

Mr. Kelly advised the Meeting that these lands are deemed to be in flood risk area and it is set out in the response from the OPW, EPA, and the Department of Environment and they all feel that these lands should revert to Open Space, Recreation & Amenity. The SEA concluded that there would be many environmental impacts if these lands were zoned as Agriculture. He said this arises from the types of development allowable in an Agriculture zoning, but because of the large amount of Agriculture zoning within the Maigh Cuilinn Plan, it would not be practicable to amend the Matrix and the Members are advised that the appropriate zoning for this land would be Recreation, Open Space & Amenity.

Cllr. McClearn said that whether the Members zone the land or not, for all intense purposes it will be Agricultural land and queries why the land cannot be zoned Agriculture.

Cllr. Feeney said there was no logic in this as an Open Space, Recreation & Amenity zoning could allowed for the development of a park, or walkways or a playground and this also would have a more severe impact if the land was to flood than an Agriculture zoning.

In reply, Mr. Kelly said that that the issue was the land is subject to flood risk and Agriculture is an inappropriate zoning in flood risk areas as the development type allowable within Agriculture zoning is not compatible, for example a slatted unit, with a flood risk zoning. He said that the implications of a slatted unit in a flood risk zone is an obvious issue from an environmental perspective. He said that the type of development the Plan allows in an Agriculture zoning has a knock on effect on the environment. He further advised that there is a lot of land zoned as Agriculture in the Maigh Cuilinn Plan and said that if the Land Zoning Matrix for Agriculture was changed, it would affect all the other Agricultural lands in this Local Area Plan. He clarified that it was not Agriculture that was the issue but the type of development that is allowed under an Agriculture zoning.

In reply to Cllr. S. Walsh, the Mayor confirmed that planning permission would have to be applied for any development regardless of the zoning.

On the proposal of Comh. O'Laoi and seconded by Cllr. S. Walsh, it was proposed not to accept the recommendations in the Manager's Report and to zone the lands, the subject of MA7 as Agriculture.

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

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

**AGHAIDH:** [0]

**GAN VOTÁIL:** Cllr. Carroll, D. Connolly & E. Mannion [3]

The Mayor declared the proposal carried.

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Mr. Kelly advised the Meeting that the OPW and the DOE have stated in their Submissions that if the lands were zoned Agriculture, the maps and text should clearly highlight that the subject lands have been shown to flood and the lands must be subject to a site specific flood risk assessment prior to development.

*The Members agreed to accept this request.*

*On the proposal of Cllr. E. Mannion and seconded by Comh. O'Laoi, it was agreed to accept the recommendations in the Manager's Report, as amended by the Members, and it was agreed to adopt the Maigh Cuilinn Local Area Plan, 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. Canney, Carroll, D. Connolly, M. Connolly, Cuddy, Comh Ó'Curraoin, Cllrs. Fahy, Feeney, M. Finnerty, Hoade, Comh. O'Laoi, Cllrs. Maher, E. Mannion, McClearn, McDonagh, McHugh, Roche, Ryan, S. Walsh, T. Walsh, Welby & Willers. [22]

**AGHAIDH:** [0]

**GAN VOTÁIL:** [0]

The Mayor declared the proposal carried.

**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 1397**

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

**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 – Fee: €150**

Cllr. Jarlath McDonagh

**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 – Fee: €150**

Cllr. Mary Hoade

**Esperanza Enterprises – Equal Status (Amendment) Bill 2012 – Manor West Hotel, Tralee, Co. Kerry – Fee: €150**

Cllr. Michael Fahy

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**Association of County & City Councils – Annual Conference 2013 – 7<sup>th</sup> – 8<sup>th</sup> March – Tower Hotel, Waterford – Fee: €130**

Comh. Seosamh Ó Laoi, Cllr.'s Peter Feeney, Mary Hoade, Jimmy McClearn, Tom McHugh

**Celtic Conferences – Drug & Alcohol Abuse Seminar – 22<sup>nd</sup> – 24<sup>th</sup> March – Celtic Ross Hotel, Rosscarbery, Co. Cork – Fee: €100**

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

**Ace Training – Tax Entitlements Seminar – 29<sup>th</sup> – 31<sup>st</sup> March – Four Seasons Hotel, Carlingford, Co. Louth – Fee: €100**

Cllrs 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** 1398

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

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

Cllr. Tomás Mannion

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

Cllr. Jimmy McClearn

**ACCEPT Pluralism / UCD Institute for British-Irish Studies: Tolerance & Diversity in Ireland – North & South – 14<sup>th</sup> February – University College Dublin**

Comh. Seán Ó Tuairisg

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

Cllrs Jimmy McClearn, Pat Hynes, Tomás Mannion

**Mid-West Regional Authority 18<sup>th</sup> Annual Conference – ‘Economic Recovery – Progress in the Regions’ – 28<sup>th</sup> February – 1<sup>st</sup> March – Horse & Jockey Hotel, Horse & Jockey, Thurles, Co. Tipperary**

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Cllrs Mary Hoade, Jarlath McDonagh

**Midlands Wind – Creating the New Midlands Economy – 8<sup>th</sup> March – Tullamore Court Hotel,**

**Tullamore, Co. Offaly**

Comh. Seán Ó Tuairisg

**APPROVAL OF COMMUNITY GRANTS SCHEMES 2013**

**1399**

Report dated the 25<sup>th</sup> March, 2013 was already circulated to each Member.

On the proposal of Cllr Maher, seconded by Cllr. Hoade, the Community Grants 2013 as detailed in report dated the 25<sup>th</sup> March 2013 were approved.

The Mayor & Members expressed their appreciation to the staff involved in the administration of the scheme and welcomed the provision of funding to support communities across the County.

Cllr. McClearn stated that the funding was being provided directly from the Council's own resources and was providing in the context of a difficult budgetary position for the Council.

**JOINT POLICING COMMITTEE REPORT YEAR ENDING 31<sup>ST</sup> DECEMBER 2012.**

**RURAL CRIME & RURAL POLICING**

**1400**

On the proposal of the Mayor it was agreed to consider Items 10 & 11 in a single discussion. The Joint Policing Committee Report for the Year ending 31st December, 2012 was already circulated to each Member.

Mr. Cummins advised that the Report of the Joint Policing Committee for the year ending 31<sup>st</sup> December 2012 was being presented in accordance with Section 36(5) of the Garda Siochana Act 2005 and invited the Chair of the Joint Policing Committee, Cllr. P. Roche to present same to Council.

Cllr. Roche referred to the various motions, considered and passed and submitted to the Department for consideration by the JPC, expression his appreciation to staff and all of the bodies actively involved in supporting the work programme of the JPC and the sub-committees. He referred to the important role played by all involved to ensure the JPC was a success and concluded by stated his commitment to continue to work to ensure the JPC remained an effective forum to support a new approach to policing and a cleaner environment.

The Members welcomed the report said it was important that there was a lot of interaction between Garda, Communities and the Council. The following matters were discussed following the presentation of the Report.

- A requirement to suspend the current recruitment embargo for An Garda Siochana
- The importance of maintaining the existing model of community policing and the need to review the current approach leading to the closure of rural stations.
- To limit the availability of the free legal aid system to allow consideration of previous convictions as an eligibility criteria and to limit free legal aid after the first conviction.
- To acknowledge the important role played by Community Alert in communities across the County and to acknowledge the success of the Community Alert scheme

in operation in Lackagh in preventing a recent crime and in supporting the apprehension of suspects by An Garda Síochána.

- The need to avail of modern policing to address rural crime and the ability of stations to prevent rural crime when only open for a few hours each day.
- The increase in rural crime in County Galway and the closure of stations and the failure of the proposed new policing model to work due to an inadequate garda fleet and numbers.
- The need for a well resourced garda service and the need for a discussion on how to fund the preferred model in the context of an inability to borrow further and the only revenue option remaining that of increased taxation.
- The need to compensate the victim and the imposition of a financial penalty for convicted criminals, through income sources including social welfare.
- The need to clearly demonstrate that crime does not pay in any shape or form and the consideration of imposing sentences including a requirement for labour.
- The ongoing issues associated with litter and illegal dumping and the use of street bins for the disposal of domestic refuse.
- The need to avail of CCTV to address litter black spots and the ability of the work of the JPC sub-committee to address the problem of illegal dumping.

The Members noted the Joint Policing Committee Annual Report for 2012

It was proposed by Cllr. Canney, seconded by Cllr D. Connolly and agreed to further suspend Standing Orders to receive a presentation by Ireland West Airport Knock as the next item.

**TO RECEIVE A PRESENTATION BY IRELAND WEST AIRPORT KNOCK**

**1401**

The Mayor welcomed Mr. Joe Gilmore, Mr. John Dillon, Mr Martin Gillen and Mr. Brendan Flanagan, representing Ireland West Airport Knock. Mr. Gilmore provide a very informative presentation on the operations of the Airport at present, and plans for future development. Mr. Gilmore welcome the decision to separate Shannon and Dublin Airports, stating that additional investment in Shannon and the West of Ireland was welcome but that Ireland West Airport Knock was seeking similar investment to support tourism and job creation in the region. He outlined the aim of Ireland West Airport Knock to deliver growth, passengers, jobs and tourism to the region. He referred to the current review of aviation policy, and the specific focus on Ireland West Airport Knock confirming that the terms of reference for same were recently agreed.

The Members expressed their thanks to the Committee and to Mr. Gilmore acknowledging the importance of Ireland West Airport to the West of Ireland in relation to jobs and sustainability. They said the Airport has created an identity for the West of Ireland, and it was a good news story which the Government should embrace whole heartedly, acknowledging the strategy importance of the airport to rural Ireland and the West.

A questions and answers session took place with regard to the development of Industry at the airport, the provision of Trans Atlantic Flights, the low cost airline model, the impact on Galway Airport, Expansion of current services and the viability of Shannon and Knock Airports.

**SUSPENSION OF STANDING ORDERS**

**1402**

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

It was proposed by Cllr. Sean Canney, seconded by Cllr. Tiernan Walsh "that Galway County Council support Ireland West Airport Knock in its position as a strategic Airport for the West of Ireland and that its important role in providing international air access for tourism, business and leisure is supported and its future is secured by Government."

It was proposed by Cllr. Hoade, seconded by Cllr. T. Mannion, "that Galway County Council support the Development Plan of Ireland West Airport Knock as vital strategic links to West of Ireland. Call on the Government to fund Ireland West Airport and to proceed with putting in place the necessary infrastructure without which it is difficult for the Airport to compete".

In conclusion the Mayor thanked the Committee for their very informative presentation and commended them on the great service that Knock Airport is providing.

**UPDATE ON HOUSING SERVICES INCLUDING GRANT SCHEMES AND IMPLICATIONS OF CURRENT FINANCIAL POSITION**

**1403**

Report dated the 22<sup>nd</sup> March, 2013 was already circulated to each Member.

Following presentation of the report to the meeting by Mr. Eugene Cummins, it was proposed by Cllr. McHugh, seconded by Cllr. T. Mannion to defer this item until the next meeting, and that it be place further up the agenda for discussion.

**MANAGERS BUSINESS & CORRESPONDENCE**

**1404**

The Manager informed the Members that the decision of the European Court of Justice on the Galway City Outer Bypass was due on the 11th April.

The Manager advised the Members of a review of the Development Contribution Scheme, in line with the requirements as recently advised by the Department of Environment, Community & Local Government, indicating that public notice of same would be published in the local press.

The Manager also advised the Members of the participation of Galway County Council in the pilot of the labour activation scheme, indicating that same would be progressed in consultation with the relevant trade unions.

The Manager informed the members that Planning approval for the Connemara Greenway from Oughterard to Clifden had been obtained.

She referred to the invitation issued to the Members to attend a Regional Citizens Dialogue to be hosted by Galway County Council on Monday, 8<sup>th</sup> April 2013 in Áras an Chontae to mark the European Year of Citizens and the Irish Presidency of the European Council, being organized by the European Movement Ireland.

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

- Correspondence dated 27<sup>th</sup> February, 2013, from Monaghan County Council regarding the resolution adopted to issue a requisition to the County Manager under Section

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140 of the Local Government Act 2001 to: Refrain from increasing the rent payable by local authority tenants as a result of the government's property tax (Home Tax).

- Correspondence dated 7<sup>th</sup> March, 2013, from South Tipperary County Council in relation to the resolution adopted that South Tipperary County Council call on the Government to take action to tackle criminal gangs involved in the laundering of fuel, smuggling of cigarettes and other counterfeit goods, which is estimated to be costing almost € 861 million per year to the taxpayer according to the recent Retail Ireland report.
- Circular advising of the Battle of Aghrim Visitor Centre Easter Opening Times
- An Invitation from the European Movement Ireland Presidency Programme 2013 regarding a Regional Dialogue in County Hall on 8<sup>th</sup> April, 2013.
- Correspondence dated 19<sup>th</sup> February, 2013, from Galway Against Suicide regarding cycle against suicide from 22<sup>nd</sup> April, 2013 to 5<sup>th</sup> May, 2013.
- Correspondence dated 11<sup>th</sup> March, 2013 from SUSI (Student Universal Support Ireland) giving an update on the progress of Student Grants.
- Correspondence dated 13<sup>th</sup> March, 2013, from the Irish Heart Foundation regarding Genetic data on Guthrie Cards and Sudden Cardiac Deaths among babies, children and young adults.
- Correspondence dated 7<sup>th</sup> March, 2013, from An Garda Síochána thanking the Council for its expression of sympathy on the tragic death of Detective Garda Adrian Donohoe, R.I.P.

**MAYORS BUSINESS**

**1405**

It was proposed by Cllr. Cuddy, seconded by An Comh O'Curraoin "that the Council express its serious concerns and reservations to the proposed Fish Farm in Galway Bay and the negative effect it may have on our wild salmon stocks."

Cllr. Feeney stated that it was premature, and the matter needed to be discussed.

Cllr. D. Connolly expressed his disappointment that a significant number of the Members did not remain in the Chamber to facilitate appropriate consideration of this important matter that was being raised by Cllr. Cuddy that was giving rise to significant concern.

