



Comhairle Chontae na Gaillimhe  
Galway County Council

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Galway County Council Archives

**GALWAY COUNTY COUNCIL,  
COUNCIL MINUTES**

**GC/1/55**

**28 MAY 2012 TO 22 APRIL 2013**



GALWAY COUNTY COUNCIL

MINUTES

28th May 2012 - 22nd April 2013

Gc/1/55

Galway County Council Archives



**CHOMHAIRLE CHONTAE NA GAILLIMHE**

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD AT ÁRAS AN CHONTAE, PROSPECT HILL, GALWAY AT 2.00 PM ON MONDAY 22<sup>nd</sup> April, 2013.**

**CATHAOIRLEACH:**

Cllr. T. Welby, Mayor of the County of Galway

**I LATHAIR FREISIN:**

**Baill:**

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

**Oifigigh:**

Ms. M. Moloney, County Manager; Messrs. F. Gilmore, J. Cullen, Directors of Service; G. Mullarkey, Head of Finance; M. Owens, County Secretary & Meetings Administrator; L. Gavin, Senior Engineer; B. Barrett, A/Senior Executive Officer; S. Kennedy A/Senior Planner; M. Donohue, Senior Staff Officer; P. O'Neachtain Oifigeach Gaeilge; G. Healy, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

**RESOLUTIONS OF SYMPATHY**

1416

Cllr. McDonagh proposed that a Vote of Sympathy be extended to the Flynn Family, Lackagh on the death of Thomas Flynn, who he described as a friend of the Council, recalling his generous gesture in providing land for the development of the local graveyard free of charge and his commitment to his local community and parish. This proposal was seconded by Cllr. Hoade and agreed.

Cllr. D. Connolly proposed that a Vote of Sympathy be extended to the family of the late Mattie Ganley, former Sinn Fein Councillor on Ballinasloe Town Council and teacher at St. Grellan's National School, Ballinasloe. This proposal was seconded by Comh. Ó'Curraoin and agreed.

Comh. O'Cuaig proposed that a Vote of Sympathy be extended to the family of the late Daniel Conroy, this proposal was seconded by The Mayor and agreed.

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Cllr. Seamus Walsh referred to the adjournment of the April Meeting and the Vote of Sympathy extended to Comh. O'Tuarisig and family on the death of his sister.

A resolution of sympathy was also extended to the following:

- Jackie Tracey, Hymany Park, Ballinasloe, Co. Galway
- Mike Mulkerrins, Teach Mór, Lettermullen, Co. Galway
- Maureen Uí Rainne, An Trá Bhain, Leitirmoir, Co. na Gaillimhe
- Michael Larkin, Tuairin, Bealadangan, Co. Galway
- Kevin Cunningham & Family, Kilchreest, Loughrea, Co. Galway
- Bernie O'Donohue, Cappamore, Kinvara, Co. Galway
- John Lydon, Beach Road, Clifden, Co. Galway
- Bernie Moran, Cloon, Claregalway, Co. Galway
- Dr. Peter Joyce & Family, Dunguaire, Kinvara, Co. Galway
- Margaret Ann Uí Chonaire, An Gleann Mór, Cill Chiaráin, Conamara, Co. na Gaillimhe
- Kevin Langan, Ruanmore, Claregalway, Co. Galway
- Nancy Ó Neachtain, Coileach, An Spidéal, Co. na Gaillimhe
- Patricia Tuohy, Killeen, Gort, Co. Galway
- Mr. & Mrs. Gary Kenny, Kellysgrove, Ballinasloe, Co. Galway

The County Manager also wished to be associated with Resolutions of Sympathy proposed by the Members, both on her own behalf and on behalf of management and staff, and especially the Vote of Sympathy to the family of former Cllr. Mattie Ganley.

Cllr. McClearn was joined by the Members in extending best wishes for a speedy recovery to Fergal Moore, Captain of the Galway Senior Hurling Team who sustained an injury at the National League Hurling Semi Final the previous day.

### CONFIRMATION OF MINUTES OF MEETING

1417

The Minutes of Monthly Meeting held on 25<sup>th</sup> March 2013 were approved by the Council and signed by the Mayor on the proposal of Cllr. Maher seconded by Cllr. Carroll.

Arising from the Minutes, Cllr. Fahy referred to Page 2 regarding his proposal that an invitation be extended to Pope Francis to visit Galway and he asked that a copy of the invitation also be sent to the following people: Archbishop Michael Neary; Bishop Martin Brennan, Bishop John Kirby and The Most Reverend Charles John Browne, Apostolic Nuncio.

Also arising from the Minutes, Cllr. Cuddy referred to the item regarding the Joint Policing Committee Report on Page 33, and he said that the recent statement by the Minister for Justice that the Government has no proposal to recruit Gardaí at present despite recommendations from the Garda Superintendents, is very disappointing and worrying.

Cllr. Canney expressed concern that the Text Alert Scheme is being held up until the Garda Commissioner decides on the format of a National Text Alert system and he asked that it be noted that he wants this matter progressed as soon as possible.

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Cllr. Canney also referred to the Community Alert Scheme and he said that he urges the powers that be to make a decision without delay regarding a uniform signage to be used so that communities can launch their Community Alert Schemes as soon as possible with approved signage.

It was proposed by Cllr. Fahy, seconded by Cllr. Canney and agreed to convey to Minister Burton, Minister for Social Protection "That Galway County Council today proposes that the Free Travel Scheme, not under any circumstances, be means-tested as it is the only gift given to Senior Citizens in rural Ireland."

### REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION 1418

The Report of the Roads & Transportation SPC Meeting held on 14th December, 2012 was approved by the Council on the proposal of Cllr. McClearn, seconded by Cllr. Feeney.

The Report of the Oranmore Area Committee Meeting held on 21<sup>st</sup> September, 2012 was approved by the Council on the proposal of Cllr. McDonagh, seconded by Cllr. Carroll.

The Report of the Ballinasloe Area Committee Meeting held on 6<sup>th</sup> December, 2012 was approved by the Council on the proposal of Cllr. M. Finnerty, seconded by Cllr. D. Connolly.

### UPDATE ON HOUSING SERVICES INCLUDING GRANT SCHEMES AND IMPLICATIONS OF CURRENT FINANCIAL POSITION (REPORT DATED 22<sup>ND</sup> MARCH, 2013 ALREADY CIRCULATED) CHECK DATE \* 1419

On the proposal of Cllr. Fahy, seconded by Cllr. E. Mannion, it was agreed by the Members that this item be deferred to the May Ordinary Meeting of the Council.

In reply to Cllr. D. Connolly and Cllr. Canney the Manager advised that the situation remained as outlined in the report of the 22<sup>nd</sup> March, 2013 which was circulated to the Members in terms of the immediate response of the Council regarding reduced funding being provided in respect of the Housing Grant Schemes and that it was not anticipated that any additional measures would be necessary prior to the May Meeting.

### TO FIX DATE, TIME AND VENUE FOR THE MAY ORDINARY MEETING 1420

On the proposal of Cllr. McDonagh, seconded by Cllr. Maher, the Members agreed that the May Ordinary Meeting of the Council be held on Monday 27<sup>th</sup> May, 2013 at 2pm in Oughterard Golf Club, Oughterard.

On the proposal of Cllr. McDonagh, seconded by Cllr. Cuddy, the Members agreed that the Annual Meeting of the Council be held in Áras an Chontae on Friday 14<sup>th</sup> June, 2013 at 2pm.

**TO NOTE THE DRAFT ANNUAL REPORT 2012 IN ACCORDANCE WITH SECTION 221(1)(B) OF THE LOCAL GOVERNMENT ACT 2001** **1421**

Report entitled "Draft 1" Annual Report 2012 was circulated to each member.

Mr. Owens presented the Draft Annual Report 2012 to the Members and he invited the Members to examine the document and submit any comments or recommendations regarding the Draft Report to him in the coming weeks. He said that the final Draft of the Annual Report 2012 would be brought before the Members at the June Ordinary Meeting of the Council.

The Members noted the Draft Annual Report 2012.

**TO CONSIDER AND IF DEEMED APPROPRIATE TO AUTHORISE THE ATTENDANCE AT CONFERENCES IN ACCORDANCE WITH SECTION 142 OF THE LOCAL GOVERNMENT ACT 2001 AND THE LOCAL GOVERNMENT ACT 2001 (SECTION 142) REGULATIONS 2010** **1422**

On the proposal of Cllr. McDonagh, seconded by Cllr. McClearn, the attendance of members at the Conferences as circulated was authorized as follows:

**TJK Conferences – Freedom of Information Seminar for Councillors – 22<sup>nd</sup> – 24<sup>th</sup> March – Woodfield House Hotel, Limerick – Fee: €100**

Cllr. Peter Feeney

**Wexford County Council – LAMA Spring Seminar 2013 – 5<sup>th</sup> – 6<sup>th</sup> April – Ashdown Park Hotel, Gorey, Co. Wexford – Fee: €150**

Cllr.'s Jarlath McDonagh, Michael Maher, Mary Hoade, Eileen Mannion, Tom McHugh, Tomás Mannion, Peter Feeney, Peter Roche

**Ace Training – Starting & Growing a Chamber of Commerce in your Community – 12<sup>th</sup> – 14<sup>th</sup> April – Four Seasons Hotel, Carlingford, Co. Louth – Fee: €100**

Cllr. Shaun Cunniffe, Comh. Tomás Ó Curráoin

**Carlow Tourism – 11<sup>th</sup> National Conference – The Gathering – Diaspora Tourism Matters – 18<sup>th</sup> – 20<sup>th</sup> April – Lord Bagenal Hotel, Leighlinbridge, Co. Carlow – Fee: €150**

Cllr.'s Tomás Mannion, Seamus Walsh



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**Superior Training – Local Government & the Consumer – 19<sup>th</sup> – 20<sup>th</sup> April – Holyrood Hotel,  
Bundoran, Co. Donegal – Fee: €120**

Comh. Tomás Ó Curráoin

**Esperanza Enterprises – Water Services Bill 2013 – 19<sup>th</sup> – 20<sup>th</sup> April – Westport Plaza Hotel,  
Westport, Co. Mayo – Fee: €150**

Cllr. Jarlath McDonagh

**Esperanza Enterprises – Strengthening the Building Control System – 26<sup>th</sup> – 27<sup>th</sup> April –  
Westport Plaza Hotel, Westport, Co. Mayo – Fee: €150**

Cllr. Jarlath McDonagh

**Celtic Conferences – Meeting Management – Principles & Best Practice – 26<sup>th</sup> – 28<sup>th</sup> April –  
Celtic Ross Hotel, Rosscarbery, Co. Cork – Fee: €100**

Comh. Tomás Ó Curráoin, Cllr.'s Michael Fahy, Pat Hynes, Michael Maher, Kevin Ryan

**TO NOTE THE SUMMARY OF PROCEEDINGS OF CONFERENCES ATTENDED IN ACCORDANCE  
WITH SECTION 142(5)(F) OF THE LOCAL GOVERNMENT ACT 2001 1423**

On the proposal of Cllr McDonagh, seconded by Cllr. McClearn, the summary of proceedings  
at conferences as circulated was noted as follows:

**Esperanza Enterprises – Civil Liability Legislation & how it affects Local Authorities – 11<sup>th</sup> –  
12<sup>th</sup> January – Westport Plaza Hotel, Westport, Co. Mayo**

Cllr.'s Mary Hoade, Jarlath McDonagh

**Ace Training – Budget Seminar 2013 – 11<sup>th</sup> – 13<sup>th</sup> January – Four Seasons Hotel,  
Carlingford, Co. Louth**

Cllr. Shaun Cunniffe

**Clare Tourist Council – Clare Tourism Conference 'Tourism in Recessary Times' – 18<sup>th</sup> –  
19<sup>th</sup> January – Falls Hotel, Ennistymon, Co. Clare**

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Mary Hoade

**Esperanza Enterprises – The Criminal Consequences of breaching Local Authority Regulations – 18<sup>th</sup> – 19<sup>th</sup> January – Manor West Hotel, Tralee, Co. Kerry**

Cllr. Jarlath McDonagh

**Kadenza Consultancies – Local Electoral Area Boundaries – 18<sup>th</sup> – 20<sup>th</sup> January 2013 – Silver Tassie Hotel, Letterkenny, Co. Donegal**

Cllr.'s Michael Fahy, Kevin Ryan

**Esperanza Enterprises – Policy & Legal issues relating to Developing Wind Energy – 25<sup>th</sup> – 26<sup>th</sup> January – Westport Plaza Hotel, Westport, Co. Mayo**

Cllr. Mary Hoade

**TJK Conferences – Disputes between Neighbours & the Law – 25<sup>th</sup> – 27<sup>th</sup> January – Patrick Punch Hotel, Limerick**

Cllr.'s Jarlath McDonagh, Kevin Ryan

**Celtic Conferences – Debt Solutions – The new Personal Insolvency Legislation – 25<sup>th</sup> – 27<sup>th</sup> January – Celtic Ross Hotel, Rosscarbery, Co. Cork**

Cllr.'s Shaun Cunniffe, Michael Fahy

**Cumann Merriman – Winter School 2013 'Traditional Culture – from Firesides to Multimedia' – 1<sup>st</sup> – 3<sup>rd</sup> February – Hotel Westport, Westport, Co. Mayo**

Cllr. Michael Fahy

**Esperanza Enterprises – Equal Status (Amendment) Bill 2012 – Manor West Hotel, Tralee, Co. Kerry**

Cllr. Michael Fahy

**Ace Training – Tourism Seminar – Making the Difference – 8<sup>th</sup> – 10<sup>th</sup> February – Four Seasons Hotel, Carlingford, Co. Louth**

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Cllr.'s Shaun Cunniffe, Tom McHugh, Tiarnan Walsh

**Celtic Conferences – Public Seminar on HSE Tobacco Control Policy – 22<sup>nd</sup> – 24<sup>th</sup> February – Celtic Ross Hotel, Rosscarbery, Co. Cork**

Cllr. Michael Fahy, Tiarnan Walsh

**Association of County & City Councils – Annual Conference 2013 – 7<sup>th</sup> – 8<sup>th</sup> March – Tower Hotel, Waterford**

Cllr.'s Mary Hoade, Jimmy McClearn, Tom McHugh

**Superior Training – Public Policy Making & the Councillor – 8<sup>th</sup> – 9<sup>th</sup> March – Great Northern Hotel, Bundoran, Co. Donegal**

Cllr.'s Michael Fahy, Pat Hynes

**Celtic Conferences – Drug & Alcohol Abuse Seminar – 22<sup>nd</sup> – 24<sup>th</sup> March – Celtic Ross Hotel, Rosscarbery, Co. Cork**

Cllr.'s Michael Fahy, Pat Hynes

**Ace Training – Tax Entitlements Seminar – 29<sup>th</sup> – 31<sup>st</sup> March – Four Seasons Hotel, Carlingford, Co. Louth**

Cllr.'s Pat Hynes, Kevin Ryan

**Wexford County Council – LAMA Spring Seminar 2013 – 5<sup>th</sup> – 6<sup>th</sup> April – Ashdown Park Hotel, Gorey, Co. Wexford**

Cllr.'s Jarlath McDonagh, Tom McHugh

**TO CONSIDER THE DRAFT WALKING & CYCLING STRATEGY REPORT**

**1424**

Draft Report dated November, 2012 was already circulated to each Member.

