move to amend these lands to Phase 1, then equivalent lands which are already zoned Residential Phase 1 must be identified and re-zoned zoned Residential Phase 2.

In reply to Cllr. Feeney's query whether the zoning of Phase 2 or Phase 1 has any bearing on the Planning Authorities decision to grant an extension of planning, Mr. Kelly advised that the difference between Phase 1 and Phase 2 would be a timing issue as to what stage of the Plan proposals have come forward and what has happened in the meantime e.g. if three years into the Plan nothing has come forward for development in Phase 1 it is easier to give consideration to allowing development in phase 2 lands. While a pragmatic approach would be taken a greater degree of certainty could not be given.

In reply to Cllr. Feeney, Mr. Kelly also stated that it was not the case that a higher amount of Phase 1 Residential Development was removed and not replaced, as at all times the Core Strategy had identified the allowable amount of residential zonings in all towns and zoning

up to that level and an additional allowance of up to 50% was in place and cannot be exceeded.

In reply to Cllr. Willers query as to the length that one would maintain a Phase 1 Residential zoning, Mr. Kelly replied that it would be addressed in future plans by examination of the use of the land and proposals being brought forward and in due course, areas that are zoned Phase 1 in one Plan and not used, will not be zoned Phase 1 in the next plan.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 8 – Coffey Construction

Ms. McConnell outlined submission Number 8 from Coffey Construction and the Manager's response and recommendation. She advised that the site is located to the north east of the Plan area, is outside the LAP boundary and is un-zoned agricultural land and there are adequate Industrial Zoned lands within the LAP area at various locations.

Cllr. Feeney advised the meeting that these lands were wastelands and Coffey Construction are seeking an appropriate location for a depot/storage area to service the company's requirements and the subject lands are eminently suitable in this regard.

Mr. Kelly advised the meeting that this proposed Industrial zoning is not contiguous to other zoned lands and is outside of the speed limits and he would have concerns re safe access and some restrictions may apply to development proposals at this location.

On the proposal of Cllr. Feeney and seconded by Cllr. McHugh, it was agreed to extend the Plan boundary and zone the lands the subject of Submission numbered 8 as Industrial.

Submission No. 9 – Tom Coffey

Ms. McConnell outlined submission Number 9 from Tom Coffey and the Manager's response and recommendation.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 10 – Rinnbreac Properties Ltd

Ms. McConnell outlined submission Number 10 from Rinnbreac Properties Ltd and the Manager's response and recommendation.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 11 – G.F. Partnership

Ms. McConnell outlined submission Number 11 from G.F. Partnership and the Manager's response and recommendation.

In reply to Cllr. Feeney's query if these lands could be zoned Commercial/Mixed Use, Ms. McConnell replied that the rear of the site at Gorteenacre will be zoned agriculture. The remaining lands will be zoned Residential Phase 2. Commercial zoning would be very difficult to support as it would represent inappropriate commercial development that would undermine the vibrancy and vitality of town centre development. Ms. McConnell further advised that the Land Use Zoning Matrix is very flexible with a lot of options available for that area, with the exception of areas in the Flood Risk zones and this flexibility within the Zoning Matrix for will allow the local authority consider a wide range of land use zones as school sites and advised that if the site is right, the Local Area Plan will not be a hindrance to the provision of a School.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 12 – John Hickey

Ms. McConnell outlined submission Number 12 from John Hickey and the Manager's response and recommendation.

Cllr. Feeney advised that these lands located at Caheroyan Townland were opposite the Vocational School and 50metres from the Arch. The area is derelict at the moment and added that the lands the subject of this submission were close enough to the town centre served by a footpath and he proposed these lands be zoned Commercial/Mixed Use (C2).

On the proposal of Cllr. Feeney and seconded by Cllr. Willer, it was agreed to zone the lands the subject of Submission number 12, from Residential to Commercial/Mixed Use (C2).

Submission No. 13 – Kevin Burke

Ms. McConnell outlined submission Number 13 from Kevin Burke and the Manager's response and recommendation.

Cllr. Feeney advised that these are family owned lands and the owners run a tyre business on the Monivea Road on a very restricted site in a residential area. The owner would like to construct a tyre servicing and storage facility on these lands and he proposed these lands be zoned Industrial. Ms. McConnell replied that this re-zoning will require a re-evaluation of the Local Area Plan and the SEA and Natura Reports similar to Submission No. 1.

On the proposal of Cllr. Feeney and seconded by Cllr. Willers, it was agreed to extend the Plan boundary and zone the lands the subject of Submission number 13, as Industrial.

Submission No. 14 – Gabriel Holland

Ms. McConnell outlined submission Number 14 from Gabriel Holland and the Manager's response and recommendation.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 15 – T.J. Divilly

Ms. McConnell outlined submission Number 15 from T.J. Divilly and the Manager's response and recommendation.

In respect of Land parcel 15A which adjoins Esker Riada, Cllr. Feeney proposed that this piece of land is zoned Phase 2 Residential Development as in the 2005 Plan.

In respect of Land parcel 15 B, which are adjacent to the Northern Ring Road (under construction), Cllr. Feeney proposed that this piece of land is zoned Industrial, on justification that when the Northern Ring Road is built by year-end, it will open the land up for development and it will give the opportunity for orderly sensible development for the area due to its proximity to the M6.

Cllr. Hynes advised the meeting that the Northern Ring Road is central to the planning and future development of Athenry and hopes that the Road will continue to be grant aided.

On the proposal of Cllr. Feeney and seconded by Cllr. Willers, it was agreed to zone the lands the subject of Submission 15 (a) from Agricultural to Phase 2 Residential Development.

On the proposal of Cllr. Feeney and seconded by Cllr. McHugh, it was agreed to extend the Plan boundary and zone the lands the subject of Submission 15 (b), as Industrial.

Submission No. 17 – Brian Quinn

Ms. McConnell outlined submission Number 17 from Brian Quinn and the Manager's response and recommendation.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 18 – James O'Donnell

Ms. McConnell outlined submission Number 18 from James O'Donnell and the Manager's response and recommendation.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 19 – HOCM

Ms. McConnell outlined submission Number 19 from HOCM and the Manager's response and recommendation.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 21 – John O'Malley

Ms. McConnell outlined submission Number 21 from John O'Malley and the Manager's response and recommendation.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 23 – Teagasc

Ms. McConnell outlined submission Number 23 from Teagasc and the Manager's response and recommendation.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 24 – John Teteris

Ms. McConnell outlined the main issues in relation to submission Number 24 from John Teteris and the Manager's response and recommendation.

With regard to pedestrian crossings, Cllr. Feeney advised the meeting that it is his intention to consult with Iarnród Éireann to seek a pedestrian crossing at the Monivea Road as there is no pedestrian access/footpath into the town.

The County Manager said she would consult with the Roads and Transportation Department to discuss if this proposal could be included as part of documentation being prepared to issue to the Department under the Smarter Travel proposal.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 25 – IDA

Ms. McConnell outlined submission Number 25 from IDA and the Manager's response and recommendation.

Cllr. Feeney advised the meeting that these lands are Teagasc lands and was identified as an ideal location for a school and negotiations had taken place in this regard. However, the IDA have expressed concerns re the location of the school on this site which places everyone in a difficult position. He expressed that he does not wish to impact the development on the IDA site but he does not know why the school would be incompatible. He would like to preserve the possibility of development of this site as a school site.

Ms. McConnell advised the meeting that the Land Zoning Matrix still allows educational facilities on Agricultural Zoned land.

In reply to Cllr. Willers query as to why the IDA have taken this position and her proposal to leave the area as zoned Community, Mr. Kelly advised that the approach being taken addressed the concerns of the IDA for the present but an agricultural zoning also allowed the development of a school to be considered. If a specific proposal came forward then all parties could discuss same with a view to achieving a successful outcome but if there was no proposal the concerns of the IDA would not arise.

Cllr. Connolly enquired as to why the IDA don't want the school site there and agreed with Cllr. Feeney's position on the advancement of an educational facility on that site.

Mr. Kelly advised that there is no possibility of the attractiveness of the site being diminished, and the proposed zoning in the Plan manages the issue by ensuring possibility of school site still going there. Discussions could take place resolving any residual issues. The Plan concurs with the submission as planning permission could still be considered on the site.

Cllr. McHugh stated that following the advice of Cllr. Kelly, it was best to go with agricultural zoning as this would give an opening to the IDA and the school.

On the proposal of Cllr. McHugh and seconded by Cllr. Fahy, it was agreed to zone the lands the subject of Submission 25 from Community Facilities to Agriculture.

Submission No. 26 – Athenry Environmental Network

Ms. McConnell outlined submission Number 26 from Athenry Environmental Network and the Manager's response and recommendation.

In reply to Cllr. Feeney's query with regard to the strengthening of the Athenry Public Realm Plan, Mr. Kelly advised that it is the intention to bring this Plan before the Councillors at a future meeting and to formally approve same and when it is fully agreed, it can then be referenced.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 27 – Oliver Higgins

Ms. McConnell outlined submission Number 27 from Oliver Higgins and the Manager's response and recommendation.

Cllr. Feeney commented on the layout of the road as it goes diagonally through the site and it might be best to bring it down the edge of the site. In reply to Cllr. Feeney as to whether this road could be realigned on the map, Mr. Kelly advised that the approved route cannot be amended during the course of the making of the Local Area Plan and a new Part 8 proposal would be required after detailed consideration.

Cllr. Cuddy commented that the road should be re-aligned along the site boundary.

The Members agreed to accept the recommendations in the Manager's Report in relation to this submission.

Submission No. 28 – Kathleen Bane

Ms. McConnell outlined submission Number 28 from Kathleen Bane and the Manager's response and recommendation.

Cllr. Feeney advised that these lands lied on either side of the proposed Athenry Relief Road – a very small sliver lying inside the boundary of the LAP.

On the proposal of Cllr. Feeney and seconded by Cllr. Willers, it was agreed to extend the Plan boundary and zone the lands the subject of Submission 28 as Industrial and the Linear strip of land inside the Plan boundary to remain as Agriculture.

On the proposal of Cllr. Feeney and seconded by the Mayor, it was agreed to *amend the Land Zoning Matrix BE Zoning under Warehousing (retail/non-food <700m²) * from 'Permitted' (P) to 'Open for Consideration' (O); and to amend Note 4 to read as follows: Warehousing (*) – The development or subdivision of stores into less than 700m² shall not normally be permitted in edge-of-centre and out-of-centre locations, in accordance with the Retail Planning Guidelines 2005/2011 (or any updated/superseding document).*

On the proposal of Cllr. Feeney and seconded by Cllr. Willers, it was agreed to put the Athenry Draft Local Area Plan on display with the agreed amendments and Material Alterations.