A vote was taken and the result was as follows;

**AR SON:** Cllrs. Canney, D. Connolly & Cuddy, Comh. Ó Curraoin, Cllrs. G. Finnerty, Hoade, Noone, S. Walsh & Welby [9]

**AGHAIDH:** Cllrs. Carroll, Feeney & M. Finnerty [3]

**GAN VOTÁIL:** Cllr. McDonagh [1]

**The Mayor declared the proposal carried.**

**NOTICE OF MOTIONS**

**NOTICE OF MOTION NO 17 – CLLR. G. FINNERTY**

**1406**

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*The following reply was given:-* CLLR. J. CUDDY

1411

"The Council has drawn down 7 Bonds in respect of unfinished estates to date. The Bonds in these cases were sufficient to bring the estates up to an acceptable standard. In the event that a Bond is insufficient the outstanding works would be dealt with in order of priority."

**NOTICE OF MOTION NO 18 – CLLR. G. FINNERTY** 1407

*The following reply was given:-*

"Galway County Council will pursue this matter with the NRA."

**NOTICE OF MOTION NO 19 – CLLR. G. FINNERTY** 1408

*The following reply was given:-*

"Galway County Council will discuss this issue of additional signage at this location, with the NRA and advise accordingly."

**NOTICE OF MOTION NO 20 – CLLR. J. CUDDY** 1409

*The following reply was given:-*

"The provision of standard speed limits at all schools is a national issue and can be referred to the relevant department. However for specific locations, speed limits can be considered as part of the current review which will be brought before council in the coming months. It should be noted that speed limits at schools are not always appropriate or effective."

**NOTICE OF MOTION NO 21 – CLLR. J. CUDDY** 1410

*The following reply was given:-*

"Dog fouling is an offence, subject to an on-the-spot fine of €150. It is the responsibility of dog owners to have proper control of their dogs, which includes dog fouling. If a dog fouls the person in charge must clean up and dispose of the faeces properly. The Environment Section through its awareness officer and community wardens continue to make people aware that dog fouling is a health hazard and spoils walkways and amenities for everybody. A booklet "Guide to good dog ownership" has been distributed widely to the general public.

Anti fouling stencils have been trialled on footpaths in Loughrea and will be expanded to other parts of the county. Leaflets on Dog fouling are been prepared and it is intended that Council staff will hand out these leaflets to dog owners on the streets of towns and villages."



**NOTICE OF MOTION NO 22 – CLLR. J. CUDDY** 1411

*The following reply was given:-*

“Consultations have taken place between the stakeholders in Baile Chláir (Claregalway) and Galway County Council regarding the potential improvements and upgrade of the road surface and layout. Galway County Council will seek funding to prepare the design and layout for road improvement. When funding for the design is allocated, Galway County Council will proceed to prepare the design and seek further funding from the NRA for the provision of an overlay through Baile Chláir (Claregalway).”

**NOTICE OF MOTION NO 23 – CLLR. M. FAHY** 1412

*The following reply was given:-*

“Galway County Council is prepared to examine this location in consultation with the relevant stakeholders. However the County Council has no funds available for the development of bus stops at the present time.”

**NOTICE OF MOTION NO 24 – CLLR. M. FAHY** 1413

*The following reply was given:-*

“Galway County Council has not given approval for bus stops at these locations and is not in a position to provide funding for work at these locations.”

**NOTICE OF MOTION NO 25 – CLLR. M. FAHY** 1414

*The following reply was given:-*

“There is no funding available, to carry out this work at the present time.”

**NOTICE OF MOTION NO 26 – CLLR. P. ROCHE** 1415

*The following reply was given:-*

“The maintenance and general upkeep of Burial Grounds is carried out by Galway County Council Area Offices and/or local community groups. A limited amount of funding is allocated annually to the Area Offices for this work. The type of works carried out by the Area Offices includes repairing of damaged or dangerous walls, removal of dangerous overhanging trees, drainage works, laying of new pathways, and so on.

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It is the established practice in the majority of burial grounds in County Galway that plot owners remove all waste and discarded material rather than leaving it to be removed by the Council. In a number of burial grounds where bunkers were put in place the volume of waste has increased and in some cases unauthorized/illegal dumping has taken place. The Council does not have the resources to provide waste removal at these locations and cannot provide such a service.

Due to the large number of burial grounds in the County, and the cost involved in the maintenance of these, the Council encourages local communities to participate in their upkeep and in this regard, a Maintenance Grant is allocated to the groups to assist them in their work. A grant up to a maximum of €450 is made available to successful groups in respect of each burial ground. The grant must be used for the purpose of purchasing trees, shrubs, brushes, shovels, grass cutting and other incidental items which are required to carry out maintenance works to the Burial Ground."

Criochnaigh an Cruinniu Ansin

Submitted, Approved + Signed

Se Welley

22ND APRIL 2013

Date

RESOLUTION OF SYMPATHY

1354

A resolution of sympathy was extended to the following:

- Mr. Paddy Clancy, Farrivane, Glann, Oughterard, Co. Galway
- Mr. Michael Sheil, C/o Beattys, Main Street, Loughrea, Co. Galway
- Mr. Tommy Daniels, Fahy Gardens, Loughrea, Co. Galway
- Ms. Nuala Redmond, Boreen Com, Loughrea, Co. Galway
- Ms. Mary Naughton, Bullaun, Loughrea, Co. Galway
- Ms. Pauline Kelly, Ballyglass, Turloughmore, Co. Galway
- Mr. Walter Burke, Sylane, Tuam, Co. Galway
- Fr. John D. Flannery, Parochial House, Milltown, Co. Galway

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CHOMHAIRLE CHONTAE NA GAILLIMHE

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD AT ÁRAS AN CHONTAE, PROSPECT HILL, GALWAY ON MONDAY 25<sup>th</sup> FEBRUARY, 2013 at 2.00 pm**

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

**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, Cllrs. M. Maher, E. Mannion, T. Mannion, J. McDonagh, J. Mc Clearn, T. McHugh, M. Noone, P. Roche, K. Ryan, Comh. S. Ó Tuairisg, Cllrs. S. Walsh T. Walsh, & B. Willers.

**Oifigigh:** Ms. M. Moloney, County Manager; Messrs. F. Gilmore, K. Kelly, E. Cummins, J. Cullen, Directors of Service; G. Mullarkey, Head of Finance; M. Owens, County Secretary & Meetings Administrator; L. Gavin, E. Molloy, Senior Engineers; A. Martens, Executive Planner; M. Donohue, Staff Officer; P. O'Neachtain Oifigeach Gaeilge; G. Healy, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

**RESOLUTIONS OF SYMPATHY**

1354

A resolution of sympathy was extended to the following:

Mr. Paddy Clancy, Farrivane, Glann, Oughterard, Co. Galway.

Mr. Michael Sheil, C/o Beattys, Main Street, Loughrea, Co. Galway.

Mr. Tommy Daniels, Fahy Gardens, Loughrea, Co. Galway.

Ms. Nuala Redmond, Boreen Com, Loughrea, Co. Galway.

Ms. Mary Naughton, Bullaun, Loughrea, Co. Galway.

Ms. Pauline Kelly, Ballyglass, Turloughmore, Co. Galway.

Mr. Walter Burke, Sylane, Tuam, Co. Galway.

Fr. John D. Flannery, Parochial House, Milltown, Co. Galway.

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Mr. Martin Canney, Killanenea, Caher, Co. Clare.

Mr. Billy Carney, Grange, Tynagh, Loughrea, Co. Galway.

It was proposed by Cllr. Maher, seconded by Cllr. Hynes and agreed to extend a Vote of Sympathy to Michael Tully and Family on the death of his daughter.

It was proposed by Cllr. McDonagh, seconded by Cllr. Cuddy and agreed to extend a Vote of Sympathy to the Kelly Family on the death of the wife of former Cllr. Gerry Kelly.

Cllr. McDonagh stated that at the Council's Budget Meeting held in December 2012 the Members agreed that the sum of €50,000 be provided to Galway Airport, subject to the following conditions:

1. Galway City Council to give €50,000
2. Department of Transport to give €100,000
3. Commercial activity to generate €500,000, must be in by 28th February 2013.

Cllr. Carroll declared a potential conflict of interest arising from his position as a Member of the Board of Galway Airport and withdrew from the meeting for the duration of the discussion of this matter.

Cllr. McDonagh said that as Galway City Council and the Department of Transport, Tourism and Sport have agreed to give the amounts required, Galway Co. Council should now transfer the funding of €50,000 to Galway Airport.

The County Manager in reply indicated that the allocation of funding was subject to conditions and that it was her intention to write to the Chamber of Commerce to obtain confirmation that the requirements associated with the Council's resolution to provide funding were in place and that this would trigger the relevant payment to Galway Airport.

Cllr. Carroll following his return to the Council Chamber welcomed the progress proposed and stated that he looked forward to the provision of funding delivering the best outcome for Galway Airport, the County and wider region.

CONFIRMATION OF MINUTES OF MEETING

1355

The Minutes of Monthly Meeting held on 28<sup>th</sup> January 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, Comh. Ó Cuaig referred to the Vote of Sympathy extended to the wife and family of the late Detective Garda Adrian Donohoe on the tragic and untimely death of Detective Garda Donohoe in the course of undertaking his duty as a member of An Garda Síochána. He said that he had wished to raise the issue of policing and in particular the reduction in resources for An Garda Síochána and the closure of Garda Stations at the Meeting of 28<sup>th</sup> January 2013 however it was the general view of his colleagues that it was

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not the appropriate time to raise the issue. However, he said that Fr. Michael Cusack had raised the issue of policing in his homily at the Requiem Mass held for Detective Garda Donohoe and also the former Assistant Garda Commissioner Martin Donlon had subsequently appealed to the Minister Shatter to provide An Garda Síochána with the necessary resources to allow them carry out their job. He concluded by stated that he would welcome the views of his fellow Councillors on the matter.

Cllr. T. Walsh stated that it was not his intention to comment on the matter but in view of the comments by Comh. O’Cuaig wished to advise that while not making little of what happened, the comments by Fr. Cusack at the funeral mass relating to the recent incident in Glenamaddy were inaccurate in a number of respects. He stated that he regretted that it was felt necessary to exaggerate an absolutely shocking and terrible incident and while he accepted that Comh. O’Cuaig was merely quoting from a newspaper article it was misleading to refer to heads being bashed in and that the Garda Station was closed. He concluded by stating that it was wrong to blame the incident on the closure of garda stations.

Cllr. Roche said, as Chairperson of the Joint Policing Committee, he has been reassured by senior Garda staff that the closing of small rural Garda stations, some of which were only open a few hours a week, will have no affect on rural policing and that modern day policing is intelligence driven. He said that he would prefer to see these Gardaí stationed in central locations where their resources could be utilized more efficiently and effectively.

Cllr. Fahy referred to a recent public Meeting held in Gort to discuss the issue of rural policing which he said was attended by members of the Gardaí, the public and also by public representatives. He said that many people are frightened at the thought of rural Garda stations closing and feel that a Garda presence in rural areas is required in order to deter criminal activity. He outlined a particular incident of a break-in and further attempted break-in and outlined his concerns with the operation of the free legal aid scheme.

Cllr. T. Mannion outlined his view that it was not possible to reduce the number of Gardai and close stations without impact and that it was not appropriate to structure An Garda Síochána on the model used in other countries due to our roads infrastructure and that it was necessary to invest in crime prevention.

It was proposed by Cllr. T. Mannion, seconded by Cllr. Hoade and agreed ‘that rural crime and rural policing be put on the Agenda for discussion at the next Council Meeting’.

Cllr. Willers said that the Members propose Votes of Sympathy to people in good faith and she did not feel it was appropriate to use this process in order to raise issues of a political nature.

Also arising from the Minutes, Comh. Ó Cuaig raised the matter of the roadworks planned for the N59 Road between Maam Cross and Oughterard and the recent oral hearing held in

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relation to same stating that the proposed road will be a third-rate job when works are completed. He said that he was trying to find out who decided that this road should be a grade 3 type road, even though the National Roads Authority (NRA) document recommended that a Type 2 Road be provided. He said that some local road improvement works had been carried out to the road north of Roscahill and these were Type 2 improvements. He also said that much of the road between Maam Cross and Oughterard is a Type 2 Road. He said he has been informed that the following are the Types of Roads:

Type 1: 7.3m wide minimum

Type 2: 7m wide minimum

Type 3: 6m wide minimum.

This will mean that the N59 Road between Maam Cross and Oughterard will be a minimum standard road, he said.

Cllr. E. Mannion asked if the N59 will be completed to the same standard as the Derrylea Road.

Comh. O'Tuairisg stated that it was important not to miss the opportunity to provide a top class road for Connemara.

Mr. Gilmore stated that there appears to be a misconception surrounding the plans for the N59 Road. He said that the works planned are Category 3 of National Secondary Road Class and will deliver a top class road in terms of pavement and width appropriate to the traffic volumes.

In reply to Cllr. E. Mannion, he confirmed that the proposed works would be slightly narrower than the section of the N59 at Derrylea.

Comh. O'Cuaig stated that he did not accept the answer and outlined that in his view it suggested that people should be happy with what they were getting.

Comh. Ó Curraoin proposed "that Galway County Council recognize the right of people to cut turf for their domestic use and salute the contractors who carry out the essential cutting of turf and we recognize these contractors as decent hardworking members of our community and not as criminals". This proposal was seconded by Cllr. D. Connolly, and agreed.

A discussion followed and many of the Members expressed the view that people who have been cutting turf for generations should have the right to continue to cut turf.

**REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION** 1356

The Report of the Planning, Economic Development & Community SPC Meeting held on 10<sup>th</sup> December, 2012 was approved on the proposal of Cllr. Carroll, seconded by Cllr. Fahy.

The Report of the Environment & Water Services SPC Meeting held on 5<sup>th</sup> December, 2012 was approved by the Council on the proposal of Cllr. Maher, seconded by Cllr. G. Finnerty.

The Report of the Oranmore Area Committee Meeting held on 6<sup>th</sup> December, 2012 was approved by the Council on the proposal of Cllr. Cuddy, seconded by Cllr. McDonagh.

The Report of the Corporate Policy Group Meeting held on 30<sup>th</sup> November, 2012 was approved by the Council on the proposal of Cllr. McClearn, seconded by Cllr. Fahy.