Mr. Gavin presented the Draft Walking & Cycling Strategy Report to the Members.

He gave a brief outline of the Draft Report as follows:

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- He said the Draft Strategy study covers the entire County of Galway, excluding Galway City, and in particular focuses on the four key towns of Ballinasloe, Tuam, Oranmore and Clifden.
- The Strategy Report examines and deals with primary walking and cycling aspects of commuting, tourism and community exercise and activities.
- It gives a brief overview of the current cycling and walking facilities within Galway County as regards the cycling network, national roads, regional roads and towns.
- It outlines that walking and cycling have the potential to contribute to a number of key Government objectives, principally:
  - Health benefits
  - Transport benefits
  - Economic benefits
- The key focus of the Strategy Report is to analyse current modal splits within Galway County and to examine where and how that modal split can be altered to increase the use of sustainable modes of transport, i.e. walking, cycling and public transport.
- The vision of the Strategy is to embrace a new outlook and culture, where walking and cycling become part of the daily routing of commuting, shopping, exercising and living.
- Galway County Council's goals for walking and cycling are as follows:
  - To encourage modal shift for students and workers from cars to walking and cycling
  - To boost tourism within Galway County by creating walking and cycling attractions and facilities
  - To develop local walking and cycling facilities in order to encourage local sporting and physical exercise participation
  - To raise public awareness of the benefits of walking and cycling.

The Draft Strategy lists specific walking and cycling projects proposed around the County, for example the Conamara Greenway; Ballinasloe to Galway City Cycle Route; Tuam to Athenry cycle route; Oranmore to Galway City Greenway; linking up of walking trails such as the Western Way.

Mr. Gavin stated that the Draft Walking & Cycling Strategy had been put on public display in 2012 and submissions on the Strategy were invited from the public. A report on the submissions received from the public was circulated to the Members of the Roads &

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Transportation Strategic Policy Committee for consideration. The Draft Strategy was considered by the Roads & Transportation SPC and the Committee recommended the following amendments to the Draft Strategy Report:

- 1 Remove references to the rail line from Athenry to Tuam and northwards being used as a cycle track. This rail line is to be retained as a future rail connection from Athenry to Tuam and onwards towards Claremorris.
- 2 Re-word the proposal for a cycle route along the R446, Ballinasloe to Galway to take account of the route selection process the NRA are currently undertaking for a cycle route from Ballinasloe to Galway.
- 3 Update the census data statistics to take account of the 2011 census data.
- 4 Include proposals already developed for Loughrea and the lake surround
- 5 Include Hymany Way as a potential cycle route
- 6 Include for exploration of potential walking/cycling trails along the River Suck.

He said that these amendments to the Draft Strategy as proposed by the Roads & Transportation Strategic Policy Committee were subject to the approval of the Members at the Meeting.

A discussion followed with many of the Members congratulating Mr. Gavin on producing an excellent Draft Strategy.

Cllr. Carroll welcomed the draft strategy and highlighted the potential of the Coast Road, Station Road and Old Dublin Road, Oranmore to facilitate cycling routes, whilst indicating that the Limerick Road and Main Street, Oranmore were not suitable in his view. He commented that the Traffic Management Plan for Oranmore was working well and welcomed the provision of the footpath on the Old Bog Road. He also referred to the need for the development of a footpath and cycleway from the village to serve Renville Park forming part of a coastal pathway.

In reply to Cllr. Cunniffe, Mr. Gavin said that it is proposed that the greenway for walking & cycling along a 3.5km stretch of the Western Rail Corridor which is included at Appendix C, be removed from the Strategy, as recommended by the Roads & Transportation SPC. Cllr. Cunniffe expressed his disapproval to the removal of this proposal stating that a greenway on the Western Rail Corridor would be provided as a temporary measure by means of a 10-year lease of the section of railway from Irish Rail. He said that the Lease Agreement with Irish Rail could explicitly state that should a railway be reintroduced it would take precedence over a greenway. He said that there would be huge benefits as regards attracting tourists to Tuam as a result.

Cllr. Feeney said that this matter was discussed at length by the Roads & Transportation SPC and it was recommended by the SPC that the proposal be removed from the Draft Strategy. He said that the Western Rail Corridor should not be put in jeopardy for the sake of a few

kilometers of greenway and he said that there are other areas in North Galway which could be used for the provision of a greenway. He also said that the Members must have regard of the County Development Plan which includes a provision regarding the development of the Western Rail Corridor. He said that in the discussion on this matter the Tuam line was being described by some as old and disused, which is not true. He stated that there was no need to break the link, which had been there since the 1860's and that the Tuam section served as a strategic link between Sligo, Galway and Limerick and that the Council should be advocating for its survival.

In reply to comments from Cllr. E. Mannion referring to the need to connect the cycleway on the N59 at Derrylea to Clifden, Mr. Gavin confirmed that same was currently under consideration in the context of the first stage of the Conamara Greenway.

Cllr. Canney said that he would not wish to undermine those people who have long campaigned for the Western Rail Corridor and while he respects the desire that a greenway be put in place in Tuam, he could not agree to any proposal that might have a negative effect on any proposals regarding the Western Rail Corridor. He stated that he fully respected the desire for a greenway and was confident that through discussion and dialogue the matter could be resolved and that a suitable route for a greenway in Tuam could be identified.

Cllr. McHugh said that Tuam is lucky in that it has well-established walking routes and he said that it would be advisable that existing walking routes be enhanced.

In reply to Cllr. E. Mannion who said that some of the roads in Conamara are too narrow for cyclists and walkers to use in safety, Mr. Gavin said that it is proposed that walking & cycling routes would be accommodated away from public roads as much as possible.

Cllr. Hynes referred to Loughrea Lake Trail and said that the final phase of this project was not been completed due to lack of funding. However, he said that a funding application has been made by the Council to Galway Rural Development and he said that Fáilte Ireland should also be approached with a view to receiving funding to complete this very attractive walkway.

Cllr. Fahy supported the proposal from Cllr. Hynes to include reference to the completion of the Loughrea Lake Trail. He referred to the Galway Limerick train and said that it appears to be almost empty leaving Athenry. However, Cllr. Feeney said that this train is usually full up leaving Galway as a lot of commuters travel from Galway to Athenry on the train. It is usually full again leaving Ennis for Limerick and therefore Iarnród Éireann has said that they are very happy with the numbers using this service, which is in the region of 200,000 per annum.

Mr. Gavin replied that the Draft Report before the Members for approval today is a framework for walking & cycling routes for the county from which works can be put forward

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to the Department for funding into the future and is not meant to be specific to any area. He said that more detailed plans for the areas will be brought forward later once the framework documents is approved by the Members. However, he noted Cllr. Hynes' comments.

In reply to Cllr. Cuddy who said that the Council should carry out improvement works to existing footpaths rather than planning for greenways, Mr. Gavin said that some of the routes mentioned will incorporate footpaths.

In reply to Cllr. D. Connolly, Mr. Gavin said that options regarding walking and cycling routes near the River Suck will be considered and he also said that options for pony trails could be considered into the future.

Mr. Gavin agreed with Cllr. M. Connolly that investment will be the key into the future if the Galway County Council Walking & Cycling Strategy is to be implemented across the county.

In reply to Cllr. T. Mannion, Mr. Gavin said that the Strategy Report was brought before the SPC, however specific proposals as a result of the Strategy will be brought before the Area Committees going forward.

Cllr. McClearn proposed that the Draft Galway County Council Walking & Cycling Strategy Report be approved, with the amendments outlined by Mr. Gavin, and this proposal was seconded by Cllr. Carroll

Cllr. Cunniffe proposed an amendment that the Draft Galway County Council Walking & Cycling Strategy Report be approved, with the amendments outlined by Mr. Gavin but excluding the proposed removal from the Draft Strategy of the greenway for walking & cycling along a 3.5km stretch of the Western Rail Corridor, included at Appendix C of the Draft Strategy.

The Mayor asked if there was any seconder for Cllr. Cunniffe's proposed amendment and none of the Members seconded the proposed amendment.

The Mayor said that on the basis that there was no seconder for Cllr. Cunniffe's proposed amendment, his proposed amendment could not be considered.

The Mayor then asked if all of the Members agreed to approve the Draft Strategy, as proposed by Cllr. McClearn, seconded by Cllr. Carroll, as Cllr. Cunniffe indicated that he was not agreeable to the proposal, the Mayor called for a vote and the following was the result of the vote:

**For:** Cllrs. Canney, Carroll, D. Connolly, M. Connolly, Ó Curraoin, Fahy, Feeney, G. Finnerty, M. Finnerty, Hoade, Hynes, Comh. O'Laoi, Cllrs. Maher, T. Mannion, McClearn, McDonagh, McHugh, Noone, Ryan, T. Walsh, Welby, Willers [22]

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**Against:** Cllr. Cunniffe, [1]

**Abstained:** Nil [0]

As a result of the vote, the Mayor declared the Draft Galway County Council Walking & Cycling Strategy dated November 2012 approved, with the amendments outlined by Mr. Gavin, as follows:

- 1 Remove references to the rail line from Athenry to Tuam and northwards being used as a cycle track. This rail line is to be retained as a future rail connection from Athenry to Tuam and onwards towards Claremorris
- 2 Reword the proposal for a cycle route along the R446, Ballinasloe to Galway to take account of the route selection process the NRA are currently undertaking for a cycle route from Ballinasloe to Galway.
- 3 Update the census data statistics to take account of the 2011 census data.
- 4 Include proposals already developed for Loughrea and the Loughrea Lake Trail.
- 5 Include Hymany Way as a potential cycle route
- 6 Include for exploration of potential of walking/cycling trails along the river Suck.

### TO RECEIVE A PRESENTATION ON THE ESTABLISHMENT OF THE LOCAL ENTERPRISE OFFICE.

1425

Mr. Barrett addressed the Members to make the Presentation on the establishment of the Local Enterprise Office. However, prior to making the Presentation, he circulated a document from the County and City Managers' Association entitled "*Supporting Enterprise, Local Development and Economic Growth Analysis of Local Authority Activities for 2012*".

He referred to the Government's Action Plan for Jobs 2012 and he said that one of the objectives of the Action Plan for Jobs is to develop a new Sectoral Strategy to promote employment and support local enterprise by local government, to include measures in the area of business charges, local enterprise and business support arrangements, procurement support, local development and community based initiatives, the Green Economy and Local Government participation in employment participation schemes.

These measures will complement and assist in the delivery at a local level, of other actions set out in this Action Plan.

He outlined the role of Local Authorities in the Government's Action Plan for Jobs 2012 as follows:

Summary of Activities being delivered by Local Authorities to support enterprise and Local business include:

- Support for festivals and events
- Provision of Economic infrastructure



- Provision of Recreational and Amenity infrastructure
- Economic Promotion
- Financial incentives
- Creating an Entrepreneurial environment
- Enterprise Infrastructure
- Supporting networks
- Labour Activation measures
- Developing Recreation and amenity facilities
- Service enhancements/integration
- Supportive policies
- Research and Innovation
- Provision of advice and support to entrepreneurs
- Developing employment initiatives within the community

He outlined the recommendations of County and City Managers' Association Report entitled "Supporting Enterprise, Local Development and Economic Growth Analysis of Local Authority Activities for 2012" as follows:

- ▶ Each Director of Community & Enterprise to review actions and brief Elected Members on work of the Council in Economic and Enterprise Development
- ▶ Each Local Authority to review national database and identify good practice that can be replicated locally
- ▶ Each Local Authority to draft a 2013 Local Action Plan for Jobs

He outlined the current Actions by Galway County Council as follows:

- Supporting enterprise agencies and business networking events;
  - MeetWest 2011 & 2012
  - Business Road Show for 2012 SME week with Galway County and City Enterprise Board
  - Business Road Show with Chambers of Commerce in Galway 2010
  - Galway Renewable Energy Enterprise Network Briefings
  - Annual Community Supports and Enterprise Roadshow held in Springtime to promote the supports available from all enterprise agencies.
  - Seminar for business on Managing Energy Consumption
  - Advisory services for business on cost effective waste management
- Provision of enterprise infrastructure such as serviced sites, incubation centre's and planning support;
  - Financial Support for Community Managed Enterprise Centres in Ballinasloe, Tuam and Clonberne

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- County Development Plan that supports balanced enterprise Development
- One to one preplanning meeting service
- Establishment of training networks in Galway
- Establishing new arts /concert venues, sporting facilities and tourism products
  - Support for Arts Venue on Aran Islands
  - Support for Community Managed Arts and Sports facilities.
  - Development of Walking routes Western Way, Hymany way, Historical Towns Trails in Tuam, Loughrea and Clifden
  - Development of Cycling routes Galway-Clifden greenway
  - Maintaining and servicing Blue Flag beaches
- Driving a host of local festivals and events that support employment
  - Over 60 festivals and events supported through grant aid from Galway County Council in County Galway last year
  - Developed a poster of events taking place in County Galway in 2012
  - Support Gathering 2013
  - Free On-line calendar of events on [www.galway.ie](http://www.galway.ie)
  - Audio driving and walking tours for east Galway, downloadable
  - Training for Festivals and Events
- Local Government support is also critical to the success of initiatives ranging from Foreign Direct Investment and micro-enterprises, to rural broadband or major investment in service infrastructure, alternative energy and the green economy, for example:
  - Developed metropolitan area networks of Fibre Broadband in Athenry, Ballinasloe, Clifden, Gort, Loughrea. In the process of developing a similar network in Tuam.
  - Lobbying national government for resources to develop rural broadband services in County Galway
  - Completion of M6
  - Development of M18/17
  - Development of Galway City Outer Bypass
  - Significant ongoing Capital Investment Programme in Water and Wastewater Infrastructure - approximately €50m in 2011 and €20m in 2012
- Marketing, promotion and branding of counties/cities, or particular enterprises or tourist products within the local area. This combined with the significant level of capital investment in arts, tourism, sports, recreation and

community infrastructure, has a very positive impact on employment supports and economic recovery.

- Made in Galway Initiative – an online portal to highlight and development the food and craft sectors in County Galway [www.madeingalway.ie](http://www.madeingalway.ie)
- ScreenWest Initiative. – an initiative that Galway County Council is a partner in that aims to increase film production based in Galway and promote the region as a quality location for film production.
- Living Landscape – First International conference held in Clifden in 2012 to explore how we maximize the potential of our landscape and environment. This will be an annual event that will be repeated in 2013.

He outlined the next steps in the Government's Sectoral Strategy as follows:

- ▶ Set up Local Enterprise Office
- ▶ Local Action Plan for Jobs
- ▶ Socio Economic Strategy for the County
- ▶ Continued development of vital economic infrastructure
- ▶ Increased focus on developing Tourism Product
- ▶ Support for Gathering 2013
- ▶ Support increased local collaboration
- ▶ Supporting clusters in the region - renewable energy, food
- ▶ Development of creative sectors, food, craft, film (Made in Galway)
- ▶ Support for local enterprise to engage in procurement
- ▶ Labour Activation programmes
- ▶ Energy Efficiency

Cllr. D. Connolly thanked Mr. Barrett for his presentation stating that strengthening of local enterprise is the key to keeping our young people in Ireland. He asked if the establishment of the Local Enterprise Office is a stepping stone as regards the Putting People First Document produced by the Government in 2012.