Ms. McConnell concluded by advising the meeting that the Planning Authority would examine the proposed changes and assess whether the need for a SEA/Natura Impact /Appropriate Assessment Screening (NIR/AA) reports were required and if it was, additional time would be sought to revise the Draft Plan.

If not, the Planning Authority shall publish notice of the Material Alteration to the Draft Local Area Plan and written submissions and observations with respect to the proposed amendments of the Draft can be made to the Planning Authority for a stated period not less than 4 weeks and shall be taken into consideration before making an Amendment. It should be noted that public submissions invited will be restricted to the Material Amendments only.

TO CONSIDER AND APPROVE THE REVISED ANTI-SOCIAL BEHAVIOUR STRATEGY IN ACCORDANCE WITH SECTION 35 HOUSING (MISCELLANEOUS PROVISIONS) ACT 2009 DRAFT ANNUAL REPORT 2011 **995**

Report dated the 17th April, 2012 was already circulated to each Member.

Cllr. T. Walsh, Chairman of the Housing & Emergency Services SPC outlined the contents of the report and advised the Members that significant work and discussions in relation to the Anti Social Behaviour Strategy had taken place at the SPC. He said that the Committee were satisfied with the report and wished to recommend its adoption by the Council. The other Statutory requirement including consultation with the HSE and Garda Siochana and the Joint Policing Committee had taken place.

The members complimented the staff on the work done on producing this document.

A broad ranging discussion followed during which members highlighted that a small minority of Council tenants engage in anti-social behaviour but that the impact of such behaviours on other tenants, the wider community and the ability of the Council to allocate housing in specific areas and locations is significant and unacceptable. They stated that while tenants have rights they also have responsibilities and it is important that these responsibilities are met.

Cllr. McHugh referred to a specific issue in the Dunmore area highlight the history of same and the adverse impact on the wider community and and significant resources implications for the Council.

The Members also expressed concern about littering and the adequacy of arrangements for litter and waste management in estates including collection arrangements. They questioned the priority associated with certain behaviour types as outlined in the draft policy including domestic refuse, racial harassment and verbal harassment.

They referred to the resources available to the Council to implement the strategy and the need for additional resources to be allocated to ensure the strategy is effective and implemented. They questioned the input and engagement with other stakeholders in the preparation and implementation of the strategy. The potential offered by CCTV to address anti social behaviour and incidents of dumping, littering was also highlighted.

The issue of the control of horses was raised and the role of the Council in addressing as a matter of urgency what was viewed as an increasing problem was outlined with reference to specific incidents on the Headford Road. The number of pounds available to the Council to address the issue was also raised.

Mr. Cummins said he wished to thank the Chairman of the SPC, Cllr. T. Walsh and others for their assistance in relation to this Policy Document. He said this was needed to deal with anti social behaviour in local authority housing estates. He said unfortunately a small number of people in and around the county was responsible for this type of behaviour and a policy needed to be in place to deal with them.

He said that the straying of horses onto public roads was a different issue and was not an issue for the policy document as presented to Council. He clarified that this document only dealt with Tenants in relation to the keeping of horses, anti social behaviour in local authority estates. He also referred to the Tenancy Agreement signed by tenants and said this was a powerful document that gives the Council a stronger position.

He confirmed the stakeholders involved in the preparation and implementation of the strategy and outlined the resources available to the Council to implement the strategy.

On the proposal of Cllr. T. Walsh seconded by Cllr. M. Finnerty it was agreed to approve the Anti-Social Behaviour Strategy.

In reply to a query from Cllr. Carroll, Mr. Molloy confirmed that the cost of undertaking maintenance works on the Oranmore Dual Carriageway and

Roundabout were funded from the Council's road maintenance budget and that resources for same was limited.

It was proposed by Cllr. Hoade, seconded by Cllr. Noone and agreed that the issue of wandering horses on public roads and the Council's responsibility for same be put on the Agenda for the next Council Meeting. It was further agreed on the proposal of Cllr. G. Finnerty to invite representatives from the Department of Agriculture to present at a future Council meeting on Equine ID.

DRAFT ANNUAL REPORT 2011

996

The Draft Annual Report 2011 was circulated to each Member. Mr. Owens presented the the Draft Annual Report 2011 and informed the Members that the draft was being circulated for information purposes in accordance with the requirements of the Local Government Act 2001. He confirmed that the final draft of the Annual Report 2011 would be presented for further consideration and approval at the May/June Monthly Meeting and in the interim feedback and comments on the draft would be most welcome.

The Draft Annual Report 2011 as circualted was noted by the Members.

TO CONSIDER TWINNING CLIFDEN, CO. GALWAY WITH THE BOROUGH OF COYOACAN, MEXICO CITY IN ACCORDANCE WITH SECTION 75 OF THE LOCAL GOVERNMENT ACT 2001

997

It was proposed by Cllr. E. Mannion, seconded by Comh. Ó Laoi and agreed that the town of Clifden, County Galway be twinned with the Borough of Coyoacan Mexico City in accordance with Section 75 of the Local Government, Act, 2001.

FIX DATE, TIME AND VENUE FOR MAY COUNCIL MEETING

998

It was proposed by Cllr. McDonagh, seconded by the Mayor, Cllr. Maher and agreed that the May Monthly Meeting would be held on Monday, 28th May 2012 at 2.30 pm in the Meadow Court Hotel, Loughrea.

It was further proposed by Cllr. McDonagh, seconded by the Mayor, Cllr. Maher and agreed that the Annual Meeting would be held on Monday, 11th June, 2012 at 2.00 pm in Áras an Chontae.

FLOODING UPDATE

999

Mr. Gavin presented the Report dated 10/04/12 on the Programme of Works being undertaken from money provided by the Office of Public Works and responded to various queries as raised by the Members.

The Members congratulated the OPW and Council Staff on various works carried out throughout the County

TO RECEIVE A PRESENTATION FROM CONNECT IRELAND ON THE "SUCCEED IN IRELAND" INITIATIVE (PART OF THE GOVERNMENT'S ACTION PLAN FOR JOBS 2012)

1000

The Mayor introduced Mr. Alan Gallagher of Connect Ireland, and Mr. Gallagher gave a presentation on the role of Connect Ireland.

He explained how the Scheme works – that they were working with the IDA to “get the word out there that Ireland is available” He explained who is Connect Ireland, What is Succeed in Ireland Initiative, what they are looking for, how does Connect Ireland work, The Reward Process, Why come to Ireland, Some Hard Facts, Combined Mission, What is expected from people generally, and contact details to Connect Ireland.

The Mayor thanked Mr. Gallagher for his very interesting presentation and invited questions from the Members.

The Members commended Mr. Gallagher on his most interesting and upbeat talk and commended him on his attitude and confidence.

The Members queried the level of investment in the initiative, the procurement process leading to the appointment of Connect Ireland and the structure of the company and the operation of the reward system.

In reply to concerns expressed by some members in relation to the focus on foreign direct investment and the lack of focus on local enterprise and job creation, Mr. Gallagher replied that the initiative was in addition to existing enterprise supports available to Irish enterprise and that the foreign direct investment would create Irish jobs. He further clarified that the timeframe for the programme was to create 4,000 to 5,000 jobs in 5 years.

He confirmed that Connect Ireland promotes Ireland as a base for foreign direct investment offering advantages including a low corporation tax, a member of the EU together with a highly education, young and English speaking workforce.

Mr. Gallagher thanked the Members for their contributions and suggestions and undertook to follow up with one-to-one contact in the coming days and to be available to provide similar presentations to other appropriate stakeholders and groups in the County.

WATER – REFORM OF WATER SECTOR IN IRELAND

1001

A Report dated the 26th March, 2012 was already circulated to each Member.

Mr. Cullen circulated a report to the Members in the form of a Questions & Answers briefing document with regard to the establishment of the Irish Water Board under the umbrella of the Bord Gais Group.

A broad ranging discussion followed during which members raised concerns about the loss of local input and local accountability. They also expressed concern about how the transfer of staff would be handled, what level of charges would be fixed and how the free allowance of water might be administered. They questioned whether those with meters already installed would have to have them replaced or retain them. They referred to the significant investment made by the council over many years and asked how that would be compensated. They were concerned that there were many issues that had yet to be addressed.

Mr. Cullen said that all the comments made were valid and represented genuine concerns. He advised that the Department of Environment Community and Local Government had set up a number of work streams to develop an implementation plan and it was through this process that the questions raised would be addressed. He said the council will continue to work closely with the Department and cooperate

with them but he envisaged that the local authority will continue to be heavily involved in water services provision up to 2017.

CONFERENCES 1002

On the proposal of Cllr. Hoade, seconded by Cllr. Willers, the attendance at conferences as listed was agreed.

Superior Training – Water Services (Amendment) Act 2012 – 23rd – 25th March 2012 – Carlton Atlantic Coast Hotel, Westport, Co. Mayo

Cllr. S Walsh

Dundalk Chamber – What it takes to succeed in the Tourism Sector – 28th March – Ballymascanlon House Hotel, Dundalk, Co. Louth

Cllr. J McClearn

Esperanza Enterprises – Personal Injuries – 30th – 31st March – Manor West Hotel, Tralee, Co. Kerry

Cllr. M Fahy

Amnesty International Ireland – Looking Globally, Legislating Locally: The Irish Legal Capacity Bill – 3rd April – Radisson Royal Blu Hotel, Golden Lane, Dublin 8

Comh. S Ó Tuairisg, Cllr. T Mannion

Waterford City Council – LAMA Spring Seminar 2012 – The Role of Local Authorities in Enabling Economic Development & Local Govt. Reform – 13th – 14th April – Tower Hotel, Waterford

Cllrs. J McDonagh, P. Feeney, Comh. S Ó Laoi, Cllrs. J Cuddy, M. Hoade, J McClearn, T McHugh

Celtic Conferences – Modern Alternatives to the disappearance of Fossil Fuels – 13th – 15th April – Celtic Ross Hotel, Rosscarbery, Co. Cork

Cllrs. P Hynes, M. Fahy

TGR Seminars – The 2012 EPA Urban Wastewater Discharges Report – 20th – 22nd April – Kilmurry Lodge Hotel, Castletroy, Limerick

Cllr. E Mannion, T. Walsh

Kerry Literary & Cultural Centre – The Economic Potential of Arts & Cultural Tourism – 26th – 27th April – St. John's Theatre & Arts Centre, Listowel, Co. Kerry

Minutes of April Monthly Meeting held on 23rd April 2012

Cllrs. T. Broderick, T. McHugh, T. Walsh

Sheehy Skeffington School – Putting Human Rights at the heart of the Good Society – 28th April – Liberty Hall, Dublin

Comh. S. Ó Tuairisg

BMW Regional Assembly Annual Conference 2012 – Renewable Energy – Revitalising Ireland's Regions – 30th April – TF Royal Hotel, Castlebar, Co. Mayo

Comh. S. Ó Tuairisg, Cllrs. S. Walsh, Comh. S. Ó Laoi

Celtic Conferences – Community Tourism – 11th – 13th May – Celtic Ross Hotel, Rosscarbery, Co. Cork

Cllrs. K. Ryan, J. McClearn, T. Walsh

On the proposal of Cllr. Hoade, seconded by Cllr. Willers, the summary of proceedings of conferences attended as circulated was noted.