**TO CONSIDER THE PROPOSED DEVELOPMENT AND THE MANAGER'S REPORT THEREON IN ACCORDANCE WITH SECTION 179(3) OF THE PLANNING & DEVELOPMENT ACT, 2000, PART VIII OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 AND ARTICLES 17 TO 19 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2006 IN RESPECT OF CONSTRUCTION OF CAR PARK, KNOCKBRACK, CLEGGAN, CO. GALWAY** 1357

*Report dated 19<sup>th</sup> February, 2013 was already circulated to each Member.*

Cllr. Cunniffe said that he did not get a copy of this proposal. However, Mr. Owens stated that it had been agreed by the Members at a previous Meeting of the Council that such proposals would only be sent by post to the Members of the Electoral Area concerned and the Members from the remaining Electoral Areas would receive the proposals in soft copy via the Extranet. He confirmed that all of the documentation was published and available prior to the Meeting on the Extranet as previously in accordance with the agreed procedure.

On the proposal of Cllr. E. Mannion, seconded by An Comh. O'Tuairisg, it was agreed that the proposed construction of a car park at Knockbrack, Cleggan, Co. Galway be approved in accordance with the Manager's Report dated 19<sup>th</sup> February, 2013.

**TO CONSIDER AUDIT COMMITTEE REPORT 2012** 1358

*Report already circulated to each Member.*

On the proposal of Cllr. J. McDonagh, seconded by Cllr. Maher the Audit Committee Report 2012 was noted.

Arising from the Report and in reply to Cllr. Carroll, Mr. Mullarkey confirmed that the Debt Collection Unit was established and that the Local Government Auditor was aware of the outstanding sum due from the Department of Community, Rural & Gaeltacht Affairs in respect of Caladh Mór and Cill Rónain.

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Comh. Ó Cuaig referred to the two projects which were carried out by the local authority on behalf of the Department of Community Rural & Gaeltacht Affairs, i.e. Caladh Mór Harbour development and the development of Cill Rónáin Harbour, and the extra costs in the region of €8.5m over and above the initial contract sums which were incurred on the contract. He asked how is the non-payment of this amount by the Department of Community Rural & Gaeltacht Affairs affecting the finances of the Council.

The Manager replied that Council remains positive that the amount owed by the Department to the Council will be recovered, and that she was more hopeful of a positive outcome to the matter now that when she previously addressed Council on the matter. She confirmed that the Council remained solvent and that it remained her intention to resolve the matter in a reasonable manner.

**TO CONSIDER AND IF DEEMED APPROPRIATE MAKE A PROHIBITION ORDER TO PROHIBIT TEMPORARY DWELLINGS AT AND IN THE VICINITY OF KINVARA PIER UNDER SECTION 31(1) OF THE LOCAL GOVERNMENT (SANITARY SERVICES) ACT, 1948** 1359

*Report dated 21<sup>st</sup> May, 2012 was already circulated to each Member.*

On the proposal of Cllr. Willers, seconded by Cllr. Maher, the making of a Prohibition Order to prohibit Temporary Dwellings at and in the vicinity of Kinvara Pier under Section 31(1) of the Local Government (Sanitary Services) Act, 1948 was agreed by the Members.

Cllr. G. Finnerty asked if this matter can be reviewed again in 12 months time and Mr. Cullen referred to the significant discussion on the matter at area level and outlined the right of appeal to the Minister and confirmed that it was possible to review the Order at an appropriate time, suggesting following completion of the Kinvara Sewerage Scheme as this development may include some changes to Kinvara streetscape.

Cllr. Feeney stated that a balance must be kept in relation to the policing of the prohibition of temporary dwellings at and in the vicinity of Kinvara Pier. He said that a suitable site for overnight parking of camper vans should be found as close to the village as possible as visitors and tourists bring business to the village. He also said that once the Kinvara Sewerage Scheme is completed, improvement works should be carried out at the square and the pier.

Mr. Cullen replied that a Traffic Management Plan may be put in place in Kinvara once the Sewerage Scheme is completed.

Cllr. Fahy said that he hopes that an application will be made to the Department of the Environment, Community & Local Government to have a carpark provided at Kinvara, as a local landowner is prepared to sell a parcel of land to the Council for this purpose.

**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** 1360



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Cllr. S. Walsh declared a potential conflict of interest arising from his position as a Director of Esperanza Enterprises and withdrew from the meeting for the duration of the discussion of this item.

On the proposal of Cllr. J. McDonagh, seconded by Cllr. Hoade the attendance of Members at the Conferences as circulated was authorized.

TJK Conferences – Disputes between Neighbours & the Law – 25<sup>th</sup> – 27<sup>th</sup> January – Patrick Punch Hotel, Limerick – Fee: €100

Cllr. J McDonagh, S Ó Laoi, K Ryan

ACCEPT Pluralism / UCD Institute for British-Irish Studies: Tolerance & Diversity in Ireland – North & South – 14<sup>th</sup> February – University College Dublin – Fee: €0

Comh. S Ó Tuairisg

Celtic Conferences – Public Seminar on HSE Tobacco Control Policy – 22<sup>nd</sup> – 24<sup>th</sup> February – Celtic Ross Hotel, Rosscarbery, Co. Cork – Fee: €100

Cllr. T Mannion, M Fahy, P Hynes, M Maher, J Mc Clean, T Walsh

Mid-West Regional Authority 18<sup>th</sup> Annual Conference – ‘Economic Recovery – Progress in the Regions’ – 28<sup>th</sup> February – 1<sup>st</sup> March – Horse & Jockey Hotel, Horse & Jockey, Thurles, Co. Tipperary – Fee: €100

Cllr. M Hoade, J McDonagh

Midlands Wind – Creating the New Midlands Economy – 8<sup>th</sup> March – Tullamore Court Hotel, Tullamore, Co. Offaly – Fee: €0

Comh. S Ó Tuairisg

Superior Training – Public Policy Making & the Councillor – 8<sup>th</sup> – 9<sup>th</sup> March – Great Northern Hotel, Bundoran, Co. Donegal – Fee: €120

Cllr. M Fahy, P Hynes

iQuest Ltd. – 5<sup>th</sup> National Renewable Energy Summit 2013 – 14<sup>th</sup> March – Croke Park Conference Centre, Dublin – Fee: €362.85

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Comh. S Ó Laoi

**TO NOTE THE SUMMARY OF PROCEEDINGS OF CONFERENCES ATTENDED IN ACCORDANCE WITH SECTION 142(5)(F) OF THE LOCAL GOVERNMENT ACT 2001** 1361

On the proposal of Cllr. McDonagh, seconded by Cllr. T. Mannion, the summary of proceedings at Conferences as circulated was noted.

**IPRT (Irish Penal Reform Trust) & the Community Platform: Social Exclusion & Crime – 2<sup>nd</sup> February 2012 – The Carmelite Centre, Augnier St., Dublin 2**

Cllr. S Walsh

**Radiological Protection Institute of Ireland – 10<sup>th</sup> Irish National Radon Forum – 17<sup>th</sup> January 2013 – Chartered Accountants House, Pearse St., Dublin 2**

Cllr. S Ó Tuairisg

**Clare Tourist Council – Clare Tourism Conference ‘Tourism in Recessionary Times’ – 18<sup>th</sup> – 19<sup>th</sup> January 2013 – Falls Hotel, Ennistymon, Co. Clare**

Cllr. J Cuddy

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

Cllr. P Hynes

**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. P Hynes

**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**

Comh. S Ó Tuairisg, P Hynes.

**TO RECEIVE A PRESENTATION ON THE APPROACH TO THE IMPLEMENTATION OF WATER SECTOR REFORMS** 1362

*Report dated 25<sup>th</sup> February, 2013 was already circulated to each Member.*

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Mr. Cullen presented the Report dated 25<sup>th</sup> February 2013 to the Members which he said gave an outline of the approach to the Implementation of Water Sector Reforms addressing the establishment of a new public water utility (Irish Water) to take over responsibility for the delivery of water services, the introduction of a sustainable funding model to support increased investment in the sector to underpin job creation and statutory compliance and the introduction of independent economic regulation of the water sector under the Commission for Energy Regulation.

He outlined the phased transition from local authorities to Irish Water over the period 2014 – 2017, the programme management structure, the operations and capital work streams, the people, skills and change management work stream together with legislation.

He advised that Irish Water was envisaged as a independent subsidiary within Bord Gáis and that interim legislation would allow for roll-out of the metering programme and certain preparatory work. He outlined the Bord Gáis programme management structure and the high level organisational structure envisaged in Q3 2013 and the development of same through Q1 2014 and Q1 2015.

He detailed the terms of reference of the Local Authority Transition Office and the approach to the Household Connection Survey and Metering Programme. He concluded by outlining the next steps for communications and programme development.

Cllr. D. Connolly thanked Mr. Cullen for the presentation and stated that he wished to record his opposition and concern regarding this matter as a Sinn Féin Councillor as he feels that the Implementation of Water Sector Reforms will further diminish the role of local government.

Comh. Ó Tuairisg asked if the Council will be compensated in respect of the networks already put in place by the Council over the years and if Irish Water will take over the loan obtained by the Council in respect of upgrading water supplies.

Cllr. G. Finnerty said that the Council made major investment in water supply in the county and it is a great concern that the results of this investment is now to be sold off. He asked who will have control over the cost of water to the public. However, he acknowledged that upgrading works to be carried out to the water supply network will bring a lot of employment and he said that these employment opportunities must not be lost to local people.

Cllr. Carroll questioned the implications for service delivery and for staff of undertaking the survey and the timeframe for installation of water meters indicating that he believed same to be unrealistic and asked if some of the Council's existing staff will transfer over to Irish Water.

Cllr. Cuddy outlined that he had difficulties with the proposal and asked if the Chief Executive Officer of Irish Water will operate independently from the Minister for the

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Environment, Community & Local Government and Bord Gais. He also asked the basis for the calculation of the free allowance, the costs of undertaking the survey and the source of funding for same, he also asked if the consumer will have the facility to appeal the cost of water.

Cllr. Hoade said that it is a pity to witness another function being taken away from the local authority, she outlined the importance of a public information campaign, as the public were already raising various queries in relation to the proposal and highlighted the importance of staff undertaking the survey and undertaking work in connection with the establishment of Irish Water and the charging for water to carry appropriate ID.

Cllr. Feeney said that while it is regrettable that the water supply function is moving away from local authorities, the reality is that the government cannot pay for the infrastructure required to support the supply of an adequate water supply for the country and by transferring the function to Irish Water, this will allow for the raising of funds so that the tax payer will not be burdened with the cost directly. He identified the need for clarity in relation to the decision making process for determining priorities within the Water Services Investment Programme and obtaining a return on the investment made by the Council in providing water services infrastructure.

Cllr. M. Connolly welcomed the fact that Mr. John Tierney has been appointed Chief Executive Officer of Irish Water stating that his experience in local government will be very beneficial to the role. He referred to the importance of maintaining the existing domestic allowance for water and expressed concern in relation to the potential for Irish Water to be privatized at a future date.

Cllr. McClearn noted that a significant element of the discussion centered on issues discussed previously and that it would be more beneficial if future such discussions concentrated on decision and issues yet to be addressed in the process. He identified the issue of the pricing of water and the regulation of same as being critical issues to be addressed as it was not appropriate for Irish Water to set the price. He expressed concern in relation to the proposal to extract water from Lough Derg with an environmental designation and contrasted the proposal with the current approach to restricting turf cutting on designated bogs.

In reply Mr. Cullen advised that the price for water would be set by the Commission for Energy Regulation with Irish Water applying to the Regulator for price approval with the Regulator determining the price and also having an input on service levels and standards. He confirmed that water charges would apply from 2014 with a combination of a metered rate and flat rate to allow for users without meters as the metering programme would not be completed prior to the introduction of charges. He also advised that in some instances it would not be possible to provide meters citing apartment blocks as a possible example.

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He confirmed that the issues raised in relation to asset transfers, and securing an appropriate return for Council investment in water service infrastructure would all be issues to be addressed in a due diligence process. He also confirmed that an additional allocation of funding was being made available to fund the survey, with same to be undertaken by existing staff where possible with the approval to recruit staff if necessary to complete the survey.

It was proposed by Cllr. M. Finnerty, seconded by Cllr. Feeney and agreed to pass "a vote of congratulations to Mr. John Tierney on his appointment as CEO of Irish Water (Uisce Eireann)."

It was proposed by Cllr. M. Connolly, seconded by Cllr. Hoade and agreed "that this Council is proposing that Minister Phil Hogan calls on Irish Water to retain the Domestic Allowance currently in operation and available to all dwellings connected to public supplies".

**TO RECEIVE AN UPDATE ON THE PROGRAMME OF FLOOD MITIGATION WORKS AND SCHEMES**

**1363**

*Report dated 22<sup>nd</sup> January, 2013 was already circulated to each Member.*

Mr. Gavin presented the Report to the Members and outlined the programme of flood mitigation works and schemes as follows:

**Dunkellin River & Aggard Stream Flood Relief Scheme**

The Engineering and Environmental Consultants are in continued liaison with the various stakeholders for this scheme. The National Parks & Wildlife Service (NPWS) have requested that the draft final scheme be presented to their specialist hydrologists, aquatic ecologists, etc by the Council's consultants. This presentation will take place at the earliest possible date and it will assist the NPWS in their assessment of the proposed scheme. The feedback from this presentation will also inform the Consultants and the Council on how best to proceed with and finalise the scheme and the Environmental Impact Statement to satisfy the requirements of the NPWS in particular along with other stakeholders prior to making a planning application to An Bord Pleanála. Finalising engineering design and environmental assessment of the scheme has proved highly complex.

In the current economic climate the Benefit to Cost Assessment for the Flood Relief Scheme is likely to receive more scrutiny which is also a significant risk to the scheme. The Benefit to Cost Assessment calculations for various scenarios for this scheme are being examined. The Council and the design team are making every effort to progress this scheme so that the EIS can be submitted to the Strategic Infrastructure Division of An Bord Pleanála at the earliest possible date.

**Clare River Flood Relief Scheme:**

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The preferred engineering scheme has been finalized and the Environmental Impact Statement for this scheme has been completed. The scheme documents were exhibited for 4 weeks from the 16<sup>th</sup> November in Claregalway and the Public Exhibition of the scheme ended on Thursday 13<sup>th</sup> December 2012. The OPW and their consultants are currently reviewing and responding to submissions or observations made on the proposed scheme. On completion of this process the OPW will refer the scheme to the Minister for Finance for consideration.