Cllr. G. Finnerty welcomed the presentation and referred to public procurement stating that local contractors and businesses were finding it difficult to secure local authority contracts at present due to government policy to centralize public procurement.

Mr. Barrett replied that public procurement is becoming more nationally controlled in order to ensure value for money in public service contracts. However, he said that the Community & Department and the Local Enterprise Office will continue to help and advise businesses and contractors in the changing procedures for applying for local authority contracts.

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Comh. Ó Curraoin referred to FÁS Schemes and said that the rule that people can only remain on the scheme for a period of three years is counterproductive in relation to young people who need more security in order to remain in Ireland. He said that if the scheme was more long-term it would be more beneficial.

Mr. Barrett replied that FÁS Schemes are a national issue and the local authority has no power in relation to the criteria used in this regard.

Cllr. Feeney said that he was expecting to get more information regarding the shaping of the Local Enterprise Office, where will it be located, funding, will there be a separate office in both the City and County.

In reply to comments from the Elected Members that a central location for the LEO in County Hall was essential, the County Manager advised that there will be one LEO for both the County and City and in the short-term, this will continue to be located at Woodquay as the present office is under a lease and it also has the space required to hold meetings with people, provide training etc. However, the Local Enterprise Office will have a presence in County Hall and in the long term, the Local Enterprise Office will become part of the core activities of Galway County Council, delivered if possible from County Hall. She said that the overall outcome will be a better stronger capacity for the Council to facilitate and strengthen local enterprise.

She said that discussion were ongoing at national level in relation to the full detail but that the County Enterprise Board as it currently exists will be abolished and the existing County Enterprise service will be carried out by the Local Authority.

Cllr. Noone said that he looks forward to the new system and said that he feels it is a good idea to have the Local Enterprise area under the function of the Executive of the Council.

Cllr. Canney said that the biggest problem new and existing businesses have is trying to secure business loans from banks.

Comh. Ó Laoi said that an emphasis should be placed on mentoring and this should be part of the business package when drawing up business plans.

The Manager said that a constant theme in relation to business and enterprise is the question of securing co-funding from banks. However, she said that the Local Enterprise Office will carry on from the County Enterprise Board in working with new and existing business in the nurturing of new ideas and the development of good business plans.

### TUAM TRAFFIC MANAGEMENT PLAN

1426

Copy of Document entitled Traffic Management Plan 2013 Tuam was already circulated to each member.

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Mr. Gavin presented the Tuam Traffic Management Plan 2013 to the Members stating that the scope of the traffic management plan is primarily a focus on on-street parking provisions, restrictions on the direction of vehicle travel (one-way) and the allocation of space to taxi ranks, loading bays and disabled drivers to ensure smooth traffic movements and a fair distribution of parking facilities.

The Plan was presented to the Tuam Area Committee and Tuam Town Councillors in early 2012 and was put to public consultation in June 2012, consisting of an open evening held in Tuam, newspaper advertisement and a public invitation for submissions over a six week period. A report on the formal submissions was presented to both the Tuam Area Committee and Tuam Town Council with both bodies approving the new 2013 Traffic Management Plan for Tuam.

Cllr. Canney said that a lot of discussions had taken place regarding the Plan and he said that he hopes that the measures included in the Plan will improve traffic flow in Tuam.

He then referred to the M17/M18 Gort to Tuam Motorway and Tuam By-pass contract which is due to be signed at the end of 2013 and he asked that the Council speak with the NRA in order to ensure that the Tuam By-pass is completed first as this would alleviate a lot of traffic problems in Tuam.

Cllr. Fahy said that he had submitted a Notice of Motion for today's Meeting requesting that the NRA be asked that when the contract commences, work will commence where the previous contract finished at Gort.

The Mayor stated that it should be possible that when the contract commences, works could commence on the Tuam By-Pass and in Gort as requested by Cllr. Canney and Cllr. Fahy, simultaneously.

The Members noted the Tuam Traffic Management Plan 2013

**TO RECEIVE A PRESENTATION ON THE CONAMARA GREENWAY PROJECT 1427**

Document entitled Connemara Greenway Project Clifden to Oughterard was circulated to each Member.

Mr. Gavin made a presentation to the Members regarding the Conamara Greenway Project stating that the Greenway will extend from Oughterard to Clifden and will cover a length of 52km, 46km of which will be located on the old rail line.

He said that the Project is community lead by groups in Clifden, Recess and Oughterard, in partnership with Fáilte Ireland, Forum Conamara, the National Parks & Wildlife, Coillte, National Roads Design Office and Galway County Council.

A Steering Group was set up and the Conamara Greenway Project was devised and submitted to an Bord Pleanála, together with the required Environmental Impact

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Statement, for approval. An Oral Hearing was conducted in March and An Bord Pleanála granted approval to the Project on 11<sup>th</sup> March, 2013.

Mr. Gavin said that the Council is committed to ensuring that the Project is brought to fruition, as it has the following advantages:

- Community lead Project with great local support
- Potential to connect to a wider network – part of the National Cycle Network
- Environmentally sensitive
- Great amenity value
- Sensitive to heritage of the area
- No adverse impact on the Irish language
- Safe as off road
- Great tourism potential
- Cycling & walking activities very beneficial to health
- Rail track in exceptionally good repair
- Alignment suitable
- Route structurally sound
- Stunningly beautiful landscape

Mr. Gavin said that the Council will work with communities and landowners in order to secure agreement regarding the use of necessary land. He said that the Greenway will commence on the Old Road out of Clifden which doesn't require much improvement and leads to the railway track. Embankment works will be carried out such as clearing off, leveling, fencing off, drainage if necessary. The bridges included in the project have been assessed and are very sound structurally.

The estimated cost of the project is €9.2m. He said that it is intended that construction will commence on the Greenway very soon from Clifden to Derrylea and it is anticipated that most of the works will be completed in 2014 and finished by 2015.

Cllr. Maher welcomed the proposed Greenway but he said that he is aware that two landowners have major objections to the use of their lands for the project.

Cllr. E. Mannion said that the project is very much a community effort and while some landowners are not in agreement, it is hoped their fears will be allayed so that this very worthwhile and economically advantageous project will get off the ground as soon as possible. She suggested that a display of the project be placed in Clifden Tourist Office during the summer in order to enlighten visitors regarding the project.

Cllr. T. Mannion also welcomed the project and he said that it will not only benefit cyclists and walkers but it will also lead to less cyclists and walkers on the roads which will benefit motorists travelling to Clifden.

Comh. Ó Curraoin asked what will happen if agreement for the use of the land is not given by all of the landowners and Mr. Gavin replied that it is hoped that, following further discussions and consultation, agreement will be found.

Comh. Ó Laoi said that it is imperative that dialogue is kept up as engagement with locals is vital in bringing this project to fruition.

The Mayor thanked Mr. Gavin, Mr. Lydon and staff for the huge amount of work put into the planning of the project and the preparation of the Report. He said that there was constant dialogue with landowners in this regard and he hopes that agreement with all landowners for the use of the necessary land will be forthcoming.

He commended the County Manager who he said has shown huge commitment to the project and put a lot of funding towards its planning. He said that this project has the potential to bring tourists to Conamara, not just for a day, but for longer stays and vacations and will generate wealth for the area and has the potential to rejuvenate the region. He said that the longterm view is that this should culminate in a regional project into the future, extending from Galway City to Achill Island.

Mr. Gavin said that it important to note that extensive consultation has been carried out with almost all of the landowners and the Council intends to complete this consultation with a view to satisfactory and mutual agreement as regards the use of the necessary land.

In reply to Cllr. Feeney, the Manager said that this is a community initiative and the Council wants to get agreement for the use of the land and will try to find solutions to the concerns of a minority of landowners in this regard.

#### **MANAGER'S BUSINESS**

1428

Mr. Gilmore updated the Members regarding the current situation in relation to the Galway City Outer Bypass Status, as follows:

- The Galway City Outer Bypass Scheme was lodged with An Bord Pleanála on 11th December, 2006. An Oral Hearing was held which commenced in November 2007 and was completed in January 2008.
- The scheme commenced at the end of the M6 motorway near Garraun and ran to the R336 near Na Forbacha at Baile Nua.
- An Bord Pleanála notified the Council of its decision to approve the scheme from Garraun at the end of the M6 Motorway to Gortatlewa on the N59 (Galway to Clifden) subject to revisions at its junction with the N84 at Ballindooley and its junction at Garraun where it joined the M6. The section of the route from Gortatlewa on the N59 to the R336 at Baile Nua was refused planning permission principally because of the route's impact on "Bog Cotton" south of Tonabrocky.

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- The grant of permission was appealed by Sweetman and Ireland to the High Court in January 2009 and subsequently to the Irish Supreme Court. The Supreme Court referred three questions relevant to the process used by An Bord Pleanála to grant the decision, to the European Court of Justice (ECJ) on 3<sup>rd</sup> June 2010. The case was heard in Luxembourg in September 2012 and a preliminary opinion issued from the ECJ in November 2012. The preliminary opinion was negative in outlook as far as the development of the scheme was concerned.
- The final judgement of the ECJ was delivered on Thursday 11 April 2013 and confirmed the negative outlook.
- He stressed that at this point it is worth noting that the negative outlook refers not to the GCOB route but to the process used by An Bord Pleanála in approving the scheme.
- The ECJ judgement will now come back to the Irish Supreme Court for their advice and a final judgement in the case.

Mr. Gilmore said that the City and County Councils are fully supportive of the scheme and look forward to an early outcome from the Supreme Court so that the scheme can be developed. It is a vital part of the transport infrastructure for both City and County and particularly so for Conamara.

Galway County Council is in discussions with the National Roads Authority with a view to preparing a fresh application to develop the project

Cllr. Feeney made the following proposal "that Galway County Council re-affirms its determination to construct the Galway City Outer Bypass and to progress its application under the IROPI process".

This proposal was seconded by The Mayor and agreed.

The following items of correspondence which were circulated at the meeting were noted:

- Letter from Department of the Environment Community & Local Government dated 19<sup>th</sup> April, 2013 in relation to Council's recent letter in connection with Domestic Allowances for water.
- Correspondence from South Tipperary County Council dated the 16<sup>th</sup> April, 2013 regarding the resolution adopted to call on Minister Joan Burton to reverse the cuts to heating and free fuel schemes implemented since she became Minister for Social Protection, and, regarding the resolution adopted to call on the Minister for Local Government, Mr. Phil Hogan, T.D. to reverse the cuts to Disabled Persons Grants and Housing for Older People Grants and re-instate the 2012 grant allocation.
- Correspondence from Offaly County Council dated the 26<sup>th</sup> March 2013 in relation to the resolution adopted calling for the government to immediately reinstate the payment of the minor works grant to all primary schools.



- Correspondence from Waterford City Council dated the 27<sup>th</sup> March, 2013 regarding the resolution adopted calling on the Minister of Education Ruairi Quinn to recognise the very special place the Waterford College of Further Education plays in deliverance and facilitating access to full scale 3<sup>rd</sup> level education and to reverse the education cuts that directly affect the Waterford College of Further Education, who will lose 4 – 6 teachers under his proposal and as many as 120 students. This at a time when the City of Waterford is experiencing severe job losses and education is identified as a pathway to securing jobs.
- Correspondence from the Office of the Minister for Social and Family Affairs dated the 25<sup>th</sup> March, 2013 acknowledging receipt of correspondence regarding a resolution passed by Galway County Council in relation to Humanitarian Aid for flood victims and saying that the matter is receiving attention.
- Correspondence from the Office of the Tánaiste, Minister for Foreign Affairs and Trade, dated the 25<sup>th</sup> March, 2013 regarding Galway County Council's motion calling for the release of Marian Price and Gerry McGeough, and copy of correspondence in relation to Parliamentary Questions on the matter.

**MAYOR'S BUSINESS**

1429

Mr. Cullen in reply to Cllr. D. Connolly briefed the Members on the current position in relation to the establishment of Irish Water and transition process for both the capital programme and the operation of the water and waste water services currently provided by local authorities. He stated that it was envisaged that the responsibility for the capital programme would transfer to Irish Water with same managed by Councils staff on secondment to Irish Water, he further stated that it was anticipated the operation of the water and waste water services would continue to be undertaken by local authorities on the basis of a service level agreement with Irish Water until at least 2017 and possibly beyond. He confirmed that the details of same remained under discussion and were yet to be finalized for consideration and agreement.

Mr. Cullen informed the Members that preliminary survey works would begin the following week as part of the process of introducing water meters for domestic water commencing in the Bearna area. He said that all of the personnel carrying out the survey works are Council employees and will carry official identification, however it is not anticipated that they will go onto private property.

Cllr. Ryan said that he has become alarmed by a number of cancer clusters in the North Galway area and has been approached by several people voicing concerns that asbestos piping might be a factor. He said he wanted the Council to note that he would oppose the introduction of charges for domestic water unless he could be assured that the water for which householders would be charged is not contaminated with asbestos dust and is fit for human consumption.

Mr. Cullen in reply to comments from the Members, in relation an appeal being lodged with the Minister for Environment, Community & Local Government in relation to the Prohibition Order in Kinvara and the provision of signage associated with same at the Pier, confirmed that if a valid appeal had been lodged with the Minister for the Environment, Community & Local Government in relation to the Prohibition Order then it would be necessary to await the outcome of same and undertook to review the provision of signage and if erected by the Council to arrange for the removal of same.

**SUSPENSION OF STANDING ORDERS**

**1430**

It was proposed by Cllr. Cuddy, seconded by Cllr. T. Mannion and agreed to suspend Standing Orders to allow the meeting proceed beyond 6.00 pm.

Comh. Ó'Curraoin welcomed the recent allocation of funding for piers in Conamara and Mr. Gilmore, in reply to a query regarding the matching funding required to drawdown the grant funding, confirmed that the necessary matching funding in the sum of €150,000 was available and that it was intended to avail of the grant funding and undertake the work in 2013.

Cllr. Cunniffe referred to the planning process for the proposed development of a biogas plant in Tuam. He said that proposal is attracting strong opposition from residents and businesses in the area who are concerned about possible smells from the plant, the type of material that could be used to feed the digester as well as public health and safety issues. He questioned what informed the decision making process in relation to such developments.

Cllr. M. Connolly advised that he had been contacted in his capacity as Chair of the Tuam Electoral Area Committee to facilitate a deputation in meeting with the Tuam Electoral Area Committee and Mr. Kevin Kelly, Director of Services with responsibility for Planning. He advised that Mr. Kelly confirmed that he was unable to meet with such a deputation to discuss a live planning application.

The County Manager confirmed that it was not appropriate to discuss a live planning application in the Council Chamber. She confirmed that as with all planning applications they are considered in the context of National Policy, Regional Planning Guidelines, the County Development Plan and where appropriate the relevant Local Area Plan.

Mr. Gilmore in reply to a query from Cllr. Cuddy in relation to the timeframe for traffic calming proposals for Baile Chláir (Claregalway) undertook to review the matter and revert directly.