A.M.A.I. Spring Seminar 2012 – Local Government – Renewal & Development – 10th – 11th February – Kilmore Hotel, Cavan

Cllrs. M Hoade, P Hynes

UCD College of Human Sciences – First UCD Garret Fitzgerald Spring School – Democracy in the 21st Century – 10th – 11th February – Newman House, 85 – 86 St. Stephen's Green, Dublin 2

Comh. Seán Ó Tuairisg

IPRT (Irish Penal Reform Trust) & the Community Platform: Social Exclusion & Crime – 2nd February – The Carmelite Centre, Augnier St., Dublin 2

Comh. S Ó Tuairisg

Esperanza Enterprises – Dealing with Personal Insolvency – 2nd – 4th March – Westport Plaza Hotel, Westport, Co. Mayo

Cllrs. J McDonagh, J McClearn

Celtic Conferences – 2012 Budget Review of Allowances & Benefits & Revenue On-Line Service Workshop – 24th – 26th February – Celtic Ross Hotel, Rosscarbery, Co. Cork

Cllr. J McClearn

Esperanza Enterprises – Restorative Justice for Ireland – 20th – 22nd January – Manor West Hotel, Tralee, Co. Kerry

Cllr. J McDonagh

Kerry County Council – Building Community Preparedness & Resilience – 9th March – Malton Hotel, Killarney, Co. Kerry

Cllr. J McClearn, P Hynes, T Walsh

Kadenza Consultancies – Amalgamations & Reforms in Local Government – 23rd – 25th March – Silver Tassie Hotel, Letterkenny, Co. Donegal

Cllr. P Hynes

Amnesty International Ireland – Looking Globally, Legislating Locally: The Irish Legal Capacity Bill – 3rd April – Radisson Royal Blu Hotel, Golden Lane, Dublin 8

Comh. S Ó Tuairisg, Cllr. T Mannion

MANAGER'S BUSINESS & CORRESPONDENCE

1003

The Manager said she wished to bring the following to the attention of the Members:

The Living Landscapes Conference being organized by Galway County Council and to be held in Clifden on the 15th and 16th May, 2012 and invited the Members to avail of the opportunity to attend the Conference and to promote same among their colleagues.

The County Manager, referred to Student Grants and advised that from the start of the 2012/2013 Academic Year grant applications for all new students and existing students starting new courses will be dealt with through the City of Dublin V.E.C.

The County Manager referred to the recent media coverage of the An Taisce Review of the Planning System and outlined the following statement to be issued in response by Galway County Council:

Statement by Galway County Council in response to the An Taisce Review of the Planning System.

Galway County Council is the Statutory Authority for the delivery of the Planning Service in County Galway, excluding Ballinasloe Town Council. In carrying out this function, the Council must comply with and have regard to the various legislation and guidelines issued by the Department of the Environment, Heritage and Local Government. It must also have regard to County Development Plan and Local Area Plans which are adopted by the democratically elected members of the Council and reflect the local requirements and priorities for proper planning and sustainable development. The process is open and transparent. The law provides for an appeal

process to An Bord Pleanála in relation to individual planning applications and to the Courts on a point of law in certain instances.

Galway County Council takes its responsibilities as a planning authority very seriously. The Council is carrying out a quasi-judicial function and must comply with the law as it is. The Council is satisfied with the integrity of the system which is operated by Galway County Council in a competent, professional and ethical manner.

The recently published report by An Taisce expresses the view of that organisation on the planning system and purports to assess the performance of planning authorities in a type of league table. An Taisce is only one of very many organisations, both public and private which has an involvement in the planning process. Many others would hold alternative views.

The report acknowledges the complexity of the planning system but then goes on to select a limited number of indicators, which from its perspective, are indicative of performance of planning authorities. In the preparation of any quality evaluation of performance, it is important to be conscious of pre-existing values, assumptions and pre-conceptions of the researcher and the need to avoid subjective selectivity which may distort the research. The researcher in this case has compiled and interpreted the findings and drawn conclusions. This evaluation purports to assess performance against its interpretation of a system of planning rather than planning legislation and policies which are currently in place.

It is important that the conclusions of any quality research project can stand up to robust scrutiny, that the integrity of the data and objectivity are maintained. A selective approach as utilised by An Taisce distorts the outcome where, for example, urban areas with little or no capacity for one-off rural housing, are compared to large rural counties with dispersed rural settlement patterns. This displays an inadequate understanding, appreciation or weighting of context. The report alleges causal relationships between indicators and outcomes which are not proven. The report is also peppered with sweeping generalisations.

It is noteworthy that An Taisce has admitted an error in its report which, apparently, has been withdrawn for correction.

Galway County Council is satisfied with its operation of the planning system which is appropriate to the circumstances of County Galway and is managed in a competent, professional and ethical manner.

The Members welcomed the contents of the Report and in response to queries from the Members, the County Manager confirmed that the statement would be made available to the media.

MAYORS BUSINESS

1004

An Comh. O’Laoi referred to the Connemara Area and the extent of environmental designations including SAC’s, NHA’s and outlined the issues arising from same that he viewed as hampering the development of the region.

It was proposed by An Comh O’Laoi, seconded by Cllr. Welby and agreed “that the Minister Jimmy Denihan, will carry out a Review of the process of SAC and HEA designation that was carried out in the Connemara Area, particularly as the designation area is excessive.”

It was proposed by An Comh O’Tuairisg, seconded by Cllr. S. Walsh and agreed “that Galway County Council calls on the Minister for Social Protection not to proceed with the proposed measures in the 2012 Social Welfare Protection Bill, which would have a negative impact on One Parent families.

Cllr. Cunniffe requested that the delay in having houses valued for prospective Tenant Purchases be dealt with and the relevant Tenants be advised of the timeframe for advancing

In reply to An Comh O’Tuairisg, Mr. Cummins confirmed that a map of hydrants in the Conamara Area was available to the Fire Service.

In reply to Cllr. Broderick, Mr. Cummins confirmed that the Part 8 in relation to development at the Council Estate in Ahascragh would be brought before the Ballinasloe Electoral Area Committee prior to being presented to full Council.

Cllr. Roche requested that the potential offered by Water Harvesting be examined and that the item be included for consideration by Council in due course.

It was proposed by the Mayor, Cllr. Maher, seconded by Cllr. Willers and agreed to host a Civic Reception in honour of the Minor A All-Ireland Camogie Champions 2011.

It was proposed by Cllr. Roche, seconded by Cllr. Willers and agreed to host a Civic Reception to honour the achievements of the Abbeyknockmoy Set Dancers.

NOTICE OF MOTIONS

NOTICE OF MOTION NO 17 – CLLR. B. WILLERS

1005

The following reply was given:-

“Further to reply on Notice of Motion 17 and your response of 4th May 2012, I have received a report on the matter from Willie Doyle Community Warden, who has confirmed that he received a number of complaints regarding this area recently and he is following up on the ownership of these plots, which are private property, with the Law Agent. A clean up was carried out some time ago and a wall built. Subsequently this wall was knocked down again as people from local estates were

using it as a shortcut to the town centre. When the owners names are established the Community Warden will talk to them failing which appropriate legal steps will be taken to ensure necessary remedial works are carried out. ”

NOTICE OF MOTION NO 18 – CLLR. B. WILLERS

1006

The following reply was given:-

“The Council have forwarded your comments to the Department of Agriculture who are the relevant body for the legislation on the control of horses.”

NOTICE OF MOTION NO 19 – CLLR. B. WILLERS

1007

The following reply was given:-

“Bolands Lane can be included in the programme for 2013 following completion of building construction on the lane. Two way traffic will have to be maintained on the lane for access to the Fire Station.”

NOTICE OF MOTION NO 20 – CLLR. J. CUDDY

1008

The following reply was given:-

“It is advised that work has commenced on the preparation of the report on the submissions relating to speed limits. The report will be ready for consideration by the area committees by the end of May and will then be issued to the relevant authorities for consideration.”

NOTICE OF MOTION NO 21 – CLLR. J. CUDDY

1009

The following reply was given:-

“The Claregalway and Milltown Sewerage Schemes – Contract No. 2 involves the construction of new foul sewers and rising mains to serve the urban agglomerations of Claregalway and Milltown. These schemes have been tendered for and work will start in the coming months. As part of the scheme, a drainage system will be incorporated to alleviate any flooding problems in Claregalway.”

NOTICE OF MOTION NO 22 – CLLR. J. CUDDY

1010

The following reply was given:-

“The procedures for callouts have not changed in the Oranmore Electoral Area. Galway County Council provides a list of the on-call staff to both the Gardaí and the

Camp West call centre. All requests for callouts outside of standard working hours should be directed to the relevant emergency service.”

NOTICE OF MOTION NO 23 – CLLR. M. FAHY

1011

The following reply was given:-

“The location has been included in the list for speed limit review proposals to be submitted to the NRA. It is advised that work has commenced on the preparation of the report on the submissions relating to speed limits. The report will be ready for consideration by the area committees by the end of May and will then be issued to the relevant authorities for consideration.”

NOTICE OF MOTION NO 24 – CLLR. P. ROCHE

1012

The following reply was given:-

“The bridge will be inspected and a report forwarded to Roads and Transportation for consideration for funding. Environment Section has been made aware of the illegal dumping of carcasses at this location.”

NOTICE OF MOTION NO 25 – CLLR. P. ROCHE

1013

The following reply was given:-

“There are no funds available from the Burial Grounds Maintenance Budget 2012 to carry out these works and it is unlikely that there is funding available from the Roads Maintenance Budget.

NOTICE OF MOTION NO 26 – COMH. Ó TUAIRISG

1014

The following reply was given:-

“Noted.”