**South Galway**

**Ballinderreen / Kiltiernan:**

The OPW have refused funding for a Minor Works Scheme as the minimum Benefit to Cost criteria of 1.5 to 1.0 has not been met.

**Kiltartan / Kinvara**

Coole / Kinvara – This scheme included restoration works for 3 new road bridges/culverts, associated road raising, re-grading lands and replacing stone wall with post and wire fence at 20 locations. The environmental assessments (Natura Impact Statement) has been completed. The OPW have provided funding for the replacement and upsizing the existing culvert at Caherawoneen South which is part of the overall scheme and this culvert replacement is complete. The decision on the funding application to the Office of Public Works for the remaining works is awaited.

**Drainage District Maintenance**

The Council will be preparing a programme of maintenance works for various Drainage Districts in 2013 and hope to complete a similar volume of works as completed in 2012. The maintenance works proposal, Appropriate Assessments and Hydrological Assessments for the Oranhill Drainage District has been completed and will be lodged with An Bord Pleanála for approval as required under the current planning legislation.

**OPW Non-Coastal Minor Works Flood Relief Schemes**

Mr. Gavin provided an update on the Programme of Works to be undertaken with the benefit of funding from the Office of Public Works as set out in the Report, under this heading.

Cllr. G. Finnerty welcomed the huge investment made by the OPW in flood mitigation works since the flooding which occurred in 2009. However, he said that one problem which exists is that where the solution in some cases to flooding is the raising of a road, the OPW will not fund this work as they say the raising of roads is a matter for the local authority.

He also said that there are some areas of arable land flooded which did not dry up during the summer of 2012 because of the wet weather and there is a danger that these lands will

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turn into permanent lakes. He said that it is important that the OPW and the Council take on board local knowledge in determining the solution to this problem so that water will not be pumped from one area to another.

Cllr. Maher said that there were new turloughs appearing all the time and there was a need for funding to relieve rivers overrun with weeds and to open up drains. He referred to the flooding of farm land in the Bullaun / New Inn areas and stated that action need to be taken to address same and allow the return of the land for farming purposes.

Cllr. Feeney referred to the larger projects where consultants are required in order to carry out major studies and he said that it appears that when the studies are completed and the consultants are paid large fees, work on solving the problem of flooding is no further along.

Cllr. Willers said that the issue of arterial drainage has not been addressed yet but she is hopeful that progress will be made.

Comh. Ó Tuairisg said that flood risk plains exist all over the Conamara region and no plans for remedial works have been put in place.

Comh. Ó Laoi said that there are many areas of Conamara designated as flood risk and this is causing huge grief to people in relation to planning permission and he feels that Conamara is being punished because of the problems which occurred in east, north and south Galway during the flooding in 2009 while no flooding took place in Conamara at that time.

Cllr. Noone referred to the re-location package which was approved for some families who had to vacate their homes during the flooding in 2009 and could not return. He said that many of these families are still out of their homes and he said that this matter should be resolved as a matter of urgency.

Cllr. T. Walsh proposed "that Galway County Council take in charge the remainder of the Ussey Road in linking Ballymoe and Glinsk. I have already requested this at a Tuam Electoral Area Meeting and was supported by Cllr. M. Connolly. I also expressed my willingness to give €10,000 of my Notice of Motion money to this end." This proposal was seconded by Cllr. M. Connolly and agreed.

Mr. Gilmore said that Galway Co. Council has no input into the matter of re-location schemes as this is a matter for the Department of Social Protection.

He also said that the parameters for the cost benefit of lands are set by the OPW and not by GCC.

It was proposed by Cllr. G. Finnerty, seconded by Cllr. Hoade and agreed "that Galway Co. Council ask the Department of Social Protection to immediately process and pay all outstanding monies due to flooding victims after the 2009 flooding, in particular, these families who got a relocation package, as victims are now three and a half years out of their homes."

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He referred to the Dunkellin Scheme and said that signs of progress in discussion with the OPW on Cost Benefit Analysis.

Cllr. Maher proposed that a Presentation be made on Shannon CFRAM at the March Meeting and this proposal was seconded by Cllr. E. Mannion and agreed.

It was proposed by Cllr. Hoade, seconded by Cllr. Cuddy and agreed that the March Meeting commence at 11.00 am.

TO RECEIVE AN UPDATE ON CRASH BARRIERS ON THE GALWAY/LIMERICK ROADS  
(MINUTE NO. 1317 REFERS) 1364

Cllr. D. Connolly said that he requested an update on the provision of crash barriers on the Galway/Limerick Roads as he feels that the barriers in place could be dangerous and he wished to bring this concern to the Council's attention so that if appropriate, change could be brought into effect in relation to the design of crash barriers.

Cllr. G. Finnerty expressed the view that both sides of the barrier should be embedded in the ground in the interests of safety.

Cllr. Feeney said that it seems irrational that barriers starts with a steel upright and that the old system where the barrier was embedded in ground and rose at angle seemed a more forgiving barrier as regards impact. He said that he felt that the barrier should curve away from oncoming traffic.

Cllr. E. Mannion referred to the new bridges on the N59 and suggested that a safety audit should be carried out on the barriers in place there.

Comh. Ó Tuairisg said that the Members were not suggesting that crash barriers should be removed as this would be a dangerous step, but perhaps the type of barrier should be reviewed.

Mr. Gilmore said that the purpose of putting crash barriers in place is to save lives and promote safety for road users. The barriers in place are the recommended type for the containment of traffic travelling at speeds in excess of 100 km/p/hr. He said that the previous anchor had the upstream end buried in the ground and a 45 degree slope. He said that the barriers on the N18 & N59 are fully in compliance with Health & Safety Regulations and are of a correct design, are within full specification and certified and are deemed safer than previous alternatives.

Cllr. D. Connolly said that it is regrettable that there is no advance warning of the barriers and if there was a flexible upright in place, accidents might be avoided.

Cllr. G. Finnerty suggested that a safety audit should be completed on the M18.



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Cllr. McClearn said that the majority of accidents are caused by driver error and he did not believe that any state agency would put up barriers that are not safe and he welcomed Mr. Gilmore's reassurance in this regard.

**TO CONSIDER THE ROADS PROGRAMME 2013**

1365

*Draft Report already circulated to each Member*

Mr. Gilmore presented the Draft Roads Programme 2013 to the Members stating that the programme had been discussed by each Electoral Area Committee at recent Area Committee Meetings.

He noted that there was a significant reduction in funding in the 2013 National Roads Grant allocations. He advised that a significant element of the reduction in funding was associated with the completion of the Inter Urban Routes and the completion of associated land acquisition. He noted an increase in funding for maintenance and while welcoming allocations for the N59 expressed disappointment with the level of funding for the N17 and N18. He advised that the Council was in a position to advance a number of contracts in the event that funding became available later in the year.

He said that the Report outlines in detail the funding proposed in respect of the following:

- Grant funding of Motorway & National Roads
- Grant funding of Regional & Local Roads
- Council funding of Regional & Local Roads

He summarised the funding as follows:

- The grant allocated by the NRA for the Motorway & National Roads is €18,091,817 divided as follows: Improvement Works €16,637,407, Maintenance Works €1,454,410. This allocation represents a decrease of 52% on the initial 2012 allocation.
- The grant funding of Regional & Local Roads is €18,190,697 divided as follows; Improvement Works €14,182,892, Maintenance Works €4,007,805. This allocation represents a reduction of 12% on the 2012 allocation.
- The sum provided from the Council's resources in 2013 towards Regional & Local Roads is €6,021,000 to include provision for public lighting.

The Mayor thanked Mr. Gilmore for the presentation and also thanked the staff of the Roads Section for their work in preparing the Roads Programme. A discussion then took place and the Members raised the following points:

Regarding the Community Involvement in Roadworks Scheme, the Members expressed their disappointment that no allocation has been provided for this Scheme in 2013 in the Draft Roads Programme. They said that this was one of the most successful schemes operated by the Roads Section as it involved the Council and communities working together to carry out improvements to local roads, such as setting back fences, removing ditches and improving

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sight distance, thereby improving safety on local roads. They said that it would be a backward step if this scheme were to be discontinued.

Mr. Molloy replied that the Area Engineers and Senior Engineers have serious concerns regarding the revision of the Community Involvement in Roadworks Scheme as they also consider that it worked very well. He said that concerns in relation to the revised scheme had been relayed to the Department. He said that the Council invited applications in 2012 in accordance with the existing Community Involvement Scheme and propose to process the applications received in 2012 in accordance with the requirements of the revised scheme.

In reply to a query from Cllr. Roche regarding public lighting, Mr. Gilmore said that the only source of funding in this regard is the allocation included in the Roads Programme in the sum of €732,000 from the Council's own resources, €32,000 of which is to be spent on maintenance of the public lighting network and the balance of €700,000 on energy costs. He confirmed that no funding was available for additional public lighting.

In reply to Cllr. Roche who referred to the Town & Village Improvements & Maintenance allocation of €800,000, Mr. Gilmore that each Local Area Engineer will designate the works to be carried out as appropriate.

Cllr. Roche said that there is a suggestion out there that other counties may be getting extra funding for general maintenance of local roads through Local Improvement Schemes and Mr. Molloy replied that the only source of funding for local roads is by way of discretionary grants and he does not believe that other counties are receiving extra funding in this regard.

In reply to Cllr. Cuddy Mr. Gilmore stated that the design of the Claregalway Relief Road is ongoing. He also replied that any issues regarding trapped gullies should be raised with the local Area Engineer.

In reply to Cllr. Hoade who stated that the NRA had carried out improvement works on the N84 but no sightlines had been put in place in Abbeytown which could cause accidents, Mr. Gilmore said that he will have this matter investigated.

In reply to the Mayor, Mr. Gilmore said that there was a recent land slip on the Lettergesh road and expert opinion is being sought regarding the most effective solution to this problem. He said that he will keep the Members updated in this regard.

In reply to Cllr. D. Connolly who asked if the average timescale for the repair of a road is every 30 years, Mr. Molloy said that taking into account funding constraints, an average of between 25 - 30 years is an accurate estimation.

Cllr. Canney said that it is a matter of concern that the allocation included in the Roads programme in respect of school flashing lights is only €20,000 and as stated in the Report this allocation will not be sufficient to fund the repair of 36 no. flashing lights currently out of order. He said that the Tuam Electoral Area Committee agreed that they would allocate €1,500 of their Notice of Motion money in 2013 and 2014 to fund the repair of school

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flashing lights, i.e. €3000 per Member. The Members from the Ballinasloe, Conamara and Oranmore Electoral Area Committees also stated that they had agreed likewise. However, Cllr. McClearn said that it was his understanding that the Members would allocate €1,500 in 2013 but he was not aware of agreement on the proposal to also allocate €1,500 in 2014.

Mr. Molloy clarified that the estimated cost of repairing the 36 sets of school flashing lights which are currently out of order is €90,000 – €100,000 and in reply to a query from Cllr. D. Connolly he confirmed that all of the lights could not be repaired unless the Members allocated a total sum of €3,000 each over the period 2013 & 2014.

Cllr. McClearn stated that if this was the case, he would agree to allocating €1500 in 2013 and 2014.

In reply to Cllr. Cunniffe who asked if the Department of Education would pay half of the cost of repairs to the school flashing lights, Mr. Gilmore said that the Department would not pay half.

On the proposal of Cllr. McClearn, seconded by Cllr. Carroll, it was agreed that the Roads Programme 2013 be approved.

**SUSPENSION OF STANDING ORDERS**

**1366**

It was proposed by Cllr. D. Connolly, seconded by Cllr. Cuddy and agreed to Suspend Standing Orders to allow the Meeting continue after 6.00 pm

**TO CONSIDER THE OUGHTERARD TRAFFIC MANAGEMENT PLAN**

**1367**

*Report dated 19<sup>th</sup> February, 2013 was already circulated to each Member.*

Mr. Gilmore informed the Members that the Draft Revised Traffic Management Plan was prepared for the town of Oughterard in 2012 and presented to the Conamara Electoral Area Committee in July 2012. He said that the Plan was put on public display and no submissions were received and it is proposed to proceed to implement the revised Plan in Oughterard in the near future.

The Members agreed to note the Oughterard Traffic Management Plan.

**TO RECEIVE A PRESENTATION ON THE COUNTY GALWAY WIND ENERGY STRATEGY**

**1368**

Mr. Kelly said that the Members requested that a Presentation be made on the Wind Energy Strategy and on any development that had taken place since the Wind Energy Strategy (WES) was adopted. He advised that Mr. Anton Martens, Executive Planner, would present

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to the Members the background to the Strategy on how it was prepared and the factors taken into account, and look at any developments and examine set back distances. He advised that the Department of the Environment, Community and Local Government (DOE) have commenced a review of the Guidelines at National level and it is expected that new Guidance should issue in the coming months.

Mr. Martens presented the County Galway Wind Energy Strategy 2011-2016 Briefing to the Meeting.

He advised that the purpose of the Briefing was to provide an overview and update on the County Galway Wind Energy Strategy 2011-2016 (WES) and wind farm developments in County Galway and provide a review of the setback distances between dwellings and wind turbines, which is one element of the review of the DOE.

**Background to County Galway Wind Energy Strategy**

Mr. Martens advised that the County Galway Wind Energy Strategy 2011-2016 (WES) was adopted by the Elected Members at the Council meeting on 26th September 2011 as a variation to the Galway County Development 2009-2015 (GCDP) and superceded the previous guidance for wind energy development in the GCDP.

He said that previous wind energy development guidance in the 2003 and 2009 GCDPs was based on work undertaken as part of the Landscape Character Assessment (LCA) for County Galway and guidance contained in the Wind Farm Development Guidelines 1996.

He advised that previous guidance, as he showed on a Wind Farm Potential map, based on landscape considerations, identified 3 Wind Resource Zones (at or above 6m/sec wind speed), including No Go Areas (western shore of Lough Corrib, majority of Arran Islands and southern shore of Killary Harbour), Areas for Consideration (west of County) and Strategic Areas (west of County and Slieve Aughtys in the south of the County) and said that the majority of east of County was not zoned for wind energy development due to low wind speeds.