**NOTICE OF MOTIONS**

**NOTICE OF MOTION NO 13 – CLLR. J. CUDDY**

**1431**

*The following reply was given:-*

“As issues are raised relating to Claregalway they are dealt with if resources allow. The sensors at the lights in Claregalway have been fixed and road markings have been replaced where they were removed. Should other issues arise they can be considered and dealt with depending on the issue and availability of resources.”

**NOTICE OF MOTION NO 14 – CLLR. J. CUDDY**

**1432**

*The following reply was given:-*

“The traffic calming works outside the school in Claregalway will be completed when the water services works are done. It is expected the traffic calming works will be done in conjunction with the traffic calming works that are proposed as part of the new school in the Corporate Park in Claregalway. These works are likely to be done before the end of September 2013.”

**NOTICE OF MOTION NO 15 – CLLR. J. CUDDY**

**1433**

*The following reply was given:-*

“The Department is keenly aware of the urgency of proceeding with the building of the Sewerage Treatment Plant in Claregalway and approval to the tender documents is expected in the near future.”

Houses at Lakeview, the Community Center and the Corporate Park were included in previous documents but are not approved by the DoECLG under this phase of the Scheme. The Council met with a deputation from this area recently who agreed to make a submission to Galway County Council for consideration which has been received and will be assessed and forwarded to the DoECLG for approval.

A submission has been made to the DoECLG, dated 21<sup>st</sup> February 2013, seeking approval for the extension of the sewer on the N17 Galway Road, Claregalway to Cregboy Junction to serve a number of properties in this area. We await a response.”

**NOTICE OF MOTION NO 16 – CLLR. M. FAHY**

**1434**

*The following reply was given:-*

“Galway County Council will inform the National Roads Authority of Cllr. Fahy’s request to commence the Gort to Tuam project from Gort at the location where the Crusheen-Gort bypass ended.”

COMHAIRLE CHONTAE NA GALWAY

**NOTICE OF MOTION NO 17 – CLLR. M. FAHY 1435**

The following reply was given:-

“Galway County Council are currently reviewing speed limits and are currently in consultation with the NRA and the Gardaí. When this process is completed we will bring forward recommendations to Council by early summer.”

**NOTICE OF MOTION NO 18 – CLLR. M. FAHY 1436**

The following reply was given:-

“A contract has been drafted to carry out the repairs and will be advertised in the next few weeks.”

**NOTICE OF MOTION NO 19 – CLLR. S. CANNEY 1437**

The following reply was given:-

“The tender documents have been submitted to the DoECLG and the Council is currently awaiting approval.”

**NOTICE OF MOTION NO 20 – CLLR. S. CANNEY 1438**

The following reply was given:-

NOM Question	Reply
No. of Houses owned by Galway Co Co	2036
No. of Vacant houses	188 vacant properties (which includes 47 which are described as major refurbishment/Derelict)
No. of Houses subject to property tax	1998
Houses connected to Septic tanks	723

SUBMITTED, APPROVED & SIGNED

Clr. T. Welby

Criochnaigh an Cruinniú Ansin.

27/5/2013

DATE

Minutes of March Monthly Meeting held on 25<sup>th</sup> March 2013

COMHAIRLE CHONTAE NA GAILLIMHE

MINUTES OF MONTHLY MEETING OF THE COUNCIL HELD AT ÁRAS AN CHONTAE,  
PROSPECT HILL, GALWAY ON MONDAY 25<sup>th</sup> March, 2013 AT 11.00 a.m.

**CATHAOIRLEACH:** Cllr. T. Welby, Mayor of the County of Galway

**LÁTHAIR FRESIN:**

**Baill:**

Cllrs. T. Broderick, S. Canney, L. Carroll, D. Connolly, M. Connolly, Comh. S. Ó Cuaig, T. Ó Curraoin, Cllrs. J. Cuddy, S. Cunniffe, M. Fahy, P. Feeney, G. Finnerty, M. Finnerty, M. Hoade, P. Hynes, Comh. S. Ó Laoi, Cllrs. M. Maher, E. Mannion, T. Mannion, J. McDonagh, J. McClearn, T. McHugh, M. Noone, P. Roche, K. Ryan, Cllrs. S. Walsh T. Walsh, & B. Willers.

**Oifigigh:**

Ms. M. Moloney, County Manager, Messrs E. Cummins, J. Cullen, K. Kelly, F. Gilmore, E. Cummins, Directors of Services, Mr. G. Mullarkey, Head of Finance, Mr. L. Gavin, Senior Engineer, Mr. M. Owens, County Secretary & Meetings Administrator, Ms. S. Kennedy, A/Senior Planner, Ms. E. O'Doherty, Executive Planner, Ms. G. Kavanagh, Assistant Planner, Ms. M. Donohue, Senior Staff Officer, Mr. P. O'Neachtain, Oifigeach Gaeilge, Ms. R. O'Boyle, Staff Officer.

**JBA Consulting & Office  
Of Public Works**

Mr. Jonathon Cooper, JBA Project Director.  
Ms. Maria O'Neill, JBA Project Manager.  
Mr. Ger Cafferkey  
Ms. Rosemarie Lawlor  
Mr Richard Dooley

**Ireland West Airport, Knock**

Mr. Joe Gilmore  
Mr. John Dillon,  
Mr. Martin Gillen,  
Mr. Brendan Flanagan

Thosnaigh an cruinniú leis an paidir.

**RESOLUTIONS OF SYMPATHY**

1387

The Mayor, Members and the County Manager expressed their deepest sympathy with An Comh. O'Tuairisg and his family on the death of his sister. It was proposed by Comh. O'Cuaig, seconded by Cllr. Hoade and agreed to adjourn the meeting as a mark of respect for 5 minutes.

**Minutes of March Monthly Meeting held on 25<sup>th</sup> March 2013**

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It was agreed on the proposal of Cllr. Hoade, seconded by Cllr. Noone to extend a vote of sympathy to the family and relatives of Wiktorja Kubaczyk, Headford, Co. Galway.

It was agreed on the proposal of Cllr. Cuddy, seconded by Cllr. Hoade to extend a vote of sympathy to Cllr. Tomas Mannion and his extended family on the death of his Uncle.

A resolution of sympathy was also extended to the following:

- Joan Caine, Station Road, Oughterard, Co. Galway.
- Michael Riddell, Brackernagh, Ballinasloe, Co. Galway.
- John Mannion, Lydican, Carnmore, Oranmore, Co. Galway.
- Carmel & Noel Lane & Family, Caherwilder, Kilcolgan, Co. Galway.
- Tommy Campbell, late of Little Flower Nursing Home, Labane, Ardrahan, Co. Galway
- Martin Hoary, Shannon Park, Portumna, Co. Galway.
- Pat Flanagan, Dominick Street, Portumna, Co. Galway.

The Mayor, adjourned the Meeting for 5 Minutes, as a mark of respect.

On the resumption of the meeting, Cllr. Fahy said he wished to propose that an invitation be extended to Pope Frances to visit Galway in view of the strong connection formed by the people of Galway with the papacy arising from the historic visit of Pope John Paul II to Galway in 1979 and that the young people who attended Ballybrit on that occasion were now young adults who would welcome a visit from Pope Frances. It was proposed by Cllr. Fahy, seconded by Comh. O'Laoi and agreed that an invitation be issued to Pope Frances to visit Galway and that a DVD marking the visit of Pope John Paul II in 1979 accompany the invitation.

**VOTE OF CONGRATULATIONS**

**1388**

Cllr. Willers was joined by Cllr. G. Finnerty and the Members in congratulating St. Thomas Club on winning the All Ireland Hurling Club Championship. An Comh O'Curraoin conveyed best wishes to Tubber in the All-Ireland Final following their recent victory over Ardrahan.

An Comh O'Cuaig stated that he wish to acknowledged the efforts of the officials of the Council in advancing the Costello Regional Water Scheme.

The Mayor was joined by the Members in congratulating Ms. Claire Molloy, daughter of Mr. Evan Molloy, Senior Engineer, on her participation in the Rugby Team who won the Grand Slam 6 Nations Championship.

**CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS**

**1389**

Arising from the Minutes Cllr. T. Walsh referred to the reference to Glenamaddy on Page 3, 2<sup>nd</sup> Paragraph, 4<sup>th</sup> line and it was agreed to that the reference be changed to Williamstown.

The Minutes of the Monthly Meeting held on 25<sup>th</sup> February 2013, as amended, were approved by the Council and signed by the Mayor on the proposal of Cllr. J. Cuddy, seconded by Cllr. Fahy.

Cllr. Cuddy referred to Page – Water Charges and asked for clarification on suggestion in the media that water pricing will be being based on the standard of the house rather than the

Minutes of March Monthly Meeting held on 25<sup>th</sup> March 2013

volume of water. Mr. Cullen replied stated that the basis for charging shall be determined by the Commission for Energy Regulation later in the year and anything in the interim was mere speculation.

Cllr Cuddy also referred to the Roads Programme and stated that the Council write to the NRA stating that there were serious problems with major roads and the Council had neither the manpower or resources to deal with this. He specifically referred to the traffic signals at Baile Chlair (Claregalway) and the surface of the road in the Village, and asked that the necessary funding be requested and made available to resurface this.

Replying Mr. Gilmore stated that problems with the traffic signals had been due to works being carried out on the Sewerage Scheme and that the traffic signal and loops would be rectified by the following day.

He stated that 100% funding is provided by the NRA for works on National Roads, but that the NRA Budget had been slashed by 50%, but he said the Council were proactive in seeking funds for National Roads throughout the County. He stated that the Council's allocation for 2013 is reduced by remained significant in the context of other local authorities receiving no funding for pavement and minor improvements. He said that discussions for additional funding for all routes was an ongoing element of all discussions with the NRA.

Cllr. Cuddy further referred to negative comment associated with the traffic calming scheme at Knockdoe and was joined in expressing concern by Cllr. Noone. Mr. Gilmore pointed out that as well as the traffic calming measures at Knockdoe a substantial amount of resurfacing works had also taken place. He said the works were designed and managed by the NRA and were being monitored by the Council on an ongoing basis, he confirmed that if problems arising from the current design that it would be subject to review and change as necessary. Cllr. Noone welcomed the commitment for ongoing review and requested that in the context of the works at the traffic lights in Baile Chlair (Claregalway) that consideration be given to the provision of a filter light for traffic approaching from Tuam and turning left for Oranmore.

**REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION 1390**

The Report of the Corporate Policy Group Meeting held on 25<sup>th</sup> January 2013 was approved on the proposal of Cllr. J. McClearn, seconded by Cllr. Fahy.

The Report of the Connemara Area Committee Meeting held on 24<sup>th</sup> January 2013 was approved on the proposal of An Comh O'Cuag, seconded by An Comh O'Curraoin.

**TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 ON THE DISPOSAL OF 0.0073 HECTARES AT BOOLEYBEG & KILLIMOR, CO. GALWAY 1391**

Statutory Notice dated 13<sup>th</sup> March 2013 and Report dated the 13<sup>th</sup> March 2013 were previously circulated in accordance with the relevant statutory timeframe.

On the proposal of Cllr. McClearn, seconded by Cllr. Maher, it was agreed that having complied with the relevant statutory requirements, to dispose of 0.0073 hectares of land at Booleybeg & Killimor Co. Galway in accordance with the terms of the Statutory Notice.

It was proposed by Cllr. E. Mannion, seconded by Cllr. Maher and agreed that the Standing Orders be suspended in order to allow Item No. 13 – Presentation on CFRAM by JBA Consulting to be taken.

**TO RECEIVE A PRESENTATION ON CFRAM BY JBA CONSULTING** 1392

Mr. Gilmore said that the presentation today would be given by JBA Consultants in conjunction with the OPW and Galway County Council. He gave a brief overview and presented Slides on the Background, Project Team, Steering Group and Legislation/EU Directives in connection with this project. He then introduced Mr. John Cooper who presented the CFRAM Briefing with the aid of Slides. Following the presentation, the Members thanked Mr. Cooper for his presentation and asked questions on the following issues with regard to flooding.

- What Plans has the OPW for cleaning and dredging major rivers.
- How are Flood Risk Maps drawn up? Has consultation taken place with locals? Has permission been requested when going onto peoples lands? People in Clifden know because of Area Plans but how do people outside the area know. Why is onus on Land Owners to engage Hydrologists to prove differently? Land devalued and hard to get insurance. With regard to further assessment when will this be carried out.
- Historical Bridges not collated which need to be evaluated and water courses choked up. Blockages on River Suck – trees across the River – common sense approach – walk river – take practical steps. There has been great neglect of water courses over a long period of time. Rivers need to be maintained in order to stop water courses being blocked. Eight point plan of Joint Oireachtas Committee brought out in July 2012 stated that a single Agency would be set up to deal with problems in River Shannon due to build up of silt. Requesting each to give their immediate attention and action. Enquiries also in relation to the Bridge at Banagher were raised.

Mr. Dooley said that the OPW are responsible for the maintenance and responsibility of Arterial Drainage on the Clare river. He stated if flooding occurs that is not the responsibility of the OPW, it can be taken forward under the minor works flooding relief scheme. Ms O'Neill stated that under CFRAM 5000 km of rivers had been surveyed, this included the whole length of the Shannon, Ballinasloe and upstream. In Clifden, the Bridges were evaluated, she stated that any new bridges had to meet the required standards under the 1945 Arterial Drainage Act. She pointed out that the current model in relation to Clifden and the mapping issues had been a very rough model which cost €1 per km to generate Maps which were used only to identify, but would not be used for planning guidance, whereas the maps for CFRAMS used for planning cost €1,000 per km. Mr. Cooper confirmed that in the case of flood risk to lands or properties the onus is on the Land Owner to prove lands are not a flood risk, and he should make his case through Flood Risk Assessment if he wants to develop lands.

Ms O'Neill pointed out that in identifying new risks this generated flood map areas. She stated that in relation to the Joint Committee Report of July, 2012 that this had been referred to the OPW, who have been appointed Land Flood Agency.



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An Comh O'Laoi pointed out that in Conemara 80% of land is either NHA, SAC or SPA, and pointed out that between Barna and Rossaveal only 10% of land can be used, as development land and this has now been identified as flood risk.

Cllr. Finnerty pointed out that local knowledge should form part of the study. He referred to the continuing accessibility problems being experienced at Tarmon, Gort

Cllr. Fahy referred to the flooding in 2009 and 2010 at Ardrahan. He said there needs to be a channel dug out to the sea. He referred to the small schemes that were done in Ardrahan, but he said this would resolve nothing until channel dug out to sea.

Ms. O'Neill pointed out that a Scientific Approach was being taken including local data gathering which resulted in the production of a document on Management Proposals based on Best Practice, which she stated would be revised after the 1st Cycle 2016. She stated that they wanted local people to give information, and stated that Emergency Planning is the Remit of Department. She said that flood maps along with flood forecast systems will be sent back to local authorities.

Mr. Dooley said that Tarmon, Gort was looked at in 1997 and a scheme was recommended for it. He stated that an Environmental Assessment for the area was being carried out for which funding has been allocated. In relation to the Dunkellin situation he stated that two major scheme have been progressed on which the OPW, Galway County Council and the Consultants are working together.

Replying to a query regarding the raising of roads, Mr. Gilmore stated that works were carried out at a number of locations in the aftermath of the 2009 event and said that other could be evaluated.