NOTICE OF MOTION NO 27 – COMH. Ó TUAIRISG

1015

The following reply was given:-

- a) “Cé go bhfuil gréasán forleathan hiodrantaíne ag Comhairle Chontae na Gaillimhe ar fud an Chontae thuigfeadh duine go mbeidh eachtraí ann nuair nach mbeidh hiodrant lonnaithe ag nó i ngar do chuile áitreabh atá buailte. Aithníonn an tseirbhís dóiteáin i gcónaí an fhíric cé go mb’fhearr leo go mbeadh hiodrantaí uisce ar fáil, nach mbíonn siad i gcónaí ar fáil mar fhoinsé uisce ag eachtraí éigeandála. Dá bhri sin, tá fearas pumpála a áisíonn tógáil uisce as aon fhoinsé oscailte e.g. Locha, Aibhneacha, Srutháin, Locháin srl. mar chuid lárnach

do threalamh comhraice dóiteáin i gcónaí. Lena chois sin, le blianta beaga anuas tá cheithre thaincér uisce ceannaithe agus lonnaithe go straitéiseach ag an tseirbhís dóiteáin ag ionaid éagsúla ar fud an Chontae. Stóráilann na taincér seo íosmhéid de 8,500 lítear uisce. Tá sé sin sa bhreis ar an 1,800 lítear a iompraíonn chuile inneall dóiteáin.

- b) Go mbeadh siad marcáilte go soiléir agus rochtain éasca chucu;
Ba cheart go gcloífeadh clúdaigh dúnphoill hidraint le riachtanais BS3251 agus dá bhrí sin ba cheart go mbeadh gach carachtair dubh leis an gcuid eile péinteáilte buí (tagairt dath Uimh. 309 de BS 381C)
- c) Go mbeadh na hionaid marcáilte go soiléir ar mhapaí a bheadh ar fáil don tseirbhís dóiteáin. Tá ionaid na hidraint taifeadta agus marcáilte ar mhapaí. Tá na mapaí seo ar fáil don tseirbhís dóiteáin.”

Criochnaigh an Cruinniú Ansin.

Submitted, Approved + Signed

Michael Maher

23th MAY 2012

Date

CHOMHAIRLE CHONTAE NA GAILLIMHE

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL
HELD AT ÁRAS AN CHONTAE, PROSPECT HILL ON MONDAY 26th
MARCH, 2012**

CATHAOIRLEACH: Cllr. M. Maher

I LATHAIR FREISIN:

Baill: Cllrs. T. Broderick, S. Canney, L. Carroll, S. Cunniffe, Comh. S O’Cuaig, Cllrs. J. Cuddy, M. Fahy, P. Feeney, G. Finnerty, M. Finnerty, M. Hoade, P. Hynes, Comh. S. Ó Laoi, Cllrs. E. Mannion, T. Mannion, T. McHugh, J. McDonagh, J. Mc Clearn, P. Roche, K. Ryan, S. Walsh, T. Walsh, T. Welby, B. Willers.

Oifigigh: Ms. M. Moloney, County Manager; Messrs. F. Gilmore, K. Kelly, E. Cummins, J. Cullen, Directors of Service; G. Mullarkey, Head of Finance; M. Owens, Meetings Administrator & County Secretary; A. Farrell, Senior Executive Officer; E. Molloy, M. Dolly, Senior Engineers; P. Carroll, Administrative Officer; P. O’Neachtain, Oifigeach Gaeilge; G. Healy, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

Resolutions of Sympathy 952

The Mayor proposed a Vote of Sympathy to the family of the late Mr. Dónal Ó Donoghue, former Galway County Manager, who died recently and was joined by the Members and County Manager in paying tribute to Mr. O’Donoghue and in conveying their deepest sympathy to his wife Ann, daughter Shirley and his son Donn on their sad loss.

The Mayor, Members and County Manager noted that Mr. O’Donoghue’s tenure was marked by significant improvements in the economic, social and cultural development of the County, including the completion of various social housing programmes, new water and sewerage schemes from Inishmore to Portumna and from Gort to Williamstown, electricity upgrades between Portumna and Athenry and developments on the Limerick-Dublin gas pipeline. They further noted that not least among Donal

O'Donoghues achievements was the Council's headquarters - Aras an Chontae and that this magnificent building was a fitting example of the vision of Mr. O'Donoghue. The Mayor concluded by noting that Mr. Donal O'Donoghue was a dedicated and committed public servant and that the County benefited enormously from his vast knowledge, experience, expertise and vision.

It was also agreed on the proposal of Cllr. McDonagh to extend a Vote of Sympathy to the wife and family of the late Eugene Kelly of Bearna and Turloughmore, who died recently. He said that Eugene's father Gerry Kelly and his grandfather Peter Kelly had served on the Council in the past, so the Kelly family had close connections with Galway County Council.

A resolution of sympathy was extended to the following:

Bernie & Mary O'Donoghue & Family, Caherglissane, Gort, Co. Galway.
Mrs. Evelyn Roche, Bridge Street, Gort, Co. Galway
Mr. & Mrs. David Coen, Ballymanton House, Gort, Co. Galway.
Mr. Louis Ward, Knock na Greine, Ballinasloe, Co. Galway
Mr. Joe Lardner, School Road, Carnmore, Oranmore, Co. Galway
Mr. Mattie Cormican, Lakeview, Claregalway, Co. Galway

On the proposal of Cllr. McDonagh, seconded by Cllr. T. Mannin it was agreed that the Meeting be adjourned for 10 minutes as a mark of respect.

On the resumption of the Meeting, Cllr. McDonagh conveyed his congratulations to the Mayor, County Manager and Staff on the organisation and hosting of the Civic Reception in honour of Uachtarán na hÉireann, Michael D. Higgins in Áras an Chontae on Friday, 23rd February 2012. He was joined by other Members in conveying their congratulations while the Mayor conveyed his appreciation to the council staff involved in organising the Civic Reception.

It was proposed by Cllr. McDonagh, seconded by Cllr. McHugh and agreed to defer Items 9 and 13 on the Clár to the April Monthly Meeting of Council to be held on Monday, 23rd April 2012 in Áras an Chontae commencing at 11.00 am.

It was proposed by Cllr. McDonagh, seconded by Cllr. McClearn and agreed that all future Monthly Meetings of the Council commence at 2.00 pm.

Confirmation of Minutes of Meeting

953

The Minutes of Monthly Meeting held on 24th February, 2012 were approved by the Council and signed by the Mayor on the proposal of Cllr. McClearn, seconded by Cllr. E. Mannion.

Arising from the Minutes, a discussion took place regarding the Household Charge and Mr. Mullarkey replied to questions raised by the Members as follows:

- The income taken in by Local Authorities in respect of the Household Charge will be sent to the Department of the Environment, Community and Local Government (DOEC&LG) for dispersal to all Local Authorities through the Local Government Fund

- Regarding the points made by Members that the Household Charge should be collected in Area Offices of the Council, Mr. Mullarkey said that this possibility would be examined.

- He said that the Council did not have the discretion to extend the timeframe of the 31st March 2012 for payment of the charge without incurring penalties and interest.

- Regarding waivers, he said that only those in receipt of Mortgage Interest Supplement and those on the list of unfinished estates receive a waiver from the Household Charge.

- He confirmed that the residential portion of a mixed development is liable for the Household Charge.

- He said that those who do not pay the Household Charge by the deadline will impose penalties as follows:

- First 6 months: 10% + €1 per month

- After first 6 months: 20% + €1 per month

Mr. Mullarkey advised of the extended opening hours at Áras an Chontae, Ballinasloe, Tuam and Clifden to facilitate payment of the charge.

Cllr. McHugh proposed “that Galway County Council make provision to permit house owners to pay the Household Charge at Area Offices from the 27th March, 2012”. This proposal was seconded by Cllr. T. Mannion, and agreed.

The Manager stated that the income collected from the charge is very important for Galway County Council and it is imperative that the charge is collected in order to fund the services provided by the Council. She said that once the deadline has passed, the Council will put measures in place to collect any outstanding charges.

Report of Committee Meetings for consideration and adoption 954

The Report of the Ballinasloe Area Committee Meeting held on 19th September 2011 was approved by the Council on the proposal of Cllr. T. Mannion, seconded by Cllr. M. Finnerty.

The Report of the Ballinasloe Area Committee Meeting held on 12th January 2012 was approved by the Council on the proposal of Cllr. Broderick, seconded by Cllr. M. Finnerty.

The Report of the Environment & Water Services SPC Meeting held on 14th December 2011 was approved by the Council on the proposal of Cllr. Broderick, seconded by Cllr. E. Mannion.

Declaration of roads to be public roads – Section 11 of Roads Act 1993 955

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

Eden Park Housing Estate, Loughrea

Road commencing at its junction with the L4196 in the townland of Caheronaun and extending initially in a north westerly direction for a distance of 266 meters in the townland of Caheronaun and ending at a T-junction opposite the gable of houses No. 4 and 5. The road then runs in a north easterly direction from the above mentioned point for a distance of 103 meters and ends outside house No. 13 in a south westerly direction for a distance of 61 meters and ends outside house No. 1.

Electoral Area: Loughrea

Declaration of roads to be public roads – Section 11 of Roads Act 1993 956

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

Road commencing at junction with regional road R342 in the townland of Cashel (An Caiseal) and extending north for a distance of 300 metres in the townland of Cashel (An Caiseal) and finishing at Michael Canavan's dwelling in the townland of Cashel (An Caiseal).

Electoral Area: Conamara

To consider report under Part 8 of the Planning and Development Regulations 2001 – Extension to Ballynahown Burial Ground 957

Report dated 20th March, 2012 was already circulated to each Member.

On the proposal of Comh. Ó Cuaig, seconded by Cllr. S. Walsh, it was agreed that the proposed extension to Ballynahown Burial Ground, as set out in the report, be approved.

To consider report under Part 8 of the Planning and Development Regulations 2001 – Extension to Moyrus Burial Ground 958

Report dated 20th March, 2012 was already circulated to each Member.

On the proposal of Comh. Ó Laoi, seconded by Comh. Ó Cuaig, it was agreed that the proposed extension to Moyrus Burial Ground, as set out in the report, be approved.

To consider report under Section 183 of the Local Government Act 2001 on the disposal of 0.504 hectares of land at Carra, Kilrickle, Co. Galway 959

Report dated 14th March 2012 was already circulated to each Member in accordance with the statutory timeframe.

On the proposal of the Mayor, seconded by Cllr. T. Mannion, it was agreed that the disposal of 0.504 hectares of land at Carra, Kilrickle, Co. Galway be approved.

To consider report under Section 183 of the Local Government Act 2001 on the disposal of 0.455 hectares of land at Cooltymurragh (Kilconnell By), Aughrim, Co. Galway 960

Report dated 13th February 2012 was already circulated to each Member in accordance with the statutory timeframe.

On the proposal of Cllr. M. Finnerty, seconded by Cllr. T. Broderick, it was agreed that the disposal of 0.455 hectares of land at Cooltymurragh (Kilconnell By), Aughrim, Co. Galway be approved.