He said that all major operational wind farms and majority of permitted wind farms were granted planning permission under, or prior to, previous guidance shown on Wind Farm Potential map and only 2 new wind farms and 1 redesigned wind farm permitted since adoption of WES.

He advised that previous wind farm guidance based primarily on landscape considerations and needed to be updated to take account of new Wind Energy Development Guidelines 2006, European designated sites, new binding renewable energy targets, developments in wind energy technologies and increased wind turbine sizes, ongoing interest and investment in wind farm developments in the County, etc.

He advised that the preparation of the WES was informed by a wide range of local, regional, national, EU and international agreements, policies, plans and legislation in relation to climate change, energy security and renewable energy and Key informants include the DEHLG *Wind Energy Development Guidelines 2006*, the IWEA & SEI *Best Practice Guidelines*

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for the Irish Wind Energy Industry 2008, the EWEA European Best Practice Guidelines for Wind Energy Development 2002, the GCDP and associated plans and guidance, including the Heritage Plan and Landscape Character Assessment for County Galway, and best practice from other Counties and Countries.

He outlined that the WES provides strategic direction to encourage renewable energy and to guide the siting and design of wind energy developments in appropriate locations.

He said the WES provides a set of policies and objectives to guide the development of wind energy projects and support infrastructure in appropriate locations in a manner that capitalises on the substantial wind resources and avoids significant adverse effects on the environment, landscape or amenities in the County and it provides guidance in relation to landscape sensitivity and capacity, specifically in relation to the ability of the various Landscape Character Areas (LCAs) in the County to accommodate wind farm developments. He said that the WES includes development management guidelines on the assessment, siting, design, construction and operation of wind energy developments and it is also includes a set of appendices and is accompanied by a number of separate supporting documents, including the SEA Environmental Report, HDA Natura Impact Report and the Pre-Planning Consultation Report.

### **Project Methodology**

Mr. Martens explained that in addition to the review of applicable legislation, policies, plans and strategies, a key aspect in the compilation of the WES was the development of a Geographic Information System which provided the information and criteria to assist in the selection of the Strategic Wind Farm Areas.

He said that fieldwork was also carried out by the Council's Consultants and an Environmental Assessment was undertaken. He advised that consultation also took place with statutory bodies, environmental authorities, energy agencies, elected members, general public and other stakeholders as part of pre-draft, draft and amendment stages of variation process. He explained that the WES was adopted as a variation to the GCDP in accordance with the statutory process.

### **Aims of the Wind Energy Strategy**

Mr. Martens outlined the Aims of County Galway Wind Energy Strategy to the Meeting:

- Revise and update the existing guidance on wind farm potential contained in the existing *Galway County Development Plan 2009-2015* and to fulfil Objective IS9 of the GCDP.
- Develop a Wind Energy Strategy in light of the available national guidelines *Planning Guidelines for Wind Farm Development 2006* issued by the Department of Environment, Heritage and Local Government.
- Reflect and plan for technological advances in wind farms over the next number of years.

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- Support a plan led approach to wind energy development in County Galway predicated on the optimal harnessing of the County's wind energy resource, and at a minimum requiring that 40% of Galway's electricity needs can be met from renewable energy sources, including wind farms.
- Identify strategic areas for wind energy development of local, County, regional, and national importance.
- Work towards a target of 500 MW of wind energy in County Galway, to enable Galway to make the initial steps toward a low carbon economy by 2020. This target will enable Galway to generate the equivalent of over 70% of its electricity needs from wind energy.
- Support County Galway in reducing CO2 emissions associated with energy production.
- Promote the economic development of wind energy and other renewables in the County, underpinning the need for energy security, the promotion and establishment of a low carbon economy and the development of green business within the County.
- Ensure the production of wind energy is consistent with and takes account of nature conservation and environmental legislation and targets, including the conservation and protection of the designated and proposed Natura 2000 sites and Natural Heritage Areas in and adjacent to the County.
- Ensure full compliance with the requirements of the *EU SEA Directive (2001/42/EC)* and the *EU Habitats Directive (92/43/EEC)*.

**Criteria for Defining Strategic Wind Farm Development Areas**

Mr. Martens then outlined the Criteria for Defining Strategic Wind Farm Development Areas. He explained that the Council took as many factors into account as possible so as to remove as much uncertainty as possible.

He identified that some of the strategic level criteria would include viable wind speeds (i.e. over 8m/s), reasonable proximity and access to grid, 1km from Galway City and Tuam Town and 500m from other settlements and residential properties, 100m from high tide mark for coastal areas and water's edge for lakes and avoid Landscape Sensitivity Class 5 Unique and Class 4 Special and areas with high landscape sensitivity based on fieldwork assessment.

**Strategic Wind Farm Development Areas**

Mr. Martens explained that Areas within the 'Strategic Areas' is a larger area in an optimal location for wind farm development without significant environmental constraints, based on strategic level assessment. He said that these Areas accounted for 1% of the Total Area of the County.

He said that Areas within the 'Accepted in Principle' areas were smaller areas in favourable locations for windfarm development without significant environmental constraints, based

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on strategic level assessment. He said that these Areas accounted for 1% of the Total Area of the County.

He explained that Areas in the 'Open for Consideration' Areas were areas with some locations that may have potential for wind farm development due to viable wind speeds or clustering with Strategic Areas but with environmental constraints, based on strategic level assessment. He said while these are not suitable at a strategic level, they may be considered at project level.

He said that these Areas accounted for 18% of the Total Area of the County.

He explained that 'Not Normally Permissible' Areas were generally not suitable for wind farm development due to their overall sensitivity and constraints arising from landscape, ecological, recreational, settlement, infrastructural, and/or cultural and built heritage resources, based on strategic level assessment. He said, however, that these Areas could be considered at a project level subject to all the Environmental considerations being met. He said that these Areas accounted for 48% of the Total Area of the County.

He advised that 'Low Wind Speed' Areas were Areas with wind speeds less than 8 m/s and would generally not provide viable locations for commercial wind farm developments. He said that these Areas accounted for 32% of the Total Area of the County.

Mr. Martens advised that it should be noted that wind farms are not prohibited in any of the above Strategic Wind Farm Areas identified across the County, but that the WES simply provides strategic direction as to the most suitable areas for wind farm development to provide clarity and guidance for wind energy developers, the public and local communities, service providers, statutory authorities and other stakeholders.

He said, however, that Wind farm projects can be considered in all areas subject to detailed assessment at planning application/project level, including submission of an Environmental Impact Assessment and/or Natura Impact Assessment where necessary and said that low Wind Speed Areas are becoming more viable as hub height increases as wind speeds increase with height.

**Wind Energy Developments and Capacity in 2011 and 2013**

Mr. Martens gave an update on the Wind Energy Developments and Capacity in 2011 (at adoption of the Wind Energy Strategy) and 2013 in County Galway. He advised that the Installed Wind Energy Capacity (WEC) remains that same as 2011 at 4 no. of Wind Farms and the number of Wind Turbines at 87, with the total Power Output at 71.125MW (MegaWatt). He advised that the Permitted Wind Energy Capacity (excluding Installed WEC) has increased from 6 to 8 Windfarms and from 112 to 141 Wind Turbines thus increasing the Total Power Output from Installed and Permitted Wind Farm Developments to 283.35MW.

He advised that a total of 2 new wind farms have been permitted since the adoption of the WES (including a 23 wind turbine/50MW wind farm in Seecon and a 12 wind turbine/30MW wind farm in Knockalough, which is currently on appeal to An Bord Pleanála) and 1 existing

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wind farm at Ugool was granted permission for a redesign (from a 20 wind turbine/33MW wind farm with turbine heights of 110m to a 16 wind turbine/48MW wind farm with turbine heights of 140.5m) and explained that all 3 planning applications were accompanied by an Environmental Impact Statement and a Natura Impact Statement.

Mr. Martens advised that the total Potential Wind Farm Developments (based on Installed, Permitted, Pending & Gate 3 Capacity) was 476.815MW and that our MW target for the County in the WES was 500MW. He said that a Gate 4 would be required to ensure that the 500MW target was achieved.

**Wind Turbines Bills**

Mr. Martens advised that it was proposed at National level to establish mandatory setback distances between wind turbines and residential dwellings depending on the height of the wind turbine.

He explained that the 2012 Wind Turbine Bill proposed the following set back distances :

- **500m** minimum setback where the height of the wind turbine generator is greater than 25m but does not exceed 50m.
- **1000m** minimum setback where the height of the wind turbine generator is greater than 50m metres but does not exceed 100m.
- **1500m** minimum setback where the height of the wind turbine generator is greater than 100m but does not exceed 150m.
- **2000m** minimum setback where the height of the wind turbine generator is greater than 150m.

Mr. Martens said that the All-Island Research Observatory (AIRO), a research unit at National University of Ireland, Maynooth, has undertaken analysis of the implications of the Wind Turbine Bill 2012 and he said that in their research, in the case of the 500m setback, just under a quarter (23.75%) of the total land area of the country would remain available for new wind farm development but this drops to 9.4% for the 1,000m setback, 5.2% for the 1,500m setback and 3% for the 2,000m setback. He clarified that the AIRO Mapping only assesses setbacks for residential dwellings, does not take into account other constraints, such as designated sites and other environmental sensitivities, wind resources, electricity infrastructure capacity, etc.

**Focused Review of Wind Energy Development Guidelines**

Mr. Martens said that the Department of the Environment, Community and Local Government in conjunction with the Department of Communications, Energy and Natural Resources intends to undertake a technical update of the guidance on noise (including separation distance) and shadow flicker in the Wind Energy Development Guidelines 2006 and the update is intended to ensure that the Wind Energy Guidelines are supported by a robust and up to date evidence base on these issues to support wind energy development in



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a manner which safeguards residential amenity consistent with EU and National Policy. He explained that comments were invited on these aspects of the Guidelines only before 15<sup>th</sup> February 2013 and the updated Guidelines would be issued as soon as possible thereafter, taking into account the views expressed during the public consultation process.

### **Setback distances between dwellings and Wind Turbines**

Mr. Martens gave an overview of the various Guidance sources available in Ireland and other countries that compare the minimum setback from dwellings and noise and shadow flicker issues. It showed that this varied between 250m and 2000m but the 500m was typically used as is the case in the Galway Wind Energy Strategy.

### **Impact of Increased Setback Distances on County Galway WES**

Mr. Martens advised that increased setbacks result in significant reduction in suitable areas available for wind farm development and ability to meet renewable energy targets for the County. He said that in respect of the Strategic Area – Strategic Wind Farm Area there would be a decrease in hectares of 1,848ha to 3,542ha and in Acceptable in Principle Areas there would be a decrease in hectares of 106,417ha to 982ha. He said this would impact on Galway County Council's ability to meet the Wind Energy targets and also its contribution to the National and European targets.

### **Questions and Issues raised by the Elected Members**

Comh. O'Cuaig said that prior to the adoption of the Wind Energy Strategy the wind speed for the County was examined in detail and it was accepted that the wind speed increased in the Connemara hinterlands than in the East of the County, however, due to the exclusion of areas that could be permitted for Wind energy due to environmental designations, it causes concern that areas such as Rossaveal and Muiceanach idir Dá Sháile or other residential areas could be considered for development.

He said that there are three trends coming from the people in the Connemara Area that he has met:

1. Those that want no Windmills
2. Those that want Windmills everywhere
3. Those that are interested in wind energy and energy from the sea but to keep them away from the houses and residential area. He said that he would be in agreement with this group.

He explained that it was unfair that farmers were being accused of being bribed by developers. He explained that the majority of this land is marginal land that cannot be farmed on and it is only fair that farmers can farm with wind if the opportunity arises for them. He said he would not want, however, that these are placed near houses where people have to experience noise and flicker affects from the turbines.

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He asked what can the Members do in the review of the County Development Plan to examine the set back distance from houses or what distances are proposed in the Wind Turbine Bill.

Cllr. Cunniffe expressed concern that the Wind Turbines may affect tourism and said that a cautious approach needs to be taken when identifying strategic areas so they do not impact on where people live and on tourism and that certain areas should be inappropriate for wind farms.

Cllr. T. Walsh said his concern was with the siting of the wind farms and the effect they can have on localities and villages and families. He said he was in a house in the Maigh Cuilinn area where the wind turbines are all around the house. He said it is unfortunate for people living in the areas that are suitable for development and said that no overall National good can justify taking the peace and comfort from rural dwellers. He said that the distance from a house should be flexible and that wind turbines should not be placed around all sides of a house. He also had some concern re the noise and flicker from turbines.

Cllr. E. Mannion welcomed the Department's Review of the Guidelines and she concurred with Cllr. T. Walsh that no house should be surrounded by wind turbines and that the Guidelines should look at the density of the number of turbines in an area. She said that while job creation is needed, a balance is required and we must be mindful not to take away from the rights of people to have comfort in their own homes. She said that more consultation is required throughout the process with the people of the designated areas.

Cllr. O'Tuairisg said that there is a huge concentration of wind turbines in the Maigh Cuilinn area and this is affecting the lives of the people in the area and the property valuations are affected. He said that Wind Energy is good and few people are opposed to it but it needs to be sited in the right place. He said that attention should also be given to off shore energy as this could be achieved away from residential properties.

Cllr. S. Walsh said he would welcome a 1km or even 2km distance from houses. He said nothing can be done for planning permissions that have been granted but for the future, Landscape Sensitivity Class 5 and Class 4 areas need to be considered as these are the best areas for wind energy development. He said that areas already in state ownership e.g. Coillte areas have already the road infrastructure in place and the areas are away from homes. He said that the people need to be consulted and their lives considered first.

Cllr. McClearn queried if a Wind Energy industry is feasible without inconveniencing households. He said that the further away the set back there is very little hectares left to develop. He said that wind energy is a huge natural and renewable resource and it could transform the national economy and that the possibility of having wind energy development in Special Areas of Conservation (SAC) and Natural Heritage Areas (NHA) will need to be examined and considered. He said there is the potential in the County but it cannot be realised whilst pursuing the policy we currently have as if sited near residential houses, it devalues property and there is no compensation. He said real realistic proposals needs to be examined at National level to examine the exclusion of SAC and NHA areas for development.