In reply to An Comh O'Laoi Mr. Kelly stated that there is a statutory obligation on the Council to review Area Plans based on information available at the time. He stated that information might change and will influence the Plan in due course, he stated if the area is found not to be a flood risk then there would be no reason to keep it zoned.

Cllr. Fahy asked on a point of information how it is proposed to take water out of the Ardrahan Area. Mr. Dooley stated that the Scheme for Dunkellin is being examined and this included the Aggard stream

Cllr. McClearn asked if the Programme is on Schedule. He stated that no channel maintenance was done north of Banagher up to the Weir at Meelick., He said Callows cannot be used for last number of years, as they are flooded 365 days of the year. He pointed out that this situation is no good to farmers and this is as a result of negligence by State Agencies. He stated when CFRAMS was published he highlighted this issue. He asked when the report is done what impact it will have on other fish life etc. He stated this has been an issue for a very long time and stated that it will be an expensive report if no improvements emerge. He asked when the report is done will this be the end, or will there be a Cost Benefit Analysis or will money be available to carry out the recommendations in the report.

Cllr. Willers said she appreciated what had been done by the OPW and Galway County Council to date. She referred to the 2<sup>nd</sup> and last Page of the Overview given .i.e how flooding affects individuals and how locals can get involved. She referred to the flooding in 2009 and the Owenshee River. She stated that she never observed anyone working or looking at this river. She said she could arrange for locals to get involved, and had some photos available. She asked how it was proposed to encourage local participation four years on from the events in 2009.

Cllr. Noone said he appreciated the works done in the Claregalway catchment since 2009 but referred to works that need to be carried out on the River Clare. He asked how far they go back for local knowledge. He pointed that flooding will happen again unless rivers are maintained and machines are in regularly. He referred to works done at Crusheen and Claregalway and asked what measures did the OPW take.

In Reply to the Shannon CFRAMS and AFA's Ms. O'Neill stated that they were looking at the Shannon Callows and the Environmental concerns. She stated that CFRAMS will produce maps, with co-operation from State Agencies, and then a plan will be prepared which will contain many options. She said it will be put through Environmental Assessment and strategic environmental assessment and at the end of 2014/2015 will be looked at in terms of environment and Cost Benefit Analysis.

She stated that photos can be submitted to the OPW and these will be put up on the Website along with Flood Maps.

Referring to Cllr. Willers enquiry on the Owenshee River Mr. Dooley stated that no minor works application was received. However, he stated that there were two options in this regard .i.e. Minor Works and Groundwater Studies. He informed the Meeting that Groundwater Studies were being carried out by Trinity College.

Mr. Cooper referring to the 2009 event indicated they were trying to get Flood Maps bound with photos etc. He stated under the Flood Directive all alternatives will be examined to see which are sustainable e.g. can we continue with the role of dredging etc., and would ask how can we better manage these rivers going forward.

With regard to the Clare River, Claregalway it is hoped to have a scheme submitted to the Minister with a view to starting soon.

Cllr Cuddy thanked the OPW, but he said he had a few issues to raise. He said that from consulting with local people they advised that drains and rivers have not been maintained, and said he took issue with this. He referred to the Bridge in Claregalway causing problems down stream. He referred to the Hydrology that is being carried out at the moment and referred to the difficulty on the interpretation of what is going on. He referred to the Cost Benefit Analysis which he said is a very important issue. He referred to the construction of the M6 Motorway and the blocking of culverts going out to sea. He asked was there any provision made to deal with culverts when that road is built.

Cllr Hoade said she acknowledge the huge amount of work done and enquired if any new areas are at risk and agreed that local knowledge is very important.

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Cllr. McHugh referred to the recent problems in Dublin and to the 2009 flooding here in Galway. He said that the basic problem in all of this was already referred to by Cllr. Noone and related to water not being able to get away when it reaches the sea. He asked if this was being assessed in this study, and also identifying AFA's as these would be a starting point. He referred to the cost of €1000 per km being spent on the study of watercourse and asked what benefits would accrue from it.

Ms. O'Neill stated that Flood Studies and Hydrology reports would be up to date by the end of this year. With regard to insurance she stated that negotiations are ongoing for people in flood zones. Referring to Mapping Risks she stated that 2009 was a 1 – 100 year event. She said that work will progress towards eliminating risk in future for people building in flood risk areas by having public consultation days with local organizations such as I.C.A., I.F.A. by visiting each town and obtaining local knowledge. In relation to the cost she said it was an expensive project as only 6" maps from the 1830's are available, and because of where we are it is a substantial investment.

Cllr. McHugh thanked Ms. O'Neill for explaining the content of the document, and said he now understood that when complete it will make quite a robust mapping document

Cllr. T. Walsh thanked the OPW for resolving problems in his area. He referred to the cleaning of water courses and asked if this would be addressed as flooding had occurred in Glinsk as a result of such problems. He asked what happens after the report is finished is there a serious intention to have the waterways maintained otherwise it will have been a waste of time and money.

The Mayor referred to the cost also and that the Report would be used for Planning and the fact that once it goes on paper – Insurance becomes an issue and he asked if the Clifden area would be mapped before the end of the Year. He was informed that it would be done before the end of the 2014.

In wrapping up the discussion Mr. Cooper referred to the benefits that will be gained from the study, in regard to social care, health services, and managing of flooding. He said that it will deal with a lot of urban myths. He stressed that scientific approach is best, and stated that climate change is here and there is an uncertainty which we need to plan for.

Cllr. Noone enquired as to the Art of Divining and asked if there was any kind of science in this method. He was referring to the Kiltullagh Turlough the levels of which went down any time digging is started. He asked if there was a study of where the underground water is going. Mr. Cooper referred to the relationship of rainfall and groundwater levels and said the work being done by Trinity College may help to understand this. He said he would ask the Hydrology Department in the College to study this for both Fluvial and Coastal.

The Manager thanked Mr. Dooley, Mr. Cooper and Ms. O'Neill for their ongoing support since 2009, and for the important work done on the CFRAMS and she stated that working with the OPW reflects information available to ensure that our communities are protected into the future.

The Mayor thanked the OPW for being a most proactive group over the past year.

**TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS RECEIVED ON THE PROPOSED MATERIAL ALTERATIONS TO THE PROPOSED AMENDMENT TO THE CLIFDEN LOCAL AREA PLAN 2009-2015 AS PER SECTION 20 (3) (C) AND (D) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

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The Mayor invited the presentation of the Manager's Report on the submissions received on the Proposed Material Alterations to the Proposed Amendment to the Clifden Draft Local Area Plan 2009-2015.

Mr. Kelly advised the meeting, with regard to the Gaeltacht, Clifden and the Maigh Cuilinn Local Area Plans, of Section 177 of the Local Government Act 2001 which states that if a Member has a pecuniary or other beneficial interest in any aspect before the meeting, he or she shall take no part in the discussion or consideration of the matter and shall refrain from voting and it would be normal for them to leave the meeting for that item.

Mr. Kelly advised that under Section 20 of the Planning & Development Act 2000, the Members should in exercising their function consider the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

Mr. Kelly advised the Meeting that the main issue before the Members in the three Local Area Plans are all related to flood risk and he said that following from the OPW's earlier presentation to the Members on the Catchment Flood Risk Assessment Management Report (CFRAM), shows that the flood risk assessment is not fully complete and that further information is awaited but the Planning Authority has to meet their statutory requirement to review the Plans using the best decisions are information available to it. He noted that the Members had all received a copy of the Managers Reports.

Mr. Kelly advised that the Department of the Environment have taken the issue of flood risk very seriously and have intervened in other local authorities where the Members went against their advice and zoned areas for development in flood risk areas. He said that Galway County Council has taken a reasonable approach and have considered and included individual site specific assessments where appropriate and he advised that the only basis that Members should make a change is where this additional individual information is provided. He further advised that there is an Objective within the Plan which allows the Planning Authority to consider the extension of uses allowed in an adjacent land use zone into the Indicative Flood Zone area, subject to the submission of a Site Specific Flood Risk Assessment and Justification Test as appropriate. He said that the landowners have been advised by their own Environmental Consultants that there might be little change between the current position and future OPW flood maps. He said that the Members should not zone land for development without clear information which shows that there is no risk of flooding.

In reply to Cllr. E. Mannion's query as to when the Plan could be reviewed if more detailed information becomes available, Mr. Kelly said that the Plan could be reviewed at any point in

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time but it would be dependent on the Planning Authorities resources and workload. He said that nine Local Area Plans have been reviewed to date and the next Plan being revised is the Gort Local Area Plan and it is planned that no further Local Area Plans will be reviewed until a Draft of the Galway County Development Plan is put in place.

*Submission No. 8 is from the Dept of Environment, Community and Local Government*

In reply to Cllr. Walsh, Mr. Kelly said that the 2010 planning legislation has included that a Material Contravention could be considered for planning permissions in Local Area Plan areas.

In reply to Cllr. Mannion, Mr. Kelly clarified that if there is a situation where part of a site is zoned and part is not zoned and on receipt of an individual site specific flood risk assessment, under the 'transected site' provision within the Plan, this would allow the line to move to a point where the extended area inside the indicative flood zone does not exceed 50% of the site area outside of the indicative flood zone or 1acre, whichever is the lesser, but advised where the land is wholly zoned Open Space, Recreation & Amenity, it would require a Material Contravention or a Review of the Local Area Plan in due course.

Ms. Kavanagh stated that the Proposed Amendment to the Clifden Local Area Plan 2009-2015 was on public display from the 7<sup>th</sup> February to the 7<sup>th</sup> of March 2013 and a total of 8 Submissions were received, five from the Prescribed Authorities/Environmental Authorities/Statutory Bodies and three from landowners.

She said that a full Strategic Environmental Assessment (SEA) Environmental Report was required as the proposed Material Alterations would be likely to result in significant environmental effects and a Stage 2 Appropriate Assessment (AA) was required as the proposed Material Alterations would have adverse effects on European sites that form part of the Natura 2000 network.

Ms. Kavanagh said that the Council's Consultants advised that the proposed recommendations as contained within the Manager's Report on the Material Alterations would not potentially give rise to any significant effects on the environment or on a European Site and said that in the context of the EU Flood Directive, the Planning Authority received advice from our consultants who were appointed to undertake the Stage 2 SFRA for the proposed Amendment to the Clifden LAP area and the Consultant's addendum report forms part of the documentation of the ongoing SEA/AA/SFRA and proposed Amendment making process.

Ms. Kavanagh advised that all of the eight Submissions have been considered in the context of SEA and AA considerations and the recommended response as outlined in the Managers Report issued to the Members is considered appropriate to avoid adverse impacts on protected species and strategic environmental impacts and said that it was taken that the proposed Draft Amendment to the Clifden LAP and proposed Material Alterations, and support documents and this Manager's Report have been read and considered by the Members.

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Ms. Kavanagh advised that 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.

**Submission No. 8 is from the Dept of Environment, Community and Local Government (DECLG):**

Ms. Kavanagh said that the Department noted with concern material alterations (MA1A, MA1B, MA2, MA3, MA4 and MA5) and in particular the Department had significant concerns with Material Amendments 1, 2 and 3. She said that the Department noted that each of these alterations have proposed additional residential land to be included in Phase 2 but none of the three proposed amendments have been justified in the context of the core strategy of the town.

She said that regarding the SEA and Material Alterations MA1, MA2 and MA3, that the Department would like to draw the attention of the planning authority to the SEA prepared for the Material Amendments that indicated MA1, MA2 and MA3 are particularly problematic. She advised that the Department is concerned that, as set out in the SEA, this change in zoning would involve development which is vulnerable to flooding on lands at high risk of flooding which would not be consistent with the Departments Flood Risk Management Guidelines. She said that the the Department would be of the view that if these Material Alterations are retained, the Clifden Local Area Plan would be in conflict with the core strategy provisions of the Local Area Plan and with the Department's policy on flood risk management as set out in the *Planning System and Flood Risk Management Guidelines* and as a consequence would not represent a Plan for proper planning and sustainable development.

Ms. Kavanagh advised the Meeting that the Department therefore requested the planning authority not to proceed with the material alteration MA 1, 2 and 3 and to revert to the provisions of the amended Local Area Plan namely to retain the lands concerned for 'Open Space, Recreation and Amenity' zoning and they state that if the planning authority does not comply with this request in full, and the adopted Plan retains development zoning in areas considered to be at risk of flooding, the Minister will have to consider what further actions are necessary including the use of the powers of Ministerial Direction under the Planning and Development Acts 2000-2012.

Ms. Kavanagh outlined the Managers Response stating that the lands zoned by Material Alteration MA1A, MA2, MA3 from Open Space, Recreation and Amenity to Residential Phase 2 was contrary to the recommendation in the previous Manager's Report and also contrary to the recommendation in the SEA/ER undertaken for all of the proposed material alterations. She said that these lands were also surplus to the residential zoned land requirements for Clifden in the Core Strategy and there were suitable alternative residential zoned lands available in more suitable locations that are not within a flood risk area. She said that as part of the SEA/ER assessment, a Justification Test was undertaken and the test concluded that MA1, MA2 and MA3 are located within Indicative Flood Risk Zones A/B and do not pass the Justification Test outlined in the Guidelines.

She advised that Material alteration MA5 relates to lands identified within Indicative 'Flood Zone C' of the Stage 2 SFRA as amended, and was re-zoned (Residential Phase 2) in accordance with the recommendations in the previous Manager's Report (on Draft Submissions) and Figure 7 of the Flood Study appended to Draft Submission No 22.

Ms. Kavanagh advised that a Stage1 Screening and a Stage 2 Appropriate Assessment of the Material Alterations to the proposed Amendment to the Clifden LAP 2009-2015 has been carried out and the Appropriate Assessment notes that change in Land Use Zoning as proposed under MA1 and MA2 may give rise to impacts on designated sites which could potentially, lead to adverse impacts.

Ms. Kavanagh outlined the Managers Recommendation as follows:

1. The lands subject of MA1 as identified within Indicative Flood Zone A should revert back to Open Space, Recreation and Amenity zoning (OS).
2. The lands subject of MA2, MA3 should revert back to Open Space, Recreation and Amenity zoning (OS).

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

**Submission No 1 – Is from the National Roads Authority**

Ms. Kavanagh advised that the NRA raised concern in relation to Material Alterations MA1/MA2.

She advised that in respect of MA1, the NRA notes the proposed Material Alteration to alter the land use zoning objective from Open Space, Recreation and Amenity (OS) to Business and Enterprise (BE) adjoining the N59 at a location where, the Authority records indicate, a 100kph speed limit applies.

In reply, Ms. Kavanagh said that the NRA comments are noted and Galway County Council has reviewed the proposed Material Alteration MA1 as recommended by the NRA. She advised that the lands ( to the south of the N59) zoned by material alteration MA1 from Open Space, Recreation and Amenity to Business and Enterprise was contrary to the recommendation in the previous Manager's Report and also contrary to the Recommendations in the SEA/ER and AA/NIR undertaken for the proposed Material Alterations. She said that the Council also acknowledged that potential access to MA1 land (land proposed as Business and Enterprise zoning) from the N59 is located within an area where the 100kph speed limit applies and would contravene the DoECLG 'Spatial Planning and National Roads Guidelines', and is therefore considered not to be proper planning and sustainable development. She also referred the Members to the Response contained within the DECLG Submission No 8 in relation to MA1.