To consider the Manager's Report on the submissions/observations received on the Athenry Draft Local Area Plan as per Section 20 (3) (c) (i) of the Planning & Development Act 2000 as amended 961

Cllr. McDonagh proposed that this item be deferred to the next Monthly Meeting of the Council. This proposal was seconded by Cllr. McHugh, and agreed.

Joint Policing Committee Annual Report for 2011 962

Report was circulated to each Member.

The Members noted the Joint Policing Committee Annual Report for 2011.

Presentation by Radiological Protection Institute of Ireland (RPII) on Radon Awareness 963

The Mayor introduced Ms. Stephanie Long of the Radiological Protection Institute of Ireland (RPII) to the Members stating that she was invited to make a presentation to the Members on the topic of Radon.

Ms. Long stated that the RPII is a statutory Body set up by the Department of the Environment and its key functions are as follows:

- Advice to Government and public
- Regulatory Authority
- Monitoring of environmental samples
- Measurement (radon, doses to radiation workers).

She described Radon as follows:

- Radioactive gas with no colour, taste or smell
- Comes from uranium which is present in small quantities in all rocks and soil
- Radon is everywhere – outdoors radon is not a problem

- Radon can enter buildings from the ground through cracks and gaps and can build up to very high levels

She said that Radon is harmful because:

- It forms tiny particles that when inhaled give rise to a radiation dose to the lung
- Link between long-term exposure and increased risk of lung cancer
- It is second only to smoking cigarettes as a cause of lung cancer

She said Radon becomes a problem in homes and schools when it measures over 200 Bq/m³ and it is a statutory requirement that it measures below 400 Bq/m³ in the workplace.

5830 homes were measured in County Galway and 1240 (21%) of these were over 200 Bq/m³.

The RPII carried out a Public Awareness Campaign in 2011 in order to educate the public of the dangers of radon gas in homes.

The RPII and 9 private companies provide a radon measuring service at a cost of €50 approx whereby they will post two detectors to homes on request. One is placed in the main bedroom and one in the living room, left for three months and posted back for analysis. Results are posted back with advice on steps the householder should take in order to reduce the radon level in their home. If the measurement is between 200 and 400 Bq/m³, the remedy is as simple as improving the ventilation in the house, however it may be recommended that a radon barrier be installed if the measurement is above 400 Bq/m³.

The Members thanked Ms. Long for her presentation but some expressed concern that although radon barriers were installed in all houses built since 1998 in compliance with the Building Regulations, tests on some of these houses show high levels of radon gas. In reply, Ms. Long said that the radon barrier must be installed intact and she said that the RPII has a list of Registered Contractors for the installation of radon barriers and this is available on their website. She also said that an inter-agency group has been set up to review the Building Regulations and their findings will be reported to the Minister for the Environment at the end of the year.

In reply to Cllr. Roche who said it is hard to believe that radon gas could get through a raft foundation which is normally made of 9" of mass concrete, Ms. Long said that the gas can seep through the smallest cracks in the foundations.

In reply to Cllr. E. Mannion who asked if it is necessary to have houses in west Galway tested, Ms. Long said that although radon is more likely in houses built in granite or limestone areas such as in North Galway, it is still advisable to get houses in all areas tested.

Ms. Long said that the key message she wished to convey is:

- that radon gas can cause lung cancer and should not be ignored
- radon levels in homes can be measured easily at a cost of approximately €50
- the remedy can be as simple as improved ventilation in the home

Approval of Community Grants Schemes 2012

964

Report dated 26th March, 2012 was circulated to each Member.

The Mayor thanked Mr. Barrett and his team in the Community & Enterprise Unit for their work in processing all of the applications received under the Community Grants Schemes 2012 and in the task of allocating out the grants in a fair manner to the various community groups under the four categories as follows:

- Support for Community Based Economic Development 2012 – total amount €97,000;
- Support for Community Based Amenities and Services 2012 – total amount €140,000;
- Support Scheme for Arts 2012 – total amount €60,000;
- Supports Scheme for Heritage 2012 - €12,500.

Cllr. Feeney said that the various groups are very pleased to receive the grants and he said that in the current climate of diminished local government funding, community involvement in local works must continue to be encouraged and supported by the Council.

On the proposal of Cllr. T. Mannion, seconded by Cllr. Hoade, it was agreed that the Community Grants Schemes 2012 be approved.

Water – Reform of Water Sector in Ireland

965

Cllr. McDonagh proposed that this item be deferred to the next Monthly Meeting of the Council. This proposal was seconded by Cllr. McHugh, and agreed.

Water Services Investment Programme – Update

966

Report dated 26th March, 2012 was circulated to each Member.

Mr. Cullen referred to the Report entitled “County Galway Water Services Capital Programme – Water Services Investment Programme 2010 – 2012 Update – March 2012” and he summarized the main points of the report as follows:

Schemes at Construction

Bearna Sewerage Scheme
Tuam Water Distribution & Main Drainage Contract

Contracts to Start (Schemes Approved)

Clifden Sewerage Scheme
Costello Regional Water Supply Scheme
Galway City Western Environs Water Supply Scheme (Reservoir only)
Claregalway & Milltown Sewerage Schemes
Kinvara Sewerage Scheme
Loughrea Regional Water Supply Scheme

Contracts to Start (Schemes Awaiting Approval)

Athenry Sewerage Scheme

Oughterard Sewerage Scheme
Glenamaddy Sewerage Scheme
Mountbellew Sewerage Scheme

Schemes at Planning

Clifden Regional Water Supply Scheme
Ballinasloe Sewerage Scheme
Ballygar Sewerage Scheme
Galway Sewerage Scheme Phase 3 – Galway Eastern Environs Waste Water Treatment Plant
Spiddal Sewerage Scheme

A discussion took place and Mr. Cullen addressed the points raised by the Members as follows:

- In reply to Comh. Ó Cuaig, Mr. Cullen said that once the contract documents for Costello RWSS are finalized, the scheme will be advertised for tender.
- He said that Department approval is awaited in respect of Athenry and Oughterard Sewerage Schemes
- Milltown and Claregalway Sewerage Schemes will be advertised as one project
- In relation to Glenamaddy Sewerage Scheme, the Council is making every effort to obtain DOE approval.
- In reply to a query regarding Loughrea Regional Water Supply Scheme, he said that it is hoped work will commence in January 2013. However he said that the water treatment network must be upgraded in order to serve Kilreekil and DOE approval is needed for same.
- In reply to a query regarding approval awaited in respect of group sewerage schemes, he said that discussions are ongoing between the Council and the DOEC&LG in this regard.
- In reply to a query regarding Kinvara Sewerage Scheme, Mr. Cullen said that a site has been identified and the Council will approach the landowner with a view to acquiring the land by agreement.

Mr. Cullen also said that an unprecedented number of schemes have been approved by the DOEC&LG and it is the Council's objective to deal with all schemes on the Water Services Investment Programme.

Consultation on Regulations for Operation and Maintenance of Domestic Waste Water Treatment Systems.

967

Report dated 26th March, 2012 was circulated to each Member.

Mr. Cullen referred the Members to his report dated 19th December, 2011 dealing with the requirements for registration of domestic waste water treatment systems which was considered at the Monthly Meeting of the Council on 19th December, 2011. He said that there has been a further development since then in that a consultation paper has been released on the "Proposed Content of Regulations for Operation and Maintenance of Domestic Wastewater Treatment Systems" and he said that a copy of the consultation paper is attached to his report today.

He said that the Water Services (Amendment) Act 2012 was published in February and it states that local authorities are required to set up a register of domestic systems and that home owners are required to apply to the local authority to be included on the register. It also states that home owners shall ensure that their system does not constitute a risk to human health or the environment. He said that the registration system is currently being developed and is expected to be ready in mid April.

The Act provides for the making of regulations which will set out performance standards for domestic wastewater treatment systems. A consultation document in relation to the proposed standards has been published. The draft standards set out the responsibilities of home owners including requirements for the removal of sludge and ensuring that the system is in working order and properly functioning.

In summary, the draft standards require home owners to:

1. Know where their tank is located
2. Visually examine the tank every year
3. Ensure only domestic wastewater is treated in the tank and that the percolation area is not damaged
4. Ensure the tank only discharges from those points for which it was designed to discharge from
5. Ensure the effluent is not discharged to or does not rise to the surface of the ground
6. Ensure the tank is not discharging into streams/ditches
7. Desludge the tank when necessary, using an authorized waste collector
8. Ensure that the tank is not polluting and operation and maintenance is in compliance with the manufacturers manual, as appropriate.

The Environmental Protection Agency will be developing a National Inspection Plan which will be implemented by local authorities. The Plan will provide for a risk-based approach to inspections to identify on-site systems which are causing pollution. Inspections are expected to commence in 2013. The Plan will be completed by the end of 2012 and details of how and where inspections will take place will be made available thereafter. There will be no fee for inspections.

The draft standards set out that, if a problem is detected during inspection, the inspector from the local authority will identify a "practical and pragmatic solution" to the problem to ensure that the system is no longer polluting the environment or is a threat to public health. The draft standards state that, if there is no evidence of a risk to human health or the environment, no remedial action will be required. He informed the Members that the draft standards are available on the DOEC&LG website www.environ.ie.

He said that submissions on the proposed content of Regulations for Operation and Maintenance of Domestic Waste Water Treatment Systems can be made by email to watersp@environ.ie or in writing to DOEC&LG and the closing date for submissions is Friday 30th March, 2012 at 4pm.

Suspension of Standing Orders

968

On the proposal of Cllr. M. Finnerty, seconded by Cllr. M. Connolly, it was agreed that the Standing Orders be suspended in order to allow the Meeting continue after 6pm.

A discussion took place during which a number of Members expressed concern that the consultation document was vague, lacked definition and accordingly contributed to a fear of the unknown.

Mr. Cullen replied to points raised by the Members, as follows:

- He said that the Council has sought clarification from the DOEC&LG regarding the issue of grey water.
- He also said that clarification will be sought regarding the stipulation in the draft regulations which states if a problem is detected during inspection, the inspector from the local authority will identify a "practical and pragmatic solution" to the problem
- He confirmed that it was envisaged that inspections will be carried out by Council staff.
- He welcomed the fact that the Members stated that environmental pollution is not acceptable and that the Council should take appropriate action to address non-compliance in relation to environmental pollution including instances where the source is septic tanks.

Cllr. Canney outlined a submission he had prepared and he sought the endorsement of the Members for the submission. This was seconded by Cllr. T. Mannion, however following further discussion it was agreed that the Members would make individual submissions on the proposed content of the Regulations to the DOECLG, if they so wished.

Conferences

969

On the proposal of Cllr. T. Mannion, seconded by Cllr. McHugh, the attendance at Conferences as listed was agreed.