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Cllr. T. Mannion said that the Wind Energy Strategy and direction from National and European policies are flawed and that the density in areas of wind energy development needs to be considered. He said also that compensation is a major issue but that this may be outside of the remit of the Strategy. He concurred with Cllr. McClearn and said that SAC and NHA areas will have to be used and while some level of disruption is acceptable, it is not fair on persons living near them. He also expressed concern re the flicker and consideration needs to be given at planning permission stage as to the number of turbines being approved around a house and the set back distance. He expressed the interest in visiting a Wind Farm before any decision is made on this Strategy.

Comh. O'Curraoin said that while he was not against wind energy, there is not enough research done on it and more examination and consultation when deciding on designated sites and more consultation with people living in the designated areas is required. He said that the majority of the land in Connemara is in designated SAC or NHA areas and Europe is preventing these lands to be considered for wind energy. He said that areas need to be examined for wind energy where it doesn't affect anyone.

Cllr. D. Connolly said that a proactive approach needs to be taken and he welcomes the Department's guidance and with improved technology the set-back distance could be re-examined as this is crucial. He said that influence on National policy is what is required so that the Strategy can be tailored to best meet the County's needs. He said that a common sense approach was adopted in a rural area in Germany that he visited and information might be gained from reading their Policy.

Cllr. Hoade concurred with the other Members and said that set-back distance is of vital importance.

The Mayor expressed his sympathy for the persons affected by the wind energy developments. He, however, refuted rumours that the Council's Wind Energy Strategy was done by a person in the Wind Industry working in the Council and clarified that Mr. Martens compiled the Wind Energy Strategy for Galway County Council in 2011. He also queried whether it was possible to have a moratorium on development. He said that the designation of suitable areas is a major problem for the County and he welcomes the Department's Guidelines later this year.

In reply to the all the points raised, Mr. Kelly advised the meeting that essentially the question posed is how does the West get the right balance and achieve the desired outcome with as little impact on amenity and wider environment. He said that most of the development permitted for wind energy was prior to the adoption of the Wind Energy Strategy in 2011, but that many of the issues raised by the Members is now dealt with in the Wind Energy Strategy and the Strategy is more pro-active and in tune with the Members thinking than the policies contained in the previous County Development Plan.

He said that while it was his understanding that the private members Bill may not be passed by the Oireachtas, the Department's review will examine certain sections such as noise, shadow flicker and setback distance.

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He said that the vast majority of the Wind Farm Developments were approved prior to the adoption of the Wind Energy Strategy and that two applications have been approved since. He said that to a large degree when a Developer looks at a site they will look at an area where permitted development exists or strategic areas that has fewer constraints.

He clarified that that the Strategy does not preclude development in Designated Sites (SAC/NHA) but advised that due regard and allowance should be given to the fact that developers will have to demonstrate that environmental and other impacts can be avoided before a Designated site can be approved for wind energy development.

With regard to a development request that does not comply with the National Guidelines, Mr. Kelly said that An Bord Pleanála would form its own view but they would likely refer to the National Guidelines.

Mr. Kelly advised the meeting that the Review of the County Development Plan is to commence in the coming months and advised that the aim would ultimately still be to try and achieve the balance between the impact of Wind Energy Development and the objective of having Wind Energy Development within the County. He said that the National Guidelines were examined when developing the Wind Energy Strategy and a setback standard of 500m was agreed and said that most instances are well beyond that distance. He said that as part of the Review of the Galway County Development Plan (GCDP), the revised Guidelines from the Department will be examined and the Members will be better placed to make any decisions on the Wind Energy Strategy as it would be premature now to make changes prior to what changes may be made by the DOE.

Mr. Kelly said that he was not aware of any provision that would allow a moratorium.

Mr. Kelly said that he was aware of the issues raised today and this would feed into the consideration of the issue as the review of the GDCP was commenced and the Members would be in a position at a later date to consider what changes are to be made.

In reply to Cllr. O'Tuairisg, Mr. Kelly said that Wind Energy Policy was part of the previous County Development Plan but it was not as comprehensive or it was not based on the detailed methodology as the Wind Energy Strategy adopted in 2011.

The Mayor advised the Meeting that the National situation will always determine the local situation and there is no mechanism available to rescind planning permissions already made.

**TO CONSIDER AND IF DEEMED APPROPRIATE ENDORSE THE OPERATION OF THE PEOPLE TALK INITIATIVE ON A PILOT BASIS IN THE COUNTY OF GALWAY** 1369

*Report dated 19<sup>th</sup> February, 2013 was already circulated to each Member.*

Cllr. McClearn advised that representatives of PeopleTalk presented to a recent meeting of the Corporate Policy Group and following same the Corporate Policy Group agreed to recommend to Council approval for the operation of the PeopleTalk Initiative on a pilot

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basis in the County of Galway for a two year period. He outlined that same may address the disconnect that exists between citizens and institutions representing them.

Cllr. T. Walsh stated that in the absence of having been present for the presentation he felt that the proposal consisted of another layer that was unnecessary and may present a further complication in getting anything done. He stated that there was no shortage of ways for citizens to communicate their views and questioned whether same represented value for money.

Cllr. T. Mannion supported the view expressed by Cllr. T. Walsh and stated that the basis for disconnection originated in political promises not being honoured.

The County Manager advised that no expense would be incurred by the Council in supporting the initiative and that the proposal was the subject of discussion with PeopleTalk for over five years. She stated that it was intended to identify practical and implementable solutions and enjoyed the support of all major political parties.

It was proposed by Cllr. McClearn, seconded by Cllr. Ryan and agreed that Galway County Council invite PeopleTalk to set up a Citizens Jury in the County of Galway to develop practical proposals for public sector reform for a two year period, with six monthly reports to Galway County Council.

MANAGER'S BUSINESS & CORRESPONDENCE

1370

The County Manager referred to the OHSAS 18001 Certificate on display in the Council Chamber advising that same was awarded to the Water Services Section for the operation of the Occupational Health & Safety Management System. The Manager paid tribute to Mr. Cullen and the staff of Water Services and Health & Safety Sections for the achievement.

Mr. Cullen advised that inspections of septic tanks would commence as of July 2013 with a total of 98 inspections to be undertaken in the county of Galway during the first year. He outlined the basis for the inspections and detailed the risk assessment tool. He confirmed that no inspection would take place without prior notice and that all staff undertaking inspections would carry appropriate identification and advised households to insist on viewing such identification. He advised that a plan would be formulated to facilitate the necessary inspections being undertaken and advised that existing inspections routinely undertaken for other purposes would continue.

Comh. O'Cuaig referred to the fact that those who failed to register their septic tanks would be subject to inspection and questioned same on the basis that it was his understanding that one of the reasons put forward for the registration system was to enable the identification of location of septic tanks.

In reply to Comh. O'Tuairisg, Mr. Cullen confirmed that information that gained from the River Basin Management Plans was one of the inputs being used to allow for the development of the risk matrix and that inspections would be spread throughout the county.

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Cllr. E. Mannion advised that it was clearly stated that those who failed to register would be subject to inspection in the initial stage of the process. Cllr. T. Walsh referred to the implications for households who followed advice not to register their septic tanks and whether those providing such advice at the time would now take responsibility for the implications arising from such advice.

Comh. O'Curraoin referred to the pollution being caused to River/Lough Corrib due to the inadequacy of existing infrastructure and stated that the priority should be to address same and not to target ordinary people.

Mr. Cullen confirmed that inspections would be aimed at ensuring that septic tanks operate to an appropriate standard that does not cause a risk of pollution or a risk to public health. He also confirmed that people who had registered by the February deadline could be eligible for grant funding to undertake necessary work identified in the course of an inspection.

**MAYOR'S BUSINESS**

1371

Cllr. T. Mannion proposed "that Galway Co. Council host a Civic Reception for Ballinasloe G.A.A. Club to acknowledge their success on winning the All-Ireland Junior Football title". This proposal was seconded by Cllr. M. Finnerty, and agreed.

In reply to a request from Cllr. T. Mannion for an update on the provision of 2 Units of traveller accommodation in Ahascragh, Mr. Cummins confirmed that following consultation with the Planning Section prior to finalising a Part 8 application for the development it emerged that the proposed development would not be in accordance with the proper planning and sustainable development of the area. He advised that based on same, the cost of the proposal and taking into consideration existing housing stock and the availability of housing units for sale and rent in the extended area and the purchase of houses in other areas prior to Christmas it was not intended to progress the development of 2 new units of traveller accommodation in Ahascragh. He expressed disappointment that it was not possible to advance the proposal in view of the continuing housing need but stated that it remained his intention to pursue other options to meet the determined housing need.

In reply to Cllr. D. Connolly, Mr. Cummins confirmed his intention to meet with the families concerned to advise them of the position and to explore other options to meet their housing need with a view to addressing same in a timely manner.

Comh. O'Laoi and Comh O'Cuaig referred to the impact of environmental designations impacting on the proposed development of both the N59 and the R336. Comh. O'Laoi stated that it was his understanding that the NHA designation would not hinder the proposed development of the R336 in a similar manner to SAC and SPA designations and on that basis proposed the adoption of the Brown Route Option for the development of the R336. He was supported in this view by Comh. O'Cuaig.

In reply Mr. Gilmore stated that the proposal was premature and that it would have no impact on the proposal to be brought before Council in relation to the route selection

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process for the R336. In reply to the Mayor, it was agreed by Comh. O'Laoui and Comh. O'Cuait to defer further consideration of the proposal pending consideration of same by the Conamara Electoral Area Committee and the report being brought before Council.

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

- Correspondence dated 8<sup>th</sup> February 2013 from Clones Town Council regarding Notice of Motion calling on the Minister for Communications, Energy and Natural Resources, Pat Rabbit and An Taoiseach, Enda Kenny to seek agreement during this period of our E.U. Presidency to expedite the abolition of roaming charges in Ireland and Europe.
- Correspondence dated 18<sup>th</sup> February 2013 from Dun Laoghaire County Council regarding the resolution adopted in relation to the reduction on rates in Budget 2013, and calling on the Minister to change the legislation with regard to commercial rates, allowing a differential rating system to be implemented.
- Correspondence dated 11<sup>th</sup> February 2013 from Limerick County Council requesting the Minister for Finance to include a licensed coach and bus operators in the excise rebate that was granted to road hauliers in the 2013 budget.
- Correspondence dated 6<sup>th</sup> February 2013 from Sligo Borough Council in relation to allowing moneylenders bill be enacted that introduces a cap of 40% APR.
- Correspondence dated 6<sup>th</sup> February 2013 from Sligo Borough Council recognise the role of Local Government and a call on the Government to rescind the decision to abolish all borough and town councils
- Correspondence dated 6<sup>th</sup> February 2013 from Sligo Borough Council call on the Minister for Justice and the Department of Social Protection to conduct a review of the sanctions that exist against illegal moneylenders and issue guidance to senior Gardaí to prioritise this issue for investigation and prosecution.
- Correspondence dated 5<sup>th</sup> February 2013 from Nenagh Town Council regarding the possibility of rolling out nationwide the Community Intervention Team.
- Correspondence dated 30<sup>th</sup> January 2013 from North Tipperary County Council requesting the Minister for Education and Skill to reinstate the Minor Works Grants for primary schools.
- Correspondence dated 30<sup>th</sup> January 2013 from Clare County Council requesting that the Minister for the Environment to allow Clare County Council to lessen the cost of water on sporting community and voluntary groups by putting in place some legislative process at Government Level

NOTICE OF MOTIONS

**NOTICE OF MOTION NO 16 – CLLR. B. WILLERS**

1372

*The following reply was given:-*

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"The overflows are primarily weather related and occur particularly in heavy rain. The Council has an adopted budget for the operation and maintenance of the Gort public sewerage scheme and will do the utmost to mitigate the effects of any overflows that occur."

**NOTICE OF MOTION NO 17 – CLLR. B. WILLERS**

**1373**

*The following reply was given:-*

"Galway County Council have so far this year received no allocation for the provision of bus facilities. We will continue to liaise with the Department of Transport in an effort to secure funding for the provision and improvement of bus facilities."

**NOTICE OF MOTION NO 18 – CLLR. B. WILLERS**

**1374**

*The following reply was given:-*

"An application for funding was submitted under the Low Cost Safety Schemes but it has not been approved by the NRA."

**NOTICE OF MOTION NO 19 – CLLR. G. FINNERTY**

**1375**

*The following reply was given:-*

"On 19<sup>th</sup> February 2013, the Environmental Protection Agency announced that inspections of domestic waste water treatment systems (including septic tanks) will begin in July 2013 and the inspections will be carried out by local authority personnel. Homeowners will be notified by the Council of an inspection at least 10 days before an inspection. The commencement of inspections will be publicised in the national and local media.

Local authority personnel carrying out inspections will be required to carry identification and homeowners should ask to see identification"

**NOTICE OF MOTION NO 20 – CLLR. G. FINNERTY**

**1376**

*The following reply was given:-*

"Galway County Council will contact the OPW with reference to flooding at Rathwilladoon, Tubber, Co Galway and discuss the issue of flooding at the entrance to dwellings".

**NOTICE OF MOTION NO 21 – CLLR. G. FINNERTY**

**1377**

*The following reply was given:-*

"Galway County Council sought funding from the NRA for overlay projects on a number of National Primary and Secondary routes through County Galway. Funding was sought for the N66 Gort to



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Loughrea Road. However, no funding was allocated by the NRA for this route. The funding allocation for overlay works on National Primary and National Secondary routes was substantially reduced in 2013. Galway County Council will again seek funding for the N66, among other routes, in 2014".

**NOTICE OF MOTION NO 22 – CLLR. J. MC DONAGH**

1378

*The following reply was given:-*

"Galway County Council will examine and cost this request. No funding has been allocated for these works in 2013. However, the project will be considered in the context of available funding in 2014."

**NOTICE OF MOTION NO 23 – CLLR. J. MC DONAGH**

1379

*The following reply was given:-*

"There is no allocation of funding for the provision of additional public lighting in County Galway during 2013."

**NOTICE OF MOTION NO 24 – CLLR. M. FAHY**

1380

*The following reply was given:-*

"The provision of traffic safety measures in the form of a right turning lane off the N18 were recently submitted for consideration. This proposal will be discussed with the NRA and a reply issue to the applicants when the NRA advise."

**NOTICE OF MOTION NO 25 – CLLR. M. FAHY**

1381

*The following reply was given:-*

"The speed limits in Ballindereen were reviewed as part of the current speed limit revision and no change was recommended to the location of the speed limits at this time. Traffic calming measures are currently under construction in Ballindereen and will be completed by the end of March."