Ms. Kavanagh advised that the Managers Recommendation on Material Alteration 1(MA1) was contained in Submission No 8 (DECLG).

Ms. Kavanagh advised that the other issued raised by the NRA related to the N59 Clifden to Oughterard Scheme in that the Council are requested to have regard to the proposed N59 Clifden to Oughterard Scheme. She replied that the Council has acknowledged the N59 Oughterard to Maam Cross and N59 Maam Cross to Clifden Scheme (which extends into the

60kph speed limit) within S. 2.3 of the proposed Amendment to the Clifden Plan and no change is required.

*Ms. Kavanagh recommended no change required.*

With regard to Material Alteration (MA) 2, Ms. Kavanagh said that similar to MA1 and having regard to the foregoing provisions the NRA recommended that access to the lands identified by the proposed MA2 should be taken from the available local road network to accord with the provisions of official policy and that this provision be reflected in the Plan. In reply, Ms. Kavanagh said that these lands are also surplus to the residential zoned land requirements for Clifden in the Core Strategy and the lands are located immediately adjacent and west of the L 51283 and north of the N59 and concern about Local Road Access to the MA2 lands will be dealt with at Development Management Stage. Ms. Kavanagh recommended no change required.

Cllr. E. Mannion said that as the flood information available to the Members and the Planning Authority is at an early stage and as further detailed reports are not yet available, she proposed to accept the recommendation in the Manager's Report.

***The Members agreed to accept the recommendation in the Manager's Report on foot of the above Submission.***

Submission No 7 – Jan O' Mahony for the Environmental Protection Agency

**Submission No 2 – Is from the Department of Agriculture, Food and the Marine**

Ms. Kavanagh said that this submission states that the Department has no submission or observations to make regarding the material alterations to the proposed amendment and, therefore, no change is required.

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

**Submission No 5 – Is from the Office of Public Works (OPW)**

Ms. Kavanagh advised that the NRA raised two Issues regarding the Strategic Flood Risk Assessment and the Material Alterations.

In respect of the Strategic Flood Risk Assessment (SFRA), Ms. Kavanagh said that the submission sets out the requirements under the *Flood Risk Management Guidelines 2009* and this included the justification test and the need for the Local Authority to follow the hierarchical order of avoid, substitute, justify, mitigate and (where the justification test has been passed) manage flood risks and it details a flood zone system to allow planning decisions to be made with regard to flood risks. She said that the OPW welcomed Galway County Council's commitment to adhere to these *Guidelines* and the production of the Strategic Flood Risk Assessment for County Galway, with the SFRA conclusions for Clifden included.

In reply, Ms. Kavanagh said that the requirements in relation to the Flood Risk Management Guidelines that were identified in this submission are acknowledged and have been addressed in the preparation of the Stage 2 SFRA which established three flood zones in compliance with the Guidelines and is based on best available data at this particular point in time and also highlighted that Proposed Material Alterations 1, 2 and 3 are inconsistent with the Section 28 *Flood Risk Management Guidelines* and fail the justification test. She said



that future SFRA's and reviews of the Plan will take into account new information when available.

Ms. Kavanagh recommended no change required.

With regard to the second issue of Material Alterations, Ms. Kavanagh advised that the OPW also have concern for MA1, MA2 and MA3 as the changes proposed by these MA would be inconsistent with the Section 28 **Flood Risk Management Guidelines** and fail the justification test.

In reply, Ms. Kavanagh said that the approach followed by the Stage 2 SFRA as amended, and the proposed amendment to the LAP in relation to flood risk assessment and management is consistent with the **Flood Risk Management Guidelines** and said that the specific alterations proposed by the elected members that are otherwise than that recommended in this Managers' Report should be reassessed with due consideration.

Ms. Kavanagh advised that the Managers Recommendation was contained in Submission No 8 (DECLG).

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

**Submission No 7 – Cian O' Mahony for the Environmental Protection Agency**

Ms. Kavanagh advised that the EPA raised six issues.

**1. Specific Comments:**

Ms. Kavanagh said that the EPA were unclear whether the SEA recommends the adoption of each of the Material Alterations, or whether specific Alterations are to be reconsidered and/or mitigation included prior to Plan adoption. In response, Ms. Kavanagh outlined that as required, the SEA details the likely significant environment effects of implementing the Proposed Material Alterations and the alternatives. She said that the SEA offered the following conclusion: **The changes proposed by Material Alterations MA1, MA2 and MA3 are not consistent with the Flood Risk Management Guidelines or the recommendations of the Stage 2 SFRA and would be likely to result in significant adverse effects upon flood risk to human health and future residential/business and enterprise/community developments.** She advised that as per the Planning and Development Acts 2000-2010, all of the Material Alterations would be considered by the Elected Members alongside the Manager's Report on Submissions received on the Material Alterations and accompanying SEA/ER, AA/NIR and Stage 2 SFRA as amended and she referred to Section 9 of Appendix I of the SEA/ER Report with regard to details on the effects of the different alternatives.

Ms. Kavanagh referred the Members to the recommendations contained in Submission No 8 (DECLG).

**2. Mitigation:**

Ms. Kavanagh said that the EPA stated that it was unclear the extent to which de-zoning/ re-zoning to appropriate land use has also considered as a potential mitigation measure and consideration should be given to clarifying this aspect and that the recommended mitigation measures from the Appropriate Assessment should also be reflected in the mitigation measures proposed. Ms. Kavanagh said that the EPA also advised that given the existing

bathing water failures since 2005, it should be ensured that the Proposed Amendments reflects a commitment to ensure the provision of adequate and appropriate wastewater treatment infrastructure within the lifetime of the LAP to mitigate the significant pressure of the Clifden Bay/Ardbear Bay designated shellfish waters and the susceptibility of the existing wastewater infrastructure to significant flooding should also be considered /assessed.

In response, Ms. Kavanagh said that as detailed in the previously circulated SEA Screening Report for the Proposed Amendments, the introduction of the Environmental Management (EM) zoning will further contribute towards environmental protection and management and this would be identified in the SEA Statement produced at the end of the process. She further advised that adequate and appropriate wastewater treatment infrastructure will be provided through Policies 3.7.1, 3.7.6 to 3.7.10, Objectives D14, W1-W2 while specific protection of shellfish waters is provided through Objective H5, Policy 3.3.32 Objective W14. She recommended no change required.

### 3. Assessment of Alternatives

Ms. Kavanagh said that with regard to the assessment of alternatives, the EPA required clarification on which, alternative is the preferred development scenario. In reply, Ms. Kavanagh referred to the previous response under Mitigation and recommended no change required.

### 4. Monitoring

Ms. Kavanagh said that the EPA requested consideration be given to identifying the responsible authorities for the monitoring of the strategic environmental objectives as described in the SEA and that the Monitoring Programme should be flexible to take account of specific environmental issues as they arise and the programme should also consider cumulative effects.

In reply, Ms. Kavanagh said that the response is included within S10.4 and S10.2 of Appendix 1 of the SEA document and the monitoring considers all effects, including cumulative effects and recommended no change required.

### 5. Future Amendments to the Draft Plan

Ms. Kavanagh said that the EPA requested where amendments to the Plan are proposed, these should be screened for likely significant effects in accordance with the criteria as set out in Schedule 2A of the SEA Regulations and should be subject to the same method of assessment applied in the "environmental assessment" of the Draft Material Alterations. In response, Ms. Kavanagh said that further modifications to the Material Alterations would be examined in compliance with Section 20 (q) of the Planning and Development Act 2000-2010 and recommended no change required.

### 6. SEA Statement – "Information on the Decision"

Ms. Kavanagh said that the EPA requested, following adoption of the Material Alterations, a copy of the SEA Statement with the required information to be sent to any environmental authority consulted during the SEA process. Ms. Kavanagh said this was noted and recommended no change to the Amended Plan.

***The Members agreed to accept the recommendation in the Manager's Report on foot of the above Submission.***

**Submission No.3 – Ryan Kennihan Architects on behalf of Cyril Joyce (MA5)**

Ms. Kavanagh advised that no site outline was included with this submission and advised that this Submission welcomed proposed MA5/MA6/MA7 which takes into account the submission's flood risk assessment reports and submission. She advised that the Submission proposed the following change to MA5/MA6, that their client's land located in Flood Zone C, be rezoned to Residential Phase 1 category rather than the proposed Residential Phase 2 category.

In response, Ms. Kavanagh advised that the amount of Residential Phase 1 lands cannot be increased as any increase would be inconsistent with the Core Strategy allocation for Clifden and recommended no change.

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

**Submission No. 4 – John and Mary Joyce (MA2)**

Ms. Kavanagh advised that no site outline was included with this submission. She advised that this submission wished to lodge a strong objection of the inclusion of their lands within a designated flood plain and request that their land be removed and returned to their original designation.

The submission included a Report prepared by Shane Joyce Engineering and titled 'Report regarding the designation of Lands at Tullyvoheen TD Clifden as being part of a flood plain' and said that this report consisted of a Location Map (1:50,000), Catchment Map, Recent Contour Survey, Contours from OSI 50K data, Isopach contours Recent Survey v OS 50K data, Stream Chainages and Sections along and through stream. She advised that the Report also stated that as part of the analysis of lands nationally under the CFRAM Studies, a large portion of the land of John Joyce (Submission No 4) and Ivor Duane (Submission No 6), at Tullyvoheen Townland, Clifden, had been provisionally identified as being a Flood Risk.

In response, Ms. Kavanagh said that the lands zoned by Material Alteration MA2 from Open Space, Recreation and Amenity to Residential Phase 2 (1.176Ha) was contrary to the recommendation in the previous Manager's Report (on Draft Submissions) and also contrary to the recommendation in the SEA/ER and AA/NIR undertaken of the Material Alteration. She said that the proposed MA2 has also failed the Plan Justification Test, where the planning need and the sustainable management of flood risk to an acceptable level must be demonstrated.

She advised that these proposed residential Phase 2 lands (1.176Ha) were also surplus to the residential zoned land requirements for Clifden in the Core Strategy and there were suitable alternative residential zoned lands available in more suitable locations that are not within a flood risk area.

She further advised that as part of the Stage 2 SFRA for the Clifden Plan area flood risk indicators were groundtruthed leading to the identification of the Flood Zones and the Annual Exceedance Probability (AEP) ranges for the Flood Zones, as per the Guidelines, meant that flooding on the lands may not have been witnessed by the current landowners

and she referred the Members to S. 2.5.1 part b of the Manager's Report - Response of the OPW's Submission which states that '...the absence of flooding on site is not a sign that it is safe to develop these lands in the future'.

Ms. Kavanagh said that the Engineer's Report appended to the submission concerned other lands which are the subject of Submission No. 6 (MA1) and is responded to under the Response under Section 3.4.2 of this Manager's Report.

She said that no evidence had been submitted to justify the alteration of the Flood Risk Zone and in the absence of information to the contrary, it would be imprudent at this stage to change the Flood Risk Zones contained in the Stage 2 SFRA.

Ms. Kavanagh advised that the Managers Recommendation was contained in Submission No 8 (DECLG).

In reply to Cllr. E. Mannion who asked if planning permission could be considered for a family member on this site on the production of an individual site specific flood risk report, Mr. Kelly said that it could be considered. However, he advised that the first aspect in relation to any future development of land in a flood risk area is for the landowner/applicant to demonstrate that that the land is not located within a flood risk area and then depending on the zoning status, it could be considered.

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

**Submission No. 6 – Ivor Duane (MA1)**

Ms. Kavanagh advised that a new site outline was submitted with this submission and the submission includes a Report prepared by Shane Joyce Engineering, and titled 'Report regarding the designation of Lands at Tullyvoheen TD Clifden as being part of a flood plain'.

Ms. Kavanagh said that this submission wishes to again make a strong objection to the proposed amendments and requests that the lands be removed from flood plains and returned to their original designation:

- Residential on the north side of the N59 and
- Enterprise and Light Industry on the South side of the N59.

The submission also made reference to the fact that no groundtruthing was done on the land with his permission and that he has lived on the land for 35 years and the land has been farmed since 1956 during which time there has been no flooding. She said that the submission also noted that land to the west of his property part of which was residential is now enterprise and light industry, while the submission lands south of the N59 are removed from this zoning and that this land to the west is being proposed as a Distributor Road and that if this road went ahead it may potentially disperse water to his land. She said that the submission also noted that the Council land which is in the location of the recycling centre and which sits on the Owenglin river bank and which is lower than his house had not been included in the flood plain and that also not included in the flood plain is the waterworks and the ESB station.

She said that the submission stated that the landowner would be unable to farm or build a shed with these restrictions and noted on the Submission is that an area designated as a historical flood event in the town has been removed and the river that was part of this is no longer marked on the map. She said that with regard to lands zoned as Open Space, Recreation and Amenity and previously zoned as residential, the submission requested that this piece of land to the north of his property and coloured as 'Yellow' within the enclosed submission be rezoned as residential as this land is much higher than the lands proposed to be designated as a flood plain and that this is the only site the landowner could give his family to build a home in the future. She said that with regard to the Specific Groundtruthing Locations in the Stage 2 SFRA, the submission takes objection to Table 4 No 2 which states that reeds were observed on the land which according to this submission does not have reeds growing or never had and it also noted proposed new objective W20 – Boundaries of Flood Zones.

Ms. Kavanagh said that the submission concluded by requesting that the land be re-examined in consultation with him with a view of rezoning the land and the submission enclosed the landowner's Engineer Flood Report for re-evaluation purposes.

In response, Ms. Kavanagh said that these lands (MA1) are located within Flood Zone A as identified in the Stage 2 Strategic Flood Risk Assessment (SFRA) undertaken for the Proposed Amendments to the Clifden LAP and it is not considered appropriate to zone these lands for residential/business and enterprise uses as this would be contrary to the Flood Risk Management Guidelines 2009.

Ms. Kavanagh advised that the lands zoned by Material Alteration (MA1) from Open Space, Recreation and Amenity to Residential Phase 2 (1.046Ha) and to Business and Enterprise (1.051Ha) were contrary to the recommendation in the previous Manager's Report (on Draft Submissions) and also contrary to the recommendation in the SEA/ER and AA/NIR undertaken of the Material Alteration. She said that the proposed MA1 had also failed the Plan Justification Test, where the planning need and the sustainable management of flood risk to an acceptable level must be demonstrated.

She advised that the lands proposed to be re-zoned as Residential Phase 2 (1.046Ha) were also surplus to the residential zoned land requirements for Clifden in the Core Strategy and there were suitable alternative residential zoned lands available in more suitable locations that are not within a flood risk area.

Ms. Kavanagh advised that Groundtruthing was undertaken as part of the SFRA from the adjoining road where the topography and vegetation of the lands were visible and this was stated in the Stage 2 SFRA and she said that flood risk indicators were groundtruthed leading to the identification of the Flood Zones. She said that the Annual Exceedance Probability (AEP) ranges for the Flood Zones, as per the Guidelines, meant that flooding on the lands may not have been witnessed by the current landowners and she referred the Members to S. 2.5.1 part b of the Manager's Report - Response of the OPW's Submission which states that '...the absence of flooding on site is not a sign that it is safe to develop these lands in the future'.