Esperanza Enterprises – Civil Partnership & Certain Rights & Obligations of

Cohabitants Act 2010 – 17th – 19th February 2012 – Manor West Hotel, Tralee, Co. Kerry

Cllr. Michael Fahy

Kerry County Council – Building Community Preparedness & Resilience – 9th March –

Malton Hotel, Killarney, Co. Kerry

Cllrs. M Fahy, P Hynes, P Feeney, J McClearn, T Walsh

Kadenza Consultancies – Amalgamations & Reforms in Local Government – 23rd – 25th

March – Silver Tassie Hotel, Letterkenny, Co. Donegal

Cllrs. M Fahy, P Hynes

Manager's Business & Correspondence

970

The Manager stated that a request had been received from ConnectIreland wishing to make a presentation to the Members at a forthcoming Meeting. She said that the mission of ConnectIreland is to attract companies that are expanding internationally so they locate in Ireland and create new jobs in the Irish economy. It was agreed by the Members to accept their request. - CLLR. B. WILLERS 974

Mayor's Business

971

It was proposed by Cllr. Feeney, seconded by Cllr. M. Connolly and agreed "that this Council re-affirms its support for the re-opening of the Western Rail Corridor North of Athenry to Tuam and onto Claremorris and in the meantime that the Rail Corridor be preserved as a public transport route for rail travel."

It was proposed by Cllr. M. Connolly, seconded by Cllr. McHugh, and agreed "that the roundabout on the Purcel Stockwell Road in Tuam be named the Jack Mangan Roundabout"

It was proposed by Cllr. Cuddy, seconded by Cllr. M. Connolly and agreed "that Galway County Council writes to the Minister for Transport and Tourism asking him to reverse his decision to abolish the Local Improvement Schemes (LIS) immediately and to provide the necessary funding for same".

It was proposed by Cllr. Cuddy, seconded by Cllr. Cunniffe and agreed "that Galway County Council write to the Taoiseach asking him to reverse the Government decision to close the Irish Embassy in the Vatican".

NOTICE OF MOTIONS

NOTICE OF MOTION NO 19 – CLLR. B. WILLERS

972

The following reply was given:-

"Galway County Council staff have recently met with the relevant inspector in the National Roads Authority regarding proposals of work on the footpaths in Gort. It is proposed, provided funding is made available, to carry out a scheme of works there next year, including alterations to the footpath at the Post Office, at Sullivans Hotel, the Bus Stop and at the AIB Bank."

NOTICE OF MOTION NO 20 – CLLR. B. WILLERS

973

The following reply was given:-

"The Roads and Transportation Section of Galway County Council have contacted the National Transport Authority in relation to the acquisitions of assistance and funding for the provision of bus stops and the improvement of bus stop areas. To date no commitment has been given in terms of funding for bus stops. However, we are continuing to liaise with the National Transport Authority and the Department of

Transport in an effort to improve the provision of bus stops and to improve bus stop areas.”

NOTICE OF MOTION NO 21 – CLLR. B. WILLERS

974

The following reply was given:-

“The original Smarter Travel Proposal for Loughrea Town included proposed new greenway (shared footpath/cycle lane) to link the Gort Road, via St. Laurence’s Field Estate, to the Athenry Road in Loughrea Town. However, to date no funding has been available under the Smarter Travel Scheme to bring this proposal to a successful conclusion. Should a request come from the Department of Transport, Tourism and Sport to Galway County Council for submissions under the Smarter Travel Scheme in 2012, this project, along with others, will be considered for potential inclusion.”

NOTICE OF MOTION NO 22 – CLLR. E. MANNION

975

The following reply was given:-

“The provision of a pedestrian crossing at this location will be considered, dependent on funding available under the Low Cost Accident Scheme and other criteria. The criterion for grant approval and allocation under this scheme is based on accident data at locations, along with inspection of the site by Galway County Council and the NRA.”

NOTICE OF MOTION NO 23 – CLLR. E. MANNION

976

The following reply was given:-

“Unfortunately, there is no funding available to provide additional, new public lights in County Galway.”

NOTICE OF MOTION NO 24 – CLLR. E. MANNION

977

The following reply was given:-

“Unfortunately, there is no funding available to provide additional, new public lights in County Galway.”

NOTICE OF MOTION NO 25 – CLLR. J. MCDONAGH

978

The following reply was given:-

“Galway County Council will carry out an inspection at this location to establish what works are required here.”

NOTICE OF MOTION NO 26 – CLLR. J. MCDONAGH

979

The following reply was given:-

“Galway County Council will consider the possibility of taking this road in charge.”

NOTICE OF MOTION NO 27 – CLLR. J. MCDONAGH

980

The following reply was given:-

“This matter has been referred to the Housing Maintenance Section for attention.”

NOTICE OF MOTION NO 28 – CLLR. J. CUDDY

981

The following reply was given:-

“Noted.”

NOTICE OF MOTION NO 29 – CLLR. J. CUDDY

982

The following reply was given:-

“Noted.”

NOTICE OF MOTION NO 30 – CLLR. J. CUDDY

983

The following reply was given:-

“Noted.”

NOTICE OF MOTION NO 31 – CLLR. M. FAHY

984

The following reply was given:-

“Galway County Council is currently reviewing the policy in relation to the grants provided by the Housing unit, as the demand for these grants now exceeds the resources. A proposal will be brought before the Housing & Emergency Services SPC with a view to prioritising applicants qualifying for the grants who have the greatest need.”

NOTICE OF MOTION NO 32 – CLLR. P. FEENEY

985

The following reply was given:-

COMHABLA CHONTAE NA GAILLIHIE

"Noted."

MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD AT ARAS AN CHONTAE, PROSPECT HILL, ON FRIDAY, 24th FEBRUARY, 2012

NOTICE OF MOTION NO 33 – COMH. Ó TUAIRISG

986

The following reply was given:-

"Níl aon airgead ar fail faoi láthair chun an obair seo a dhéanamh."

NOTICE OF MOTION NO 34 – COMH. T. WELBY

987

The following reply was given:-

"The allocation for the provision of public toilets for 2012 is committed and therefore there are no monies available for the provision of temporary public toilets in Gurteen Beach, Roundstone."

Criochnaigh an Cruinniú Ansin.

SUBMITTED, APPROVED + SIGNED

Michael Maher

23RD APRIL 2012
Date

COMHAIRLE CHONTAE NA GAILLIMHE

924

MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD AT ARAS AN CHONTAE, PROSPECT HILL, ON FRIDAY, 24TH FEBRUARY, 2012

CATHAOIRLEACH:

Cllr. M. Maher

ILATHAIR FRESIN:-

Baill:-

Cllrs. T. Broderick, S. Canney, L. Carroll, D. Connolly, M. Connolly, S. Cunniffe, Comh S O’Cuaig, Comh T. Ó Curraoin, Cllrs. J. Cuddy, M. Fahy, P. Feeney Comh. S. Ó Laoi, E Mannion, T. Mannion, M. Finnerty, M. Hoade, P. Hynes, , T. Mc Hugh, J McDonagh, J. McClearn, M. Noone, P. Roche, K. Ryan, Comh S. Ó Tuairisg, Cllrs. S. Walsh, T. Walsh, T. Welby, B. Willers.

Oifigigh:

Ms. M. Moloney, County Manager,
Messrs. J. Cullen, K. Kelly, F. Gilmore,
Director of Services, Ms, G. Mullarkey, Head of Finance, Messrs., A. Comer, Senior Executive Officer, Messrs. E. Molloy, L. Gavin, Senior Engineers, Mr. M. Owens, County Secretary & Meetings Administrator, P. O’ Neachtain, and Ms. R. O’Boyle, Staff Officers.

Thosnaigh an cruinniú leis an paidir.

The Mayor noted that it was an important and historic day for the Council, as the Council prepared to host a Civic Reception to honour the inauguration of Michael D. Higgins, as the 9th President of Ireland. The Mayor advised that the Civic Reception was to commence at 4.00 pm with the President scheduled to arrive at 4.30 pm.

The Mayor referred to the display of awards in the Council Chamber received by Galway County Council at the recent LAMA Awards Ceremony held in Dublin. He advised that “Ireland Reaching Out” had received the overall award for the Best Community Based Initiative. The Mayor complimented the staff and community groups involved in the various projects.

It was proposed by Comh. O’Tuairisg, seconded by Comh. O’Curraoin and agreed to host a Civic Reception to honour the success of An Fhairche in winning the All Ireland Club Junior Football Final.

RESOLUTIONS OF SYMPATHY

924

An Comh. O'Tuairisg proposed and Cllr. S. Walsh seconded that a vote of sympathy be extended to Deputy Eamon O'Cuiv and the extended O'Cuiv family on the death of his Mother, who was the last remaining daughter of Eamon DeValera.
Cllr. Roche proposed a vote of sympathy to Cllr. Mary Hoade and her extended family on the sudden and tragic death of Eugene Hoade.

A resolution of sympathy was extended to the following:

Ms. Bernie Hoade, Cullagh, Headford, Co. Galway
Mr. Mark Flaherty, Abbert, Abbeyknockmoy, Co. Galway.
Mr. Michael Stankard & Family, Furzypark, Ardrahan, Co. Galway.
Ms. Margaret Mc Donagh, Knock, Lettermullen, Co. Galway.
Ms. Sarah Keady, Cruimainia, Leitirimoir, Co. na Gaillimhe.
Mr. Robert Flaherty, Knock, Lettermullen, Co. Galway.
Deputy Eamon O' Cuiv, Cornamona, Co. Galway.
Mr. Vincent O' Hara, New Line, Ballycrissane, Ballinasloe, Co. Galway.
Mr. Michael & Mrs. Mary Armstrong, Caherwilder, Kilcolgan, Co. Galway.
Mr. John Joe Donoghue & Family, Cooloo, Dublin.

The Members paid tributes to Mr. Albert Comer, Senior Executive Officer, Planning Department who was retiring from the Council having given over 40 year of loyal service. The Members also conveyed best wishes to all Council staff who were due to retire following many years of loyal and distinguished service to the Council.

CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS

925

The Minutes of Monthly Meeting held on 23rd January 2012 were approved by the Council and signed by the Mayor on the proposal of Cllr. McHugh, seconded by Cllr. McClearn.