**NOTICE OF MOTION NO 26 – CLLR. M. FAHY**

1382

*The following reply was given:-*

"Funding and approval was requested this year from the NRA to provide a safe crossing at the post office in Gort. However no funding was made available for this work. This scheme will be resubmitted for 2014 to the NRA."

**NOTICE OF MOTION NO 27 – CLLR. S. CANNEY**

1383

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The following reply was given:-

"Noted"

NOTICE OF MOTION NO 28 – CLLR. S. O'TUAIRISG

1384

The following reply was given:-

"The provision of an upgraded sewerage treatment plant for Roundstone is on the Council's assessment of needs and is awaiting inclusion on the Water Services Investment Programme. Until capital funding is approved under the programme the Council will not be able to carry out any upgrading works due to lack of necessary funding".

NOTICE OF MOTION NO 29 – CLLR. S. O'TUAIRISG

1385

The following reply was given:-

"Galway County Council will examine the Old Pier in Roundstone to ascertain the extent and cost of works required. However, due to budgetary constraints it may not be possible to undertake the works in 2013."

NOTICE OF MOTION NO 30 – CLLR. S. O'TUAIRISG

1386

The following reply was given:-

"Galway County Council, Roads and Transportation Unit, will examine this location and will establish the extent and cost of works required. These works will be listed on the Low Cost Accident Scheme and considered in the context of available funding"

VOTES OF SYMPATHY

Chriochnaigh an Cruinniú Ansin.

Submitted, Approved & Signed

le Wlley

25<sup>th</sup> March 2013

Minutes of Monthly Meeting held on 28<sup>th</sup> January 2013

COMHAIRLE CHONTAE NA GAILLIMHE  
MINUTES OF ORDINARY MEETING OF GALWAY COUNTY COUNCIL HELD AT ÁRAS AN  
CHONTAE, PROSPECT HILL, GALWAY ON MONDAY, 28<sup>TH</sup> JANUARY, 2013 @ 2.00 PM

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

**LATHAIR FREISIN:** J. J. O'Connell, Galway

**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, P. Roche, K. Ryan, Comh. S. Ó Tuairisg, Cllrs. S. Walsh & B. Willers.

**Oifigigh:** Ms. M. Moloney, County Manager, Messrs. F. Gilmore K. Kelly, E. Cummins, J. Cullen, Directors of Service; G. Mullarkey, Head of Finance; M. Owens, County Secretary & Meetings Administrator, E. Molloy, L. Gavin, Senior Senior Engineers, G. Kavanagh, Planner, A. Martyns, P. O'Neachtain, Oifigeach Gaeilge; R. O'Boyle, Staff Officer.

**CAAS** Mr. Conor Skehan, Environmental Consultant  
Mr. David Le'Strange, Environmental Consultant

Thosnaigh and cruinniu leis an paidir.

VOTES OF SYMPATHY

1327

It was proposed by Cllr. McDonagh, seconded by Cllr. McHugh and agreed to extend a Vote of Sympathy to Cllr. T. Walsh, Mr. Shay Walsh and the Walsh family on the death Mr. Seamus Walsh, brother of Cllr. Walsh and father of Shay. The Members joined in the expression of sympathy, paying tribute to Mr. Seamus Walsh for his tremendous legacy and unique contribution to education in the Glenamaddy area.

It was proposed by Cllr. Cuddy, seconded by Comh O'Cuaig and agreed to extend a Vote of Sympathy to the wife and family of the late Detective Garda Adrian Donohoe, the Garda Commissioner, and An Garda Siochána Dundalk Garda Station on the tragic and untimely death of Detective Garda Donohoe who died in the course of undertaking his duty as a member of An Garda Siochána. The Members joined in the expression of sympathy.

The County Manager stated that on her own behalf and on behalf of the Staff she wished to be associated with the Votes of Sympathy to Cllr. T. Walsh, Shay Walsh and the Walsh family on the untimely death of Mr. Seamus Walsh, whom she noted was an active community participant and someone who had made a huge contribution to the development of his local community. She stated she also wished to be associated with the Vote of Sympathy to the Wife and family of Detective Garda Adrian Donohoe and to An Garda Siochána, noting that

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she was familiar with the area in which the tragic occurred through her previous role as Louth County Manager.

It was proposed by Cllr. Maher, seconded by Cllr. Willers and agreed to extend a Vote of Sympathy to the family of the late Mrs. Mary Cullinane, a former member of staff in the Loughrea Library.

Other Votes of Sympathy

Mr. Joe Keehan, Ardamullivan, Gort, Co. Galway

Ms. Bernadette Coen, 17 Beechlawn Close, Loughrea, Co. Galway

Ms. Bernadette Hardiman, Killeen, Killimor, Ballinasloe, Co. Galway

Mrs. Marie Dolan, Poolboy, Ballinasloe, Co. Galway

Mr. Bertie Moran, Bohercoill, Belclare, Tuam, Co. Galway

Ms. Anne Browne, Ballydoolough, Corr na Móna, Co. Galway

Ms. Treasa Bn. Fhlatharta, An Cheathrú Rua, Co. na Gaillimhe

Ms. Bríd Uí Bheara, Oifig an Phoist, Carna, Co. na Gaillimhe

The Hession Family, Gortbeg, Ballyclunin, Co. Galway.

The Family of the late Shane McEntee TD

It was proposed by Cllr. McDonagh, seconded by Cllr. McHugh and agreed that the meeting be adjourned for 5 minutes as a mark of respect.

The Meeting then adjourned for 5 minutes.

On the resumption of the Meeting, The Mayor referred to the award and certificates on display in the Council Chamber from the LAMA Awards. He congratulated the Council on winning the Best Economic Partnership Award with the MeetWest initiative. The County Manager acknowledged the work undertaken by the Community, Enterprise & Economic Development Unit in delivering MeetWest and acknowledged the role of the partners in the initiative. She advised that the initiative originated from an idea from John Concannon, JFC Tuam and stated that the feedback from the initiative was very positive and it provided a valuable networking opportunity to grow and sustain business.

CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS

1328

The Minutes of the Budget Meeting held on the 17<sup>th</sup> December, 2012 were approved by the Council and signed by the Mayor on the proposal of Cllr. McDonagh, seconded by Cllr. Cuddy.

The Minutes of the Ordinary Meeting held on the 20<sup>th</sup> December, 2012, were proposed by Cllr. Fahy and seconded by Cllr. Maher.

*Arising from the Minutes*

Cllr. McHugh advised the Meeting that in relation to an Item on the Minutes with respect to the Bearna Plan, Submission 4 (Pages 7-9 of the Minutes), he explained that Cllr. T. Walsh was concerned that the Minutes did not reflect a Question he asked at that Meeting, in that Cllr. T. Walsh questioned if what he was proposing was agreed. Cllr. Mc Hugh said that had Cllr. T. Walsh known the implications of the Proposal, he may not have Seconded the Proposal and the Members may have voted differently and this had lead to some confusion. Cllr. McHugh said the Proposal related to levels pertaining to a site in Bearna and Cllr. T. Walsh was of the opinion, whether correctly or incorrectly, that the level suggested was

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4.5m when it was 4.75m and this has implications for the site which currently has live planning permission on it.

Comh. O'Curraoin advised that meeting that he too was of the opinion that he voted on a level of 4.5m as he had previously voted against the Amendments to the Bearnna and Gaeltacht Plans with regard to flood risk and said there was no flood risk in Connemara and he maintained that floods are in areas because drains are not cleaned. He advised that he was very clear that it was actually 4.5m and he does not know if a mistake was made or not but he wanted a conclusion.

Comh. O'Tuairisg advised the meeting that while 4.5m was mentioned, the 4.75m was applied to allow for climate change and questioned whether it was necessary for the Council to provide for climate change as this was the basis for the additional 0.25m.

The Mayor advised the meeting that he read an extract into the Minutes which mentioned a level of 4.5m, but advised that, in error, he did not propose this extract as a Motion for it to be Seconded in order to allow Council consider same and he recognised that this may have given rise to some confusion.

Cllr. Cuddy said the Members were never advised that climate change had to be accounted for in Local Area Plans and indicated that 4.5m was outlined in the client's Hydrology Report.

Cllr. Feeney advised that the Members were aware of the zonings and the matrix within Local Area Plans but that flooding and climate change were a whole new layer of constraints on top of this and as 4.5m was read into the Minutes this caused confusion and a difficult situation.

In response to the above, Mr. Kelly advised the meeting that this site was a fairly unique site with flood risk from three flood sources, with pluvial, fluvial, and coastal flood risk associated with this site and the issues with this site will not arise with every site. He clarified that advice was given to the Members by way of a Manager's Report on the Submissions, the discussion on the day of the Council Meeting and a Map which was displayed to the Members on the day showing the site and the proposed zonings. He explained that when the Amended Plan was initially put on display, all the site was deemed to be flood risk and the landowners submitted a site specific flood risk assessment which was considered by the Planning Authority and used to amend the zoning of the site in question. He clarified that the landowner's Consultants did not take account of climate change but the Council, as a Planning Authority, is required by the *Flood Risk Guidelines* to adopt the precautionary approach to likely future flooding scenarios.

Mr. Kelly said that extensive discussion took place on the day with regard to levels. He confirmed that the Minutes reflected what happened on the day as advice was given as a Recommendation in the Manager's Report on the particular approach taken to the zoning and on the day he clarified any issues raised by the Members. He explained that he immediately followed the Mayor's reading into the Minutes of text by clarifying what was proposed in accordance with the Managers Report, as he was aware there may be confusion, and this recommended taking a level of 4.75m which did not even take full account of climate change and it amended the shape of the site to provide a regular shape for development.

Mr. Kelly confirmed to the Meeting that no matter what zoning was on the land, there was an underlying flood risk issue which would still remain even if the zoning was different. He clarified that the vast majority of the site had been zoned and a vast majority had been taken out of the flood risk area and in respect of the existing planning permission, part of

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the house is within a flood risk area and part is outside the flood risk area and this does not preclude the landowners building on that site. He again confirmed that the zoning of the site in any way does not take away or amend the flood risk at that location at this point in time.

Mr. Kelly said that he was very clear the decision taken by the Members at the last Council Meeting in that they voted to accept the recommendation in the Manager's Report which was fully explained at the meeting and the Minutes reflect that position.

Cllr. McHugh said that there was no suggestion by anyone that the Minutes were incorrect but he wished to point out that a portion of the site was now within Environmental Management (EM) zoning and this would cause problems with regard to obtaining a mortgage and insurance excluding the live planning permission on the site.

In reply, Mr. Kelly said that he could not see a mechanism whereby the Members could revisit a decision made and even if there was a way, he wished to make it clear that this would not change the flood risk issue and that any rezoning of the land would not displace the flood risk area.

Cllr. McHugh said that he was not saying that he wished to rezone the land but if the line on the map could be moved more down towards the village core that would resolve the problem that has arisen and a method is needed so as this matter can be resolved amicably.

In reply, Mr. Kelly advised that there is planning permission on the site and there is no reason why a house cannot be built on the site and any future planning permission applications on the site can be considered by the Planning Authority as a portion of the site is zoned and outside the flood risk area.

Cllr. McHugh asked if a new planning application would be viewed in a different light than one viewed 6/7 years ago and Mr. Kelly replied that there was no reason a new application could not be considered.

Comh. Ó'Curraoin said that he concurred with Cllr. McHugh and Cllr. Cuddy in that flood risk is now an issue and there is nothing being said about the cause of flooding which are blocked drains.

It was proposed by Comh. O'Curraoin and seconded by Comh. Ó'Cuaig that as regards the Bearna Plan, that the contour of 4.5 apply as pertains to the zoning of D'Arcy site.

Comh. O'Tuairisg asked if the part of the site not in flood risk area could be swapped for the land within the flood risk area to as to change the boundary of the flood risk area.

Cllr. Cuddy said he was not in favour of the level of 4.75m including climate change and asked when and from where this level came.

Mr. Kelly introduced to the Meeting, Mr. Conor Skehan, CAAS, Environmental Consultant for Galway County Council, to speak on the overall issues with regard to flood risk and climate change and explained this will also be relevant to the Amendments of the Gaeltacht and Clifden Local Area Plans.

Mr. Skehan advised the Meeting that he recognised the unease with regard to flood risk, with new legislation and practice for all to consider leading to a great deal of uncertainty in relation to the issue. He advised that since 2009, flood risk had to be take account of in the planning process. He advised that in this context the best is being done with the information available to give the public the best warning possible with regard to land 'at risk' of flooding which goes outside the lifespan of a person. He said that the *Flood Risk Management Guidelines* are in place to help one imagine the worst happening and the best is being done with the imperfect information available.

Mr. Skehan said that where there is a rise in sea level in big storm surges, this is often at the same time as heavy rainfall and the calculations made are based on best estimates using the OPW's recommended 0.5 metre allowance for climate change in accordance with the *Guidelines* using the 'precautionary principle'. He said that the sea level and the climate have always been changing and it

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is not just a future event and advised that since 1870 the sea level has risen by 8 inches. He advised that the Guidelines state that it would be prudent to make 'some allowance' for climate change and understands that the Members have done that and made an allowance of 0.25m in this case.

Cllr. O'Tuairisg expressed his view on the words used by Mr. Skehan with regard to 'uncertainty' and 'imperfect' information and that serious decisions are being made in relation to this which has huge implications for Connemara and said that straight lines instead of contour lines are being used. He said that flood risk along with Special Areas of Conservation (SAC) sites means that there is very little land left for development in Connemara.

Comh. O'Curraoin referred to his earlier Proposal which was Seconded and asked if the OPW and the Department have said that a level of 4.5m is not acceptable when a site specific flood risk assessment report was carried out on this site, and why was this report is not being accepted. In reply, Mr. Kelly said that the level of 4.5m refers to this site only having regard to all the information pertaining to this site. The 4.5m level is relevant to no other site. He said that the recommendation in the *Flood Risk Management Guidelines* is 0.5meters for coastal flood risk and 0.25m was the more conservative approach taken. He said that a number of Local Area Plans have been adopted but with regard to this site, he advised that there was more flood risk at this location than other areas. He said that no matter at what level flood risk pertains, it is all agreed that there is a flood risk on this site but the question is at what level should it be at. He clarified that even if climate change was not allowed for at Plan stage, it would have to be taken account at planning application stage and, therefore, the overall result would be the same.