Ms. Kavanagh said that the lands to the east which were zoned as Business and Enterprise are located further away from the stream than the subject lands and the SFRA found that these lands were located within 'Flood Zone C' and development in this zone is generally appropriate from a flood risk perspective.

She further advised that new individual developments including the proposed Distributor Road are subject to their own consent procedures which allow for any perceived or potential effects to be addressed. She said that the Recycling Centre is located to the north of the Owenglin mainly in Flood Zone C, the southern corner of the site is located within Flood Zone B and there is no water body flowing through the Recycling Centre and also there is no water body flowing through the ESB station lands (Flood Zone C) - roads and other lands separate the ESB station from water bodies. She said that the water treatment plant is also located within Flood Zone C and there is no water body flowing through the water treatment plant and this site is located to the south east of Flood Zone A and is zoned as Public Utility (PU).

Ms. Kavanagh clarified that there has been no removal of recorded/historical flood events from the town or from the Flood Risk Management Maps 3A/3B and that these flood events were represented by yellow triangles within the Flood Risk Management Maps 3A/3B and remain unchanged at five in number.

With regard to the lands to the north and coloured as 'Yellow' (0.33ha) within this submission, Ms. Kavanagh said that it was proposed that only those lands to the north of the lands outlined in green as submitted on the 19/12/2012 under Draft Submission No. 4 and which are now coloured as 'Yellow' within this Submission and are located outside the indicative Flood Zone A and zoned as Open Space Recreation and Amenity be re-zoned as 'Agriculture'. She clarified that the land immediately to the south and identified within Indicative Flood Zone A shall remain as Open Space, Recreation and Amenity.

With regard to the ability to farm the lands or build a shed, Ms. Kavanagh referred to the Land Use Zoning Matrix under Agricultural Use which allows for a number of uses subject to proper planning and sustainable development and each development proposal shall be examined at development management level.

With regard to Table 4 Specific Groundtruthing location No 2 which stated that reeds were observed on the land - as stated previously within the Manager's Report on Draft Submission No 4, Ms. Kavanagh said that the area covers a wider area than appears to be encompassed by the landowner's lands, so reeds would not necessarily occur on his lands.

She advised that the Open Space/Recreation/Amenities zoning provides for uses that are generally appropriate within 'Flood Zone A' and said that the submission provided an Engineer's Report that includes contours on the site as well as levels and a cross section of the main stream through the lands. She said that the report was limited in that no calculations of the Flood Risk [i.e. Zones A or B] were supplied for the risk of fluvial flooding from this stream during an extreme flood event.

However, she said that the material supplied confirms that the core of the area around the stream in the subject lands is at or below 20m OD which is the approximate level of the stream bed as it enters Mr Duane's land. She said that the contour information supplied suggested that a detailed flood risk assessment would be likely to marginally alter the

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boundary of the area prone to flooding along northern, north-eastern and south western boundary of the subject lands.

Ms. Kavanagh said that no evidence had been submitted to justify the alteration of the Flood Risk Zone, subject to the implementation and interpretation of Objective W20 - Boundaries of Flood Zones.

Ms. Kavanagh recommended to rezone lands to the north, coloured in 'Yellow' within this submission which are outside of the Indicative Flood Zone A, from Open Space, Recreation and Amenity to Agricultural zoning (A).

In reply to Cllr. E. Mannion, Mr. Kelly said that the Water Treatment Plant did not show up as a Flood Risk area on the OPW maps.

In reply to Cllr. E. Mannion, Mr. Kelly clarified that the Members cannot make amendments to flood risk areas, they can only make zoning changes but that is within the constrictions of the Planning Act at this stage of the Local Area Plan process.

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

On the proposal of Cllr. E. Mannion and seconded by the Mayor, it was agreed to accept the recommendations in the Manager's Report and it was agreed to adopt the Amendment to Clifden Local Area Plan 2009-2015, in accordance with the Manager's Report in accordance with Section 13 (b) (iv) of the Planning and Development (Amendment) Act 2010. A vote was taken and the result was as follows;

**AR SON:** Cllrs. Carroll, Connolly, Cuddy, Feeney, G. Finnerty, Hoade, Hynes, Maher, E. Mannion, McClearn, McDonagh, McHugh, Noone, T. Walsh, Welby. [15]

**AGHAIDH:** [0]

**GAN VOTÁIL:** Cllr. D. Connolly, Comh. O'Cuaig, Comh. Ó Curraoin [3]

***The Mayor declared the proposal carried.***

**TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS RECEIVED ON THE PROPOSED MATERIAL ALTERATIONS TO THE PROPOSED AMENDMENT TO THE GAELTACHT LOCAL AREA PLAN 2008-2013 AS PER SECTION 20 (3) (C) AND (D) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)** 1394

Ms. Kennedy presented the Manager's Report on the Submissions received on the Proposed Amendment to the Gaeltacht Local Area Plan 2008-2014. She advised that the Elected Members considered the adoption of the Proposed Amendments to the Gaeltacht LAP together with the Manager's Report on the submissions received at a Galway County Council meeting held on Monday 28<sup>th</sup> January 2013 and the Elected Members made a number of Alterations to the Proposed Amendments to the LAP. She said that the proposed

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alterations were subject to further SEA and AA screening and the Planning Authority determined that a SEA was required to be carried out and that a Stage 2 AA was not required to be carried out in respect of one or more of the proposed material alterations of the Proposed Amendment to the LAP. She said that the Planning Authority published notice of the proposed Material Alterations and SEA/AA determinations on Thursday 31<sup>st</sup> January 2013 and the proposed alterations, together with the addendum SEA and AA screening reports, were put on public display for a period of 4 weeks from Friday 1<sup>st</sup> February 2013 to Friday 1<sup>st</sup> March 2013 and a total of 4 written submissions were received on the proposed Material Alterations.

**Submission No. 2 - Department of the Environment Community and Local Government**

Ms. Kennedy said that the Department noted that material alteration (MA2), in the village of An Spidéal which involved a change of zoning from Recreation & Amenity to Residential Phase 2, was passed by the elected members contrary to the recommendations in the Manager's Report. She advised that the Department were concerned that the change from 'Recreational and Amenity' zoning to 'Residential Phase 2' had not been justified on the basis of the Core Strategy requirements for the village and in addition to this the proposed Material Alteration would allow for vulnerable development on lands in 'Flood Zone A' which had not satisfied the Development Plan Justification Test and accordingly would not be consistent with "*The Planning System and Flood Risk Management Guidelines 2009*" and would be likely to result in flood risk to future residential developments.

Ms. Kennedy said that the Department advised that in this regard the Planning Authority should also examine any observations from the Office of Public Works and respond appropriately.

She said that the Department would like also like to draw the attention of the Planning Authority to the SEA prepared for the Material Amendments which concluded in the case of MA2 in An Spidéal as follows:

*'The change proposed by the Material Alteration is not consistent with the Flood Risk Management Guidelines or the recommendations of the Stage 2 SFRA and would be likely to result in significant adverse effects upon flood risk to human health and future residential developments. In order to comply with the Guidelines and minimise effects upon flood risk it is recommended that the zoning for the subject lands contained in the Proposed Amendment ('Recreation and Amenity' is adopted and not that contained within the Material Alteration ('Residential (Phase 2)').'*

She said that the planning authority were reminded of the need to ensure that when considering the future development of areas at risk of flooding as part of the preparation of a development plan, for uses or development that is vulnerable to flooding all of the criteria in the Development Plan Justification Test must be satisfied in order to allow the lands be zoned for development.

She said the Department advised that the Council should note that forward planning is one of the most significant powers exercised by the members of a Planning Authority and by virtue of the concerns outlined above, namely



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- The zoning of additional land for Phase 2 residential development not justified on the basis of the core strategy requirements for the town, and
- The location of lands concerned in Flood Zone A with a high probability of flooding and which have failed the Justification Test under the provisions of the Planning System and Flood Risk Guidelines 2009

Ms. Kennedy advised that the Department would be of the view that if the Material Alteration is retained, the Gaeltacht Local Area Plan would be in conflict with the Core Strategy provisions of the Local Area Plan and with the Department's policy on flood risk management as set out in the *Planning System and Flood Risk Management Guidelines* and as a consequence would not represent a Plan for proper planning and sustainable development.

She said that the Department therefore requests the Planning Authority not to proceed with the Material Alteration (MA2) and to revert to the provisions of the amended Local Area Plan namely to retain the lands concerned for 'Recreation and Amenity' zoning and if the planning authority does not comply with this request and the adopted Plan retains development zoning in areas considered to be at risk of flooding the Minister will have to consider what further actions are necessary including the use of the powers of Ministerial Direction under the Planning and Development Acts 2000-2012.

In response, Ms. Kennedy said that these lands were zoned residential in the existing Gaeltacht LAP and were proposed as Recreation, Open Space and Amenity on the basis of the Stage 2 SFRA which found the land to be in a Flood Risk Zone A and B. She said that these lands were located within a flood risk area identified in the Stage 2 Strategic Flood Risk Assessment (SFRA) undertaken for the proposed amendments to the Gaeltacht LAP and it was not considered appropriate to zone these lands for residential uses as this would be contrary to the *Flood Risk Management Guidelines 2009*. She said that, however, the landowner had now provided a site specific Flood Risk Assessment (FRA) Report including revised Flood Risk Zone Mapping and had also provided clarifying additional information in relation to the site specific FRA. She said that, accordingly, the Flood Risk Zone Map for An Spidéal in the Council's SFRA would be updated in order to show Flood Risk Zones in accordance with the new information received and advised that a portion of the land is now within Flood Risk Zone C and, therefore, a Residential Phase2 zoning is appropriate on these lands with regard to flood risk.

Ms. Kennedy said that having regard to the Phase 2 residential zoning not being justified on the basis of the Core Strategy requirements of the village, she said that these lands are zoned Residential in the existing LAP and this zoning was only removed as the lands were considered to be a Flood Risk Zone as identified in the SFRA and as the SFRA has now been updated to take account of a site specific FRA and a significant portion of the lands are located in Flood Zone C, it is considered that an Residential Phase 2 zoning is appropriate for the lands with a Flood Risk Zone C.

Ms. Kennedy recommended that the lands within Flood Zone C (with the exception of the parcel of land in the centre of the site which is Flood Zone C surrounded by Flood Zones A

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and B) are zoned Residential Phase 2 and that the Lands within Flood Zone A and B are zoned Recreation and Amenity. She said that it was also recommended that the lands in Flood Risk Zone C which are located in the centre of the site and surrounded by Flood Risk Zones A and B be zoned Recreation and Amenity.

She said that it is also recommended that the Plan should provide for the notification of any future owner or developer that; *"These lands have been zoned according to the information contained in a site-specific flood risk assessment provided by the landowner and that there is still potential for some of the lands to flood. Available data currently is imperfect and does not allow for the definitive quantification of this potential. This does not preclude development once the proposed site design for any proposed development shows that it does not displace flood water thereby exposing lands elsewhere to unacceptable levels of flood risk and satisfies the applicant and the council that the development itself will not be exposed to unacceptable levels of flood risk"*.

Cllr. S. Walsh seconded Comh. O'Laoi's proposal that all lands coloured green, shown on the map on Page 28 of the Hydrologists Report No HEL 097201 of 26<sup>th</sup> February 2013, be revised to Residential Phase 2 zoning. A Copy of this Map was circulated to the Meeting.

Mr. Kelly advised the Meeting that the Flood Risk Assessment concluded that the portion of lands suitable for development is in Flood Zone C. He said that part of the site, located within flood zone C, is an island surrounded by flood risk areas and the Manager's Recommendation took the view that there was little likelihood of this 'island' being capable of development and from a Development Management context, it was recommended that this be zoned Open Space, Recreation & Amenity which is in accordance with the *Flood Risk Management Guidelines*.

It was agreed that this Submission would be considered and agreed as part of Submission No. 4 – Brendan O'Flaherty, the Submission from the landowner as this issue was raised in other Submissions also.

**Submission No. 1 – National Roads Authority**

Ms. Kennedy advised that the National Roads Authority had no specific comments in regard to the proposed Material Alterations on the Proposed Amendment to the Gaeltacht Local Area Plan 2008-2014 and she recommended no change to the Amended Plan.

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

**Submission No. 3 – Office of Public Works**

Ms. Kennedy outlined Submission No. 3 from the OPW and the Manager's response and recommendation:

She said that the OPW referred to *"The Planning System and Flood Risk Management Guidelines for Planning Authorities (November 2009)"* and welcomes Galway County Councils commitment to adhere to these Guidelines and the production of the SFRA for County Galway. She said that they indicated that draft flood mapping will be available by the

end of 2013 through the OPW Catchment Flood Risk Assessment and Management Study (CFRAMS).

She advised that the OPW considered the flood risk assessment produced in the SFRA as being the best available data at this particular point in time and they expressed their concern that the proposed amendment is inconsistent with Section 28 of the Planning and Development Act 2000 (as amended) and the Flood Risk Management Guidelines and fails the justification test, considering the following:

- The Guidelines clearly state that it is no longer appropriate to plan for or permit development within an area at risk of flooding.
- The guidelines clearly require Planning Authorities to avoid development within areas at risk of flooding and to only consider development within areas at risk where it passes the justification test.
- The zoning of the site for Residential Phase 2 use cannot be justified as there are alternative lands available to accommodate such zoning within the plan area which are not at risk of flooding.

In response, Ms. Kennedy referred the Members to her response under the Department's submission. She advised that the recommendation was as per the recommendation to the Department of the Environment Submission, as per Section 2.2.3 of the Manager's Report.

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

**Submission No. 4 – Brendan O'Flaherty**

Ms. Kennedy outlined submission Number 4 from Brendan O'Flaherty and said that Mr. O'Flaherty has submitted a Flood Risk Assessment Strategic Report of his lands at An Spidéal West and she said that this Report was assessed by the Council's Environmental Consultants.

In response, Ms. Kennedy said it appeared from the documentation submitted that the site specific FRA is complete and takes into account combined tidal and fluvial factors as well as contributing towards the taking into account of climate change and, accordingly, the Flood Risk Zone map for An Spidéal in the Councils Stage 2 SFRA will be updated in order to show Flood Risk Zones in accordance with the site specific FRA.

She advised that the change proposed by Material Alteration No 2 is not consistent with the Flood Risk Management Guidelines or the recommendation of the Stage 2 SFRA and would be likely to result in significant adverse effects upon flood risk to human health and future residential developments and in order to comply with the Guidelines and minimise effects upon flood risk it is recommended that the Council takes account of the revised Stage 2 SFRA Flood Risk Map for An Spidéal. She said that from a flood risk perspective, Residential 2 zoning would be considered appropriate to the parts of the lands which are located within Flood Risk Zone C.

Ms. Kennedy advised that the recommendation was as per the recommendation to the Department of the Environment Submission, as per Section 2.2.3 of the Manager's Report.

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Cllr. McClearn asked if the review of the Local Area Plans could be left until proper flood maps were available and said he felt that a serious attempt is being made to blame Local Authority Officials and Councillors in relation to overplanning and flooding and if these Plans have to be reviewed again on receipt of new flood information that this process is a waste of the Planning Officials time and resources.