Matters Arising

Mr. Cullen, in reply to Cllr. O'Cuaig confirmed that no additional information was available to the Council in relation to the Water Services Amendment Bill.
In reply to Cllr. Cuddy, Mr. Kelly advised that the working hours of the Community Warden Service could be reviewed, if necessary, in the context of providing an appropriate response to address illegal dumping.
In reply to Cllr. Cuddy, Mr. Gavin confirmed that the Council received 40 submissions in relation to the review of speed limits and that a report on same would be available in the near future for consideration by the Electoral Area Committees. Mr. Gavin in reply to Cllr. Carroll clarified that the process would be sufficient to incorporate the review of Speed Limits as required by the Department of Transport, Tourism & Sport.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION

926

The Report of the Oranmore Area Committee Meeting held on 11th January 2012 was approved by the Council on the proposal of Cllr. Carroll, seconded by Cllr. Cuddy.
The Report of the Conamara Area Committee Meeting held on 14th July 2011 was approved by the Council on the proposal of An Comh. O'Curraoin, seconded by An Comh. O'Tuairisg.

The Report of the Conamara Area Committee Meeting held on 2nd September 2011 was approved by the Council on the proposal of An Comh. O'Laoui, seconded by An Comh O'Tuairisg

The Report of the Conamara Area Committee Meeting held on 26th September 2011 was approved by the Council on the proposal of An Comh. O'Tuairisg, seconded by An Comh O'Cuaig.

The Report of the Conamara Area Committee Meeting held on 5th December 2011 was approved by the Council on the proposal of An Comh. O'Laoui, seconded by An Comh O'Curraoin.

The Report of the Loughrea Area Committee Meeting held on 10th January 2012 was approved by the Council on the proposal of Cllr. Willers, seconded by Cllr McClearn.

DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993 **927**

Cllr. McClearn declared an interest in the Item and withdrew from the meeting for the duration of the consideration of the Item.

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

Valley Park Housing Estate, Killimor

Road pavement and footpath commencing at its junction with the L-4322 in the townlands of Killimor and Boleybeg and extending in an easterly direction for a total distance of approximately 88 meters in the townlands of Killimor and Boleybeg and Gortnasillagh and ending in the townlands of Killimor and Boleybeg.

Electoral Area: Loughrea

DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993 **928**

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

Gate House Close, The Low Road, Clifden

Road pavement and footpath commencing at its junction with the L-5128 in the townland of Tullyvoheen and extending in a northerly and westerly direction for a total distance of approximately 40 meters in the townland of Tullyvoheen and ending in the townland of Tullyvoheen.

Electoral Area: Conamara

TO CONSIDER A PROPOSAL UNDER SECTION 73 OF THE ROADS ACT 1993 TO EXTINGUISH A PUBLIC RIGHT OF WAY – THE FORMER N59 ROUTE IN THE TOWNLANDS OF NEWTOWN AND DOVEPARK COMMENCING AT A POINT JUST WEST OF THE NEWTOWN NATIONAL SCHOOL AND EXTENDING FOR A LENGTH OF 135 LINEAR METRES WESTWARDS **929**

Mr. Gilmore gave an overview of the Programme which he confirmed had been considered at Electoral Area Meetings over the last number of weeks.

He pointed out the total allocation for 2012 was in the region of €64 Million. He stated that there was a reduced expenditure on Major Programmes. He also pointed out that no funding had been allocated for the operation of the Local Improvement Scheme in 2012. Mr. Gilmore advised that it was anticipated that an improved service level would be provided in 2012 due to the reorganisation of service delivery at area level and the ring-fencing of funding and crews for routine maintenance.

An indepth discussion followed with contributions from the Members identifying particular locations requiring attention including the N18 at Labane, the need for works adjoining the graveyard in An Cheathru Rua and at Sruthan Pier, the provision of public lighting between Lackagh and Turloughmore Community Centre, the maintenance of the central and verge grass margins on the Oranmore Dual Carriageway, the need for safety measures on the old N6 at Ballyeighter and at Brierfield National School.

The Members welcomed funding for the N59 and the continuation of funding for the Athenry Northern Ring Road and the R336 whilst expressing disappointment at the discontinuation of funding for the Local Improvement Scheme. The Members also expressed disappointment at the lack of progress on national road projects particularly the N84 Luimnagh, N63 Abbeyknockmoy where it was not possible to draw down allocations of funding in previous years. The need for a policy to ensure that access and accommodation roads, required due to the construction of the M6, were finished to an appropriate standard was highlighted. The need to reallocate funding between various categories of road to enable essential works such as verge trimming to be undertaken on local roads was also identified. Concerns were also expressed in relation to the future of the Mountbellew Area Office.

In reply, Mr. Gilmore confirmed the delays in advancing the minor pavement and improvement projects on National Roads arose due to issues with the public procurement process and the establishment of framework agreements at national level. He confirmed that these issues had now been resolved and that the necessary framework agreements were now in place. He confirmed that it was not possible to reallocate funding between National and Regional/Local Roads and that the reorganisation of the maintenance operations at area level would provide benefits in terms of the delivery of routine maintenance. He confirmed that a working group was in place to prepare standard guidelines for road maintenance to ensure a consistent approach.

It was proposed by Cllr. Broderick, seconded by Cllr. D. Connolly and agreed that the €463,492 not already allocated is distributed proportionally throughout the 5 Electoral Areas.

It was proposed by Cllr. McDonagh, seconded by Cllr. Feeney and agreed to approve the Draft Roads Programme 2012 as presented.

TO CONSIDER DRAFT SUBMISSION ON IRISH WATER 935

A copy of the draft submission dated 24th February, 2012 was circulated to each Member.

The Mayor informed the Members that the matter was the subject of consideration by the Corporate Policy Group and that the Group had endorsed the draft submission, as presented to Council for consideration and approval.

Minutes of Monthly Meeting held on 24th February 2012

Mr. Cullen referred to the discussion at the January Monthly Meeting of Council in relation to Irish Water and the agreement that a summary of the points raised in the course of the discussion would be prepared for consideration by Council, to form the basis for a submission to the Department of the Environment, Community & Local Government.

Mr. Cullen informed the Members that the closing date for submissions was today (24th February 2012) and that the draft submission as circulated at the Meeting was before them for their consideration and approval. He said it was considered by the Corporate Policy Group and the Group had recommended same to Council for submission.

The Members thanked Mr. Cullen for preparing the draft submission and a discussion took place on Metering, Water, Waste Water etc., and following the discussion there were two amendments proposed

It was proposed by Cllr. Canney, seconded by Cllr. D. Connolly that "Galway County reject the decision by the Government to set up Irish Water a state company to take control of water investment and maintenance in this State. The decision is undemocratic and removes major power from Local Authorities" Following discussion it was agreed to defer consideration of the motion to the March Monthly Meeting of Council and it was proposed by Cllr. M. Connolly, seconded by Comh. O'Tuairisg and agreed to include Reform of Water Sector in Ireland on the agenda for the March Monthly Meeting.

It was proposed by Cllr. Canney, seconded by Cllr. Feeney and agreed to make the following submission on behalf of Galway County Council with regard to Reform of the water sector in Ireland – Public Consultation.

Submission:

At meetings of Galway County Council on 23rd January 2012 and 24th February 2012, and also at a meeting of the council's Corporate Policy group on 23rd February 2012 consideration was given to Position Paper of the Department of Environment Community and Local Government (DECLG) on the Reform of the Water Sector in Ireland and to the PricewaterhouseCoopers (pwc) "Irish Water Phase 1 Report".

Galway County Council is concerned about the proposals in these reports to transfer responsibility for water services from the local authorities to a proposed new public utility. The council is of the view that the proposals will seriously undermine the local government system of which water services is a significant component and have a negative impact generally on local representation and accountability. This report is a submission on behalf of Galway County Council as part of the current public consultation process.

Introduction:

The Programme for Government (PfG) envisaged the creation of Irish Water, a State company to take over water investment and maintenance programmes from the 34 city and county councils. The PfG also provided for the introduction of a funding model including proposals for the installation of meters on domestic properties and a move to charging for water on the basis of usage.

PricewaterhouseCoopers (pwc) were retained to undertake an assessment of the transfer of responsibility for water services and in their Phase 1 Report have recommended the establishment of a public water utility with full responsibility for the water cycle from abstraction to wastewater treatment and sludge disposal.

The next phase involves the development of a detailed implementation plan for the transition of water services from the local authorities to the public utility, Irish Water.

In this context the government has commenced a public consultation running to 24th February 2012 seeking views on

“The development of an implementation plan for the public water utility and, in particular issues arising from an organisational, human resource and environmental perspective in the transitional phase as well boundary issues between the proposed utility and other actors in the water sector, and

The proposed approach in relation to water charges and water metering”

Galway County Council wishes to have the following observations/points taken in to consideration.

Impact on Local Democracy, Representation and Strategic Planning:

The locally elected representatives will no longer have a role in water services provision, operation and management further eroding the local government system and the principles of local representation. This appears to be contrary to the stated intention to strengthen local government.

The role of the council in relation to planning and economic development will be seriously undermined unless it can retain a meaningful influence on decision making with regard to the allocation of water services resources.

Economic development will suffer if the infrastructural needs of local authorities are not only fully recognised but satisfactorily addressed. For example, a foreign direct investment opportunity of regional economic importance earmarked for a strategic location already identified in County Galway can only be facilitated if the proposed Wastewater treatment facility on the Eastern Environs of Galway City is advanced quickly.

Under the current local authority led system Spatial Planning and Development Management are closely aligned with water services availability and future provision. With little or no role in decision making on the direction of water services investment local authorities may not be able to deliver on the stated objectives of County, City and Town Plans.

Decision making in relation to individual planning applications will, in future, be heavily influenced by the new public utility. For planning applications of significance where access to water and wastewater services is a critical factor the approval of the new public utility will most likely be needed where, currently, local authorities can decide on these matters for themselves.

It is proposed that the new utility will be organised around river basin district boundaries for operational purposes. While the environmental basis for such boundaries may be sound they are not easily recognised and do not correspond with any existing local or regional administrative area. Few, if any counties are located fully within one single river basin district area.

Advantages of the current system that will be lost:

Water services are central to many of the other services provided by the local authority, including housing, road drainage, planning, fire and emergency response, environmental and pollution control. Removal of responsibility for water services will have a negative impact on the coherence of services; for example adjusting water distribution to facilitate fire fighting at certain times, prioritisation of environmental inspections to protect sources used for water abstraction, coordination of water services and roads construction to minimise disruption and maximise efficiency, strategic planning will be fragmented.

The boundary between the responsibilities of the new public utility and those of local authorities will be difficult to define, much less separate, in some key areas. For example, the

inter dependence of source protection and catchment management with water services provision is such as to require, on a practical level, that both be managed and controlled by one entity. But it is proposed to separate them.

There is a value to having a local body accountable to the local community for the provision of water services. Individual customer needs are more easily recognised and appreciated by the nature of the current local authority service delivery model than by a larger regional or national structure.

There is a value, too, in the operational effectiveness of the current system where local engineering, operational and administrative staff have expertise and in-depth knowledge of networks and maintenance regimes.