Comh. O'Laoi concurred with Cllr. McClearn and said if a decision is made today regarding a particular area and if this decision is revisited again when new information becomes available, he is worried that it would be hard to undo the decision made today. He said that East Galway needs to take water away whereas Connemara has no flooding at all and Connemara is now being labelled a flood risk area. Cllr. Cuddy also expressed his dissatisfaction of having to agree these Plans now when they will have to be reviewed again in light of new information.

In reply, Mr. Kelly said that whether there is a flood risk to an area or not, the Planning Authority is statutorily obliged to go through the Local Area Plan process. He said, however, that in the future, it will be examined as to the number of Local Area Plans the Council will have in place and the necessity of a Local Area Plan for some areas. It is envisaged that the number of development the Planning Authority will receive for some areas could be dealt with under Development Management without recourse to Local Area Plan zoning.

In respect of the map circulated from the Hydrologists report, in respect of MA2, Mr. Kelly said that area coloured red and orange was a flood risk area and these areas were zoned Recreation & Amenity to take account of this flood risk. He said that 'island' area in the centre, coloured green, was also zoned Recreation & Amenity given the fact that it was difficult to foresee a positive planning permission outcome for this area. Mr. Kelly clarified that the Motion being proposed by the Members includes the 'island' coloured green on the map to be zoned as Residential Phase 2.

Cllr. S. Walsh said that the area coloured red on the map is in Flood Zone A and the area coloured orange is in Flood Zone B. He said that a road can be built on the orange area of land which could allow access to the 'island' area which is coloured green on the map and is in Flood Zone C.

Mr. Kelly advised the Meeting that the Department of the Environment had two issues with this Submission namely flood risk and zoning. He said that the Planning Authority took a reasonable approach with regard to zoning, as parts of these lands were previously zoned residential.

Cllr. Feeney expressed his concern that even if the 'island' coloured green was zoned Residential Phase 2, it may be refused at the Development Management stage.

Mr. Kelly said that following the decision of the Members at the January Council Meeting, the landowner submitted flood risk maps and the landowner's Consultants advised that the area coloured in red on the map is prone to flooding. He said that the large piece to the north of the site which is coloured green is proposed to be zoned Residential Phase 2. He said that the Manager's recommendation is that the 'island', also coloured green on the

map, would not be zoned Residential Phase 2 for practical reasons, as it is surrounded by a flood risk zoning, and it also may not be positively considered in a Development Management context. He clarified that what the Members were proposing is that this 'island' which is surrounded by the flood risk zoning is zoned Residential Phase 2 in addition to the lands at the north. He said while the *Flood Risk Management Guidelines* allow a road to be permitted on Flood Zone B, area coloured orange on the map, an account must be taken of the effect of flood risk, so it may not be permitted.

On the proposal of Comh. O'Laoi and seconded by Cllr. S. Walsh, it was proposed to not to accept the recommendations in the Manager's Report and that all land in Category C as coloured 'green' on map attached, be zoned Residential Phase 2.

A vote was taken on the proposal and the result was as follows;

**AR SON:** Cllr. Broderick, Comh. Ó'Cuaig, Cllr. Cunniffe, Comh. Ó'Curraoin, Cllrs. G. Finnerty, M. Finnerty, Hoade, Comh. O'Laoi, Cllrs. Maher, McDonagh, Noone, Roche, Cllrs. S. Walsh, Welby. [14]

**AGHAIDH:** Cllr. Carroll [1]

**GAN VOTÁIL:** Cllr. D. Connolly, Comh. O'Cuaig, Cllrs. Feeney, McClearn, Ryan & T. Walsh. [6]

**The Mayor declared the proposal carried.**

On the proposal of Cllr. Maher and seconded by Cllr. S. Walsh, it was agreed to accept the recommendations in the Manager's Report, as amended by the Members and it was agreed to adopt the Amendment to Gaeltacht Local Area Plan 2008-2014, in accordance with the Manager's Report, as amended by the Members, in accordance with Section 13 (b) (iv) of the Planning and Development (Amendment) Act 2010.

A vote was taken and the result was as follows;

**AR SON:** Cllrs. Broderick, Carroll, D. Connolly, Comh. Ó'Cuaig, Cllrs. Cuddy, Cunniffe, Comh. Ó'Curraoin, Cllrs. Feeney, G. Finnerty, M. Finnerty, Hoade, Comh. O'Laoi, Cllrs. Maher, McDonagh, Noone, Roche, Cllrs. S. Walsh, T. Walsh, Welby & Willers. [20]

**AGHAIDH:** [0]

**GAN VOTÁIL:** Cllrs. McClearn & Ryan [2]

**The Mayor declared the proposal carried.**

**TO CONSIDER THE MANAGER'S REPORT UNDER SECTION 19 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) ON THE PROPOSED DEFERRAL OF NOTICES UNDER SECTION 20 (3) (A) (I) AND (II) OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) IN RESPECT OF THE GAELTACHT LOCAL AREA PLAN, FOR A PERIOD OF 5 YEARS**

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Mr. Kelly said that the Members passed a Resolution at the January Council Meeting that the Manager provide a report, which was circulated to the Members today, in accordance with legislation (Section 12 of the Planning and Development (Amendment) Act 2010), outlining that the lifespan of the Gaeltacht Local Area Plan 2008 and the inclusion of the amendments adopted today could be extended by a further five years (i.e. up to and including 25<sup>th</sup> March 2018) as the Local Area Plan is consistent with the objectives and Core Strategy of the relevant Development Plan 2009-2015 (as varied in 2011), the objectives of the Local Area Plan have not been substantially secured, and the sending and publishing of the notices may be deferred and the period for which they may be deferred.

Mr. Kelly said that the Manager's Report advises that the Extension would not be in conflict with the County Development Plan and, therefore, it could not be issued to the Members until the Gaeltacht Plan was considered and agreed. He advised that the Extension of the Plan does not preclude the Planning Authority to go back to review the Plan at an earlier stage. He advised that if the Members do not extend the Plan, it means that the current proposed Amendment to the Gaeltacht Plan would expire next month. He said that by extending the Plan, it means that the Planning Authority, in consultation with the Members, could build on the work completed on the Plan and it would be reviewed at either the expiry date or at an earlier date as deemed necessary.

On the proposal of Cllr. S. Walsh and seconded by Comh. O'Laoi, and agreed that pursuant to Section 19 (1) (d) of the Planning and Development Act 2000 (as inserted by Section 12 (a) (iii) of the Planning & Development (Amendment) Act 2010), the Council resolves to defer the sending of a notice under Section 20 (3) (a) (i) of the Act of 2000 and publishing a notice under Section 20 (3) (a) (ii) for a period of 5 years, and hereby resolves to extend the lifespan, by a further five years (i.e. up to and including 25<sup>th</sup> March 2018), of the Gaeltacht Local Area Plan, 2008, in accordance with the provisions of Section 19 of the Planning and Development Act 2000 (as amended) which provides for the extension of the valid life of a Local Area Plan (LAP)".

**TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS RECEIVED ON THE MATERIAL ALTERATIONS TO THE MAIGH CUILLIN DRAFT LOCAL AREA PLAN 2012-2018 AS PER SECTION 20 (3) (C) AND (D) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)** 1396

The Mayor invited the presentation of the Manager's Report on the submissions received on the Maigh Cuilinn Draft Local Area Plan 2012-2018.

Ms. O'Doherty advised the meeting that the Elected Members considered the Manager's Report on the submissions received on the Draft Maigh Cuilinn Local Area Plan at a Galway County Council meeting held on 20<sup>th</sup> December 2012 and at this meeting a number of Material Alterations were proposed to the Draft Maigh Cuilinn Local Area Plan and these Material Alterations were screened for Appropriate Assessment (AA) and Strategic Environmental Assessment (SEA).

Ms. O'Doherty advised that AA and SEA Screening sufficed for all of the proposed Material Alterations except for MA 7 which proposed to rezone lands to Agriculture which were previously Open Space, Recreation & Amenity in the Draft Plan. She advised that the SEA Screening determined that the proposed rezoning to Agriculture had the potential for significant environmental effects and therefore a full SEA was required for this Material Alteration. She said that the full SEA concluded that pursuing Material Alteration No.7 would give rise to potential significant effects on the environment namely, local hydrology, hydrogeology, water quality, human health and biodiversity.

Ms. O'Doherty said that the proposed Material Alterations, the SFRA, the AA/SEA Screening and the full SEA on Material Alteration No.7 were placed on public display for 4 weeks, until the 1<sup>st</sup> March 2013 and four submissions were received – all from public bodies or prescribed/environmental authorities. She advised that a brief synopsis of the submission and the Manager's Recommendation would be provided.

**Submission No.1 NRA**

Ms. O'Doherty said that this Submission refers to MA4 and MA5, in that the boundaries of the submissions received overlapped with the route of the proposed bypass. She said that while this is the case, however, the zoning changes proposed under the Material Alterations regarding these lands do not impact on any area within the proposed ByPass and in this regard, the Manager's Recommendation is no change.

Ms. O'Doherty said that this Submission also refers to MA 6 which proposes the extension of the Business & Enterprise (B & E) zoned lands further south, which the NRA are not in favour of, as it is at a location where the maximum speed limit applies and is considered contrary to the *Spatial Planning and National Roads Guidelines*.

Ms. O'Doherty said that the Manager's Recommendation is in line with that of the NRA and recommends that the proposed zoning of B & E should revert back to Agriculture as per the Draft Local Area Plan, given it is the extension of new B & E lands further from the village centre, at a location in the 100kph zone and is contrary to the principles of the *Spatial Planning and National Roads Guidelines*.

Comh. O'Laoi said that in respect of MA 6, which is in respect of the entrance of the B&E zoned lands, he said that this entrance is current being used and was made wider so as to provide better vision for trucks entering and leaving the premises. He proposed that this extension of land be zoned B&E. Cllr. S. Walsh seconded this proposal.

In reply, Mr. Kelly said that an objection to this zoning has been received from the NRA as the entrance is in a 100kph location and the existing entrance does not have planning permission. He advised the Members that an application for permission to revise the entrance does not require a change in zoning and the agriculture zoning would allow for a planning application on a revised entrance, which also meets the NRA road standards, to be considered. He added that by changing the zoning, it was merely adding an additional factor, which is contrary to the NRA recommendation, and he would advise that this land remain zoned as Agriculture as an Agriculture zoning does not preclude an application for a revised entrance to be submitted.

Cllr. Walsh advised that this entrance is in place since the 1970's and may have been in place even before planning permission existed. He said that the business facilitated the NRA in allowing a footpath and kerbs to be installed. Cllr. O'Laoui concurred with this and said that there is dip in the kerb where the entrance is into the factory.

In reply, Mr. Kelly said that by adding in a B&E zoning, it is only adding a complicating factor to the entrance revision process, and that there is still the possibility to rectify this entrance and apply for permission for a revised entrance without re-zoning this land, as the agriculture zoning would allow for this if the objective is to allow for a safer and easy access entrance.

On the proposal of Comh. O'Laoui and seconded by Cllr. S. Walsh, it was proposed to not to accept the recommendations in the Manager's Report and that the land MA6 be zoned Business & Enterprise as on Submission.

A vote was taken on the proposal and the result was as follows;

**AR SON:** Cllrs. Carroll, M. Connolly Cuddy, Comh. O'Curraoin, Cllrs. Fahy, Feeney, G.Finnerty, M. Finnerty, Hoade, Comh. O'Laoui, Cllrs. Maher, McClearn, McDonagh, McHugh, Ryan, Cllrs. S. Walsh, T. Walsh, Welby & Willers. [19]

**AGHAIDH:** [0]

**GAN VOTÁIL:** Cllr. E. Mannion [1]

**The Mayor declared the proposal carried.**

#### **Submission No.2 DOECLG**

Ms. O'Doherty said that in summary, this Submission expressed concern regarding proposed Material Alteration No. 7 which is to rezone Open Space, Recreation and Amenity lands to Agricultural, which fall within Indicative Flood Zone A and subject to potential pluvial flooding and said that such a proposal is contrary to the *Planning System and Flood Risk Management Guidelines* and in particular fails the criteria for the Justification Test, which is applied at Plan stage. She advised that the submission notes that should the Agriculture zoning proceed, maps and text should clearly highlight that the subject lands are at risk of flooding and the lands must be subject to a site specific flood risk assessment prior to development. She further advised that the Submission states that failure to take account of these concerns would lead to a Plan that is not in accordance with proper planning of the area and the Department will monitor adherence by the Council to the 2010 Act and national guidelines.

Ms. O'Doherty advised that the Manager's recommendation in relation to the MA 7 lands is that they revert back to Open Space, Recreation & Amenity as per the Draft Local Area Plan and the reason is that the subject lands have been identified as at risk of pluvial flooding



and are located within Indicative Flood Zone A. She said that furthermore, the SEA carried out for this proposed Material Alteration included a Justification Test, which failed, and the conclusion of the SEA was that facilitating the proposed Material Alteration has the potential to have a significant adverse environmental effects (on local hydrology/hydrogeology, water quality, human health and biodiversity). She advised that the SEA also recommends that the proposed Agriculture zoning does not proceed and the zoning reverts back to the Open Space, Recreation & Amenity zoning as per the Draft Plan.

**Submission No.3 EPA**

Ms. O'Doherty said that this Submission is mainly concerned with Material Alteration No. 7 and the proposed rezoning of lands from Open, Space Recreation to Agriculture, which are identified as having potential flood risk. She said it referred to the conclusion of the SEA Environmental Report which stated that the proposed alteration has the potential for significant environmental effects, is not in accordance with the *Planning System and Flood Risk Management Guidelines*, fails the Justification Test as set out the guidelines and is not considered in accordance with the approach taken by Galway County Council in relation to undeveloped lands that are located within indicative flood risk areas.

Ms. O'Doherty said that the Manager's recommendation is as per submission No.2 above, that the lands subject of MA 7 revert back to Open Space, Recreation & Amenity as per the Draft Local Area Plan, (in line with the SEA recommendation).

**Submission No.4 OPW**

Ms. O'Doherty said that this Submission referred to a number of general issues such as the different types of flooding, the CFRAMS, the PFRA mapping and the requirements for a Stage 2 Flood Risk Assessment. She advised that more specifically the submission referred to specific alterations proposed by the Elected Members which are otherwise as recommended in the Manager's Report and stated that where a Planning Authority is considering development of an area at risk of flooding for uses deemed vulnerable to flooding, then all of the criteria in the Justification Test must be satisfied to allow the zoning to proceed. She said that any zoning on lands that do not pass the Justification Test should clearly indicate on the map that the lands are at flood risk and flood risk assessment is required.

Ms. O'Doherty advised that the Manager's Recommendation is that the lands should revert back to Open Space, Recreation & Amenity as per the Draft Plan as the Justification Test has failed, the proposal is not in accordance with the Flood Risk Guidelines and the SEA concludes that this is the most environmentally sustainable option.

The Mayor advised the Meeting that the Submissions from the DOE, EPA and the OPW all relate to MA7 and that the Members should consider all three together and make an informed decision.

Comh. O'Laoi proposed that the lands the subject of MA 7 be zoned Agricultural. He said that the landowner had a permit to deposit landfill there and this is ongoing and he reckons that this site will be used as a landfill for the considerable future.