There is proven capacity within the current system to respond quickly and effectively to emergency situations such as those experienced over the last 2 years with flooding and extreme cold. The ability within local authorities to deploy additional resources when needed is unlikely to be matched by a regional or nationally based water service provider.

Efficiency:

It is claimed that efficiencies can be achieved under the proposed model and that for the current system "efficiency levels do not compare well against international benchmarks". There may well indeed be efficiencies to be achieved within the current system but the presumption that these can be realised only by the creation of a national water utility is invalid. In reaching the conclusion that efficiency levels do not compare well, the historic underinvestment in water services over many years while acknowledged is not fully appreciated or attributed the importance it deserves.

Local authorities are already achieving the desired efficiencies and driving costs down through procurement, reductions in staff numbers, use of technology and operational reorganisation. Although there have been increases in water service expenditure recently, these have been driven, not by input cost increases but, by the additional maintenance requirements of new and upgraded plant and the need to meet higher regulatory standards.

It is claimed too that Unaccounted for Water (UFW) is twice the UK average. That may be so, but it, too, can be attributed to the underinvestment in water services over many years. However, all local authorities are involved in a Water Conservation Programme that has already seen the trend for UFW reducing. As local authorities continue with the programme, moving now toward mains rehabilitation, the level of UFW will reduce further and may well indeed reach industry norms by the time local authorities relinquish responsibility to the new utility.

In the area of collection of water charges from the non domestic sector, it is claimed that collection rates are comparatively poor. This, though, has more to do with the presentation of the collection figures and the treatment of arrears than the collection performance itself. It fails to recognise the negative impact of legacy arrears carried forward each reporting year. Expressed as a percentage of the annual amount billed for a particular year, the rate of collection is actually improving steadily. Concern has been expressed in relation to the impact of the proposal to establish a national monopoly on the level of water charges. A move to full cost recovery will undoubtedly lead to an increase in charges in many areas in the short term.

Transition Issues:

Staffing:

Within Galway County Council there is a total of 130 whole time equivalents (wte) employed in water services. The council is concerned to ensure that the expertise and experience of these staff, developed over many years, is retained within the emerging public utility.

The council is also concerned to ensure that the rights and entitlements that staff currently have as employees of Galway County Council are fully protected if they are required to transfer to the new utility.

Equally the council is concerned that the new utility will assume responsibility for all water services staff rather than selecting a proportion of that number to transfer. Local authorities, deprived of the funding stream for water services, will be unable afford the retention of staff deemed surplus the requirements of the new utility.

Legal liability:

It is proposed that local authorities will continue to provide water services on an agency basis for a period of time on behalf of the new utility pending the complete transfer of responsibility due to be complete by 2017. It is important that the corporate and personal legal liability aspects of water services relating to compliance be transferred from local authorities to the new utility when it is first established.

Asset transfer and compensation:

It is of vital importance that the true value of the water services assets is accounted for and that local authorities are fully compensated for them. Over the years, but especially in more recent times, local authorities have invested heavily in water services infrastructure and, under the current water services pricing policy mechanism, have been required to contribute local funding for the cost of infrastructure not met by grants. It has been the practice to contribute accumulated development levies and raise loans to meet this funding requirement. As a result councils incurred significant borrowing liabilities and development levies have been eroded or depleted altogether.

In addition to the local contribution towards major water services projects the local authorities have also carried out upgrades and improvement works under the "small schemes" initiative in the Rural Water Programme where 75% funding was made available by the DECLG and 25% contributed by the local authority.

The need to achieve regulatory compliance and the introduction of modern water treatment facilities has led to an increase in the operation and maintenance costs of water services. The water services function accounts for an increasing and significant proportion of overall local authority expenditure. At the same time allocations from the Local Government Fund (LGF) have fallen widening even further the shortfall in funding towards the cost of water services for the domestic sector which was to have been met from the LGF. If the LGF allocation is to be reduced when water services transfer from local authorities, then the fact that the LGF allocation was always less than the actual level of expenditure must be properly reflected.

Furthermore, local authorities in general and Galway County Council in particular, have had to divert significant resources from other operational programmes to support water services operation and maintenance. These resources are derived from commercial rates funding that would otherwise have been used for maintenance and upkeep of other services, such as roads,

which have seen significant deterioration in structural and surface quality. This should be addressed in determining compensation for local authorities.

Universal metering and domestic water charges:

It is proposed to embark on a programme of universal water metering. The programme expects to meter 80 to 90% of domestic properties which would be charged on the basis of usage; the balance, those where it is technically too difficult or too expensive to meter, would pay on a fixed charge basis. Based on previous experience gained during the installation of meters on non domestic properties, this council is of the view that target of metering 80 to 90% of domestic properties is unachievable and the number of properties that will actually be metered will be significantly less. This will result in a far greater number of properties on a fixed charge, effectively paying on a basis not related to usage.

Furthermore under the charging model proposed there will be an allocation of water to each household for which no charge will apply. Bearing in mind that the cost of this free water allowance together with the costs of supporting its administration, meter installation, meter reading and account management must all be recovered from the remaining limited customer base, the level of water charge is likely to be unsustainable.

Conclusion:

The creation of the new utility with responsibility for water services is one of the most significant developments in the history of Irish local government. As proposed it will undoubtedly lead to a loss of local democracy and accountability. The benefits and advantages of a system that has evolved over a hundred years are likely to be lost, replaced by an, as yet, unproven model in the Irish context. The transition from the current system to the proposed utility will require complex legal, financial and staffing and other issues to be addressed and satisfactorily resolved.

On behalf of the members of Galway County Council I would be obliged if the points made in this submission would be considered as part of the consultation process.

VOLVO OCEAN RACE – PRESENTATION

936

The Mayor welcomed Mr. John Killeen, President Lets Do It Global, Ms. Micheline McNamara, Managing Director and Ms. Paula Feeney, Programme Manager to the Council Meeting. Mr. Killeen indicated their intention to give a brief outline about the biggest/best project coming to Galway in July 2012 (Volvo Ocean Race) and offered to take questions at the conclusion of the presentation.

Mr. Killeen thanked the Members for giving him the opportunity to give a presentation on the Volvo Ocean Race and outlined the scale of the event being planned for Galway in comparison to the 2009 event. He outlined the opportunities for towns in Galway County to become more involved in the event through adopting a boat/team participating in the Race. He detailed the opportunities available to the business community, including local craft and food producers, to promote their business in the extended Race Village. He advised that the Race would be the biggest event coming to Ireland this year and would bring approximately €80 million into circulation in the Region.

The Mayor thanked Mr. Killeen for his presentation and for highlighting the potential the Race offered for towns and the business community in Galway County to link with the event to a

greater extent than in 2009. The Mayor stated that the event offered significant potential for local business and in particular local craft and food producers to promote their offerings.

The Members welcomed the presentation and congratulated all involved in the successful hosting of the 2009 Ocean Race and in bringing the final of the 2012 Race to Galway. The Members highlighted the need to ensure appropriate linkages with Galway County, highlighting the success enjoyed by local community based initiatives such as Ireland Reaching Out. The importance of providing an appropriate range of travel options for those visiting the Race Village was also highlighted including the potential offered by the Western Rail Corridor, special train services and the need for the operation of Park and Ride. In reply to the Members, Mr. Killeen confirmed that an information evening was being held in the Meyrick Hotel on Monday, 5th March 2012 for recommended that community representatives and members of the business community interested in linking with the event attend.

The County Manager complimented the Lets Do It Global Team on the work done to date and stated that the last event in 2009 was a great success and was confident that the 2012 event would be better. She confirmed that the Council was anxious to work with Lets Do It Global to realise the full benefit of the event for Galway County and in particular would support local craft and food producers in availing of the unique opportunity to promote their businesses.

CONFERENCES

937

On the proposal of Cllr. McClearn, seconded by Cllr. Welby, the attendance at Conferences as listed was agreed.

• **Esperanza Enterprises – Restorative Justice for Ireland – 20th – 22nd January –
Manor West Hotel, Tralee, Co. Kerry**

1. Michael Fahy
2. Jarlath McDonagh

• **Esperanza Enterprises – Renewable Materials Design Strategies, Construction
Methods & Technologies – 7th – 9th February – Mill Park Hotel, Donegal Town**

1. Michael Fahy

• **A.M.A.I. Spring Seminar 2012 – Local Government – Renewal & Development –
10th – 11th February – Kilmore Hotel, Cavan**

1. Peter Feeney
2. Pat Hynes
3. Mary Hoade
4. Michael Fahy

5. Tomás Mannion

- **UCD College of Human Sciences – First UCD Garret Fitzgerald Spring School – Democracy in the 21st Century – 10th – 11th February – Newman House, 85 – 86 St. Stephen’s Green, Dublin 2**
 1. Seán Ó Tuairisg
- **Celtic Conferences – 2012 Budget Review of Allowances & Benefits & Revenue On-Line Service Workshop – 24th – 26th February – Celtic Ross Hotel, Rosscarbery, Co. Cork**
 1. Jimmy McClearn
- **Esperanza Enterprises – Dealing with Personal Insolvency – 2nd – 4th March – Westport Plaza Hotel, Westport, Co. Mayo**
 1. Jarlath McDonagh
 2. Jimmy McClearn

MANAGERS BUSINESS & CORRESPONDENCE

938

The County Manager referred to the launch of the Government’s first annual Action Plan for Jobs, which contains over 270 actions to be implemented in 2012 by all 15 Government Departments as well as 36 State agencies with the aim of improving supports for job-creating businesses and remove barriers to employment-creation across the economy.

She referred in particular to the proposal in the Action Plan to establish a “one-stop-shop” for small business supports, by dissolving the County and City Enterprise Boards and creating a new Micro-Enterprise and Small Business Unit in Enterprise Ireland that will work with Local Authorities to establish a new network of Local Enterprise Offices in each Local Authority. The County Manager confirmed that the Council awaited further information on the proposal.

Mr. Mullarkey referred to report dated the 23rd February 2012, as circulated to each Member relating to the Household Charge 2012 and the Local Government (Household Charge) Act 2011.

Mr. Mullarkey advised that the €100 Household Charge was introduced on foot of the EU/IMF Agreement and is an interim measure pending the future introduction of a more comprehensive and equitable valuation-based property tax. The Act imposes a legal obligation on all owners of residential property located in the State who are liable to complete the Registration/Declaration process and pay the €100 charge before the 31st March 2012. Mr. Mullarkey confirmed that it also includes those properties that are liable for the €200 NPPR. He advised that the legislation is based on self-declaration, self-assessment legal format similar to the NPPR Charge. He stated that the Household Charge is being collected by the Local Government Management Agency (LGMA) on a shared service basis on behalf