Mr. Kelly clarified to the Meeting that a decision was made by the Members and whether this decision is agreed with or not, it is accepted that the Minutes are an accurate record of what took place at the previous Meeting and there is no method to go back and change the decision made by the Members.

Cllr. Connolly welcomed Mr. Skehan to the meeting and acknowledged his work in respect of the Habitats Directive and asked how enabling the Resolution made would be for the clients to obtain planning permission on this site.

Mr. Kelly said that he could see no method to change the decision made by the Members based on the acceptance of the Manager's Report and advised that the flood risk doesn't affect the existing planning permission and if the landowner doesn't build on this existing permission then the alternative would be to apply for another planning permission. He said he could not see how anyone could hold the view that this Plan was more stringent than others as part of the site is deemed outside the flood risk area already.

Cllr. McHugh made reference to Mr. Skehan's statistics in relation to the rise in sea level and said that in this situation, it would take a large number of years for the sea to catch up with this site taking a level of 4.5m above the sea and in view of the site specific report, he proposed to use a figure of 4.5m to include the 0.25m for climate change as the Members have expressed that had they known that the level being proposed was 4.75m, then they would have voted differently.

In reply to Cllrs. Connolly, McHugh and Broderick, Mr. Kelly clarified that the level of 4.5m is a reference to Malin Head and not the sea. He said that the level of 4.5m refers only to that site and it came from the site specific flood risk assessment on that site and not from the *Guidelines*. He explained that any level above 4.46m was at flood risk before climate change was considered and advised that each site would have to be determined for climate change on its own merits having regard to its detailed site flood risk assessment. He also advised that where flood risk is determined, it cannot be changed by changing the zoning and it would not impact positively on any planning application. In reply to Cllr. Broderick, Mr. Kelly said that the most cautious level would have been 4.96 but the Planning Authority took a less conservative approach for this site by taking 4.75m as the level.

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Cllr. Cuddy asked how the flood risk maps are determined, as with respect to this site, it has been never known to flood and the client's hydrology report stated that a level of 4.5 m was acceptable.

Cllr. Willers commented to the Meeting that the Bearna Plan has already been approved and expressed concern with regard to development on a flood plain.

Cllr. S. Walsh advised that Mr. Kelly was very clear on the day of the Meeting and that Mr. Kelly made a point of clarifying what was being proposed and he accepted that it was a level of 4.75m that he had voted on. He said that some Members may have or may not have fully understood but in the context of live planning permissions, rather than tell the applicant to move his house, the applicant could raise the levels above 0.25m by filling. He also said that it was the OPW and not Galway County Council that produced the flood risk maps and the Council have to take cognisance of flood risk and the current situation should be accepted and in six months time it be reviewed on the submission of a planning permission or by an Amendment to the Plan.

Mr. Kelly advised the Meeting that there was a provision inserted in the Plan whereby it applies if there is live zoning on land, and it allows the movement of a flood risk line in the context of a planning application and a detailed flood risk assessment. This provision allows flexibility to allow development from one zone to extend into another and advised that effectively what the Members require is resolved already in the Plan.

The County Manager advised the meeting that the Bearna Plan was in place on the basis of the Minutes of Council Meeting of 20<sup>th</sup> December 2012. She advised that if the Minutes as presented were accepted as an accurate record of the decision of the December Meeting, then they should be approved. She noted that there was no indication from any of the Members that the Minutes as presented were in any way inaccurate and there was no amendment or counter proposal to the motion to approve the minutes as presented.

She acknowledged the one Motion proposed to amend the level to 4.5m with the map to follow the contours but indicated that she did not see any legal means to accept the motion before Council. She advised of the option of the matter being reconsidered through the process of an amendment of the Local Area Plan or for a planning application to be considered on an alternative location within the site.

In reply to Cllr. Fahy, the Mayor said that the Minutes can be corrected if the Members formed the view that they were inaccurate.

Cllr. McClearn advised the meeting that in his opinion the Minutes were accurate and that any proposed Amendment to the Plan would have no bearing on the site one way or another as it is in a flood risk area and he expressed concern with regard to the implications that any change would have on other Local Area Plans incorporating flood risk levels.

In reply to Cllr. Cuddy, Mr. Kelly said the only method to reconsider the zoning would be through an Amendment to the Plan.

In reply to Cllr. McHugh as to whether a paragraph could be added to the current Plan, the Mayor advised that this was not an option.

The Mayor advised the Meeting that the Minutes were a reflection of what happened on the day of the Meeting and not what may have been understood by some individual members on the day and asked if all were in agreement to approve the Minutes of the Meeting of 20<sup>th</sup> December 2012.

Comh. O'Curraoin said that people were confused and he understood that it was a level of 4.5m he voted on. In reply, the Mayor advised Comh. O'Curraoin that he voted against the Proposal on that day.



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Mr. Kelly clarified for the Meeting that a level of 4.75m reflects the recommendation in the Manager's Report and the Members made a decision on the day as stated on the Minutes of the Meeting and even if there was some confusion on the part of some Members, a decision was made based on the Manager's Report and an alternative decision cannot be made now. He said that the only way to modify the Plan was by an Amendment to the Plan.

Cllr. McHugh proposed that the Plan be amended within the legal timeframe permitted.

On the proposal of Cllr. T. Mannion, seconded by Cllr. Ryan it was agreed to adjourn the Meeting for for 5 minutes.

The meeting adjourned.

On the resumption of the meeting, The Mayor advised the meeting that there was no legal basis to allow for the implementation of the motion as proposed by Comh. Ó Curraoin, in the event that same was carried.

On the proposal of Comh. O'Curraoin, seconded by Comh. O'Cuaig it was agreed to withdraw the motion that as regards the Bearna Plan, that the contour of 4.5 apply as pertains to the zoning of D'Arcy site.

On the proposal of Cllr. McHugh and seconded by Cllr. Feeney, it was agreed that the Council vary the Bearna Development Plan within the legal timeframe that exists.

The Minutes of the Ordinary Meeting held on the 20<sup>th</sup> December, 2012, as proposed by Cllr. Fahy, seconded by Cllr. Maher were agreed and approved by the Council and signed by the Mayor.

Cllr. Canney referred to a motion he had submitted in relation to Ireland West Airport, Knock and the continued efforts of the airport to seek strategic engagement and appropriate financial support from the Government in its plans to expand its services, increase tourism and create jobs for the region and that the Council would support the airport in its requests to Government to create a level playing field for aviation in Ireland. It was proposed by Cllr. McDonagh, seconded by Cllr. McHugh and agreed that the Ireland West Airport, Knock be invited to make a presentation to Council.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION 1329

The Report of the Roads & Transportation Strategic Policy Committee held on the 15th November was approved by the Council on the proposal of Cllr. J. McClearn, seconded by Cllr. Feeney

***Arising from the Minutes***

Cllr. M. Connolly in reference to the consideration of the Draft Walking & Cycling Strategy by the SPC stated that he wished to clarify that the only section of the proposed greenway for Tuam that was removed from the draft strategy with the agreement of the SPC was the section proposed for the route of the Western Rail Corridor from the town north west towards Kilconly. He advised that it was removed with the agreement of the SPC on the basis that it would be retained solely for future development of the Western Rail Corridor.

In reply to concerns expressed by Comh. Ó Curraoin in relation to the impact of the proposed Connemara Greenway on landowners, Mr. Gavin confirmed that no lands will lose access as a result of the proposal and that alterations in the route had been proposed to address the issue of houses built on the former rail line.

In reply to Cllr. D. Connolly, Mr. Gilmore confirmed that a draft signage policy was under consideration by the Roads & Transportation SPC but that pending finalisation of the policy

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and the adoption of same by Council, the existing provisions governing the provision of signage would continue to be implemented. He confirmed that the local authority is compliant with the Irish language requirements for road signage but invited the Members to bring any specific issues relating to same to his attention. Cllr. D. Connolly requested that in advancing the Draft of the Walking & Cycling Strategy that consideration be given to recognizing the strong equine tradition in the County and in particular in the Ballinasloe and Clifden areas and that same be reflected in the consideration of riding ways.

In reply to Comh. O'Laoi and Cllr. S. Walsh, Mr. Gavin confirmed that the Connemara Greenway proposal was the subject of an Oral Hearing by An Bord Pleanala prior to Christmas and that the outcome of same was awaited. He confirmed that same would include consideration of the issues raised and proposals outlined in the course of the hearing relating to Glengowla Mines.

The County Manager advised that the local authority was very supportive of the project and that it offered significant benefits for Connemara. She confirmed that permissive access agreements were in place with a large number of landowners and that An Bord Pleanala will make a determination on the future planning for the greenway but that the local authority had endeavored to reach a suitable compromise where issues of concerns had been raised by landowners.

Cllr. E. Mannion outlined her support for the Connemara Greenway and the benefits that same would provide for the Connemara region, citing the example of the greenway in Mayo.

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993** 1330

On the proposal of Comh. O'Tuairisg, seconded by Cllr. S. Walsh the Council approved the declaration of the following road to be a public road, the statutory procedures having being complied with.

"Road commencing at junction with Local Road L52049 in the townland of Aille, Inverin and extending west for a distance of 180 metres in the townland of Aille, Inverin and finishing in the townland of Aille, Inverin"

**Electoral Area: Connemara**

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993** 1331

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

**Cluain Lara Housing Estate, Athenry**  
**Houses No. 3 to 8 and 36 – 38 inclusive**

Road commencing at its junction with the L3105 in the townland of Cullairbaun and extending in a north westerly direction for a distance of 120 metres from House No. 3 in the townland of Cullairbaun and ending outside House No. 38 in the townland of Cullairbaun.

**Houses No. 9 to 35 inclusive**

Road commencing at its junction with the L3105 in the townland of Cullairbaun and extending in a north easterly direction for a distance of 203 meters in the townland of

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Cullairbaun and ending outside House No. 30 in the townland of Cullairbaun. Road linking this road outside House No. 11 and running in a semi circular shape for a distance of 142 meters in the townland of Cullairbaun and ending outside House No. 29 in the townland of Cullairbaun. Road linking from the abovementioned 203 meter long road running in a north easterly direction for a distance of 150m in the townland of Cullairbaun and ending outside House No. 35 in the townland of Cullairbaun.

**Electoral Area: Loughrea**

Cllr. Feeney conveyed his appreciation to the staff of the Taking In Charge Section for advancing the proposal and for their ongoing efforts to have estates advanced for taking in charge by the Council.

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993 1332**

On the proposal of Cllr. Carroll, seconded by Cllr. McDonagh, the Council approved the declaration of the following road to be a public road, the statutory procedures having being complied with.

**Oakfield Housing Estate, Oranmore**

1. Road pavement and footpath, commencing at public road L41051 (access road to Ashbrook Estate) and extending north for a distance of 136m (ending at northern end of house No. 15).
2. Road pavement and footpath commencing at public road L41051 (access road to Ashbrook Estate) and extending north for a distance of 80m (ending at house No. 44)
3. Road pavement and footpath, commencing at public road L41051 (access road to Ashbrook Estate) and extending south for a distance of 90m (ending at house No. 62)

**Electoral Area: Oranmore**

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993 1333**

On the proposal of Comh Ó'Curraoin, seconded by Cllr. S. Walsh, the Council approved the declaration of the following road to be a public road, the statutory procedures having being complied with.

**Cregg na Coille Housing Estate, Oughterard**

1. Main link road pavement and footpath, commencing at public road LP1311-1 and extending east for approximately 365m and ending at house No. 78 Cregg Na Coille (all in the townland of Cregg).
2. Road pavement and footpath, commencing at junction with apartment No. 16 and extending northwards ending at apartment No. 24 a distance of approximately 62m.
3. Road pavement and footpath commencing at junction with apartment No. 4 and extending southwards ending at apartment No. 12 a distance of approximately 64m.

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4. Road pavement and footpath commencing at junction with house No. 28 and extending southwards ending at house No. 33 a distance of approximately 71m.
5. Road pavement and footpath commencing at junction with house No. 27 and extending northwards ending at house No. 39 a distance of approximately 107m.
6. Road pavement and footpath commencing at junction with house No. 42 and extending northwards ending at house No. 49 a distance of approximately 72m.
7. Road pavement and footpath commencing at junction with house No. 50 and extending southwards ending at house No. 57 a distance of approximately 135m.
8. Road pavement and footpath commencing at junction with house No. 59 and extending northwards ending at house No. 82 a distance of approximately 173m.

Electoral Area: Connemara

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993 1334**

On the proposal of Cllr. McClearn, seconded by Cllr. Maher, the Council approved the declaration of the following road to be a public road, the statutory procedures having being complied with.

**The Spires Housing Estate, Portumna**

Road pavement and footpath commencing at its junction with the N65 in the townland of Portumna and extending in a westerly and southerly direction for distance of approximately 186.5 meters in the townland of Portumna and ending in the townland of Portumna.

Electoral Area: Loughrea

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993 1335**

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

**Killora Court Housing Estate, Craughwell**

Road commencing at its junction with the R446 in the townland of Killora and extending for a distance of approximately 205 meters in the townland of Killora and ending outside house No. 5 in the townland of Killora.

Electoral Area: Loughrea

Cllr. McClearn said he wished to compliment the Taking in Charge Staff of Galway County Council for the number of proposals for taking in charge presented to the meeting and the huge amount of work that goes into a development to bring it to the standard for taking in charge.

**TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS RECEIVED ON THE PROPOSED AMENDMENT TO THE GAELTACHT LOCAL AREA PLAN 2007-2013 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, as previously circulated, on the submissions received on the Proposed Amendment to the Gaeltacht Draft Local Area Plan 2008-2014.

Mr. Martens advised that the Manager's Report has been prepared on the submissions received on the Proposed Amendment to the Gaeltacht Local Area Plan 2008-2014 during the public display period and advised the Members that when performing their functions, the Members shall be restricted to considering 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. He advised the Meeting that Strategic Environmental Assessment (SEA), Appropriate Assessment (AA) and Strategic Flood Risk Assessment (SFRA) reports were also prepared and said following the Members consideration of the Manager's Report, the Local Area Plan shall be amended in accordance with the recommendations of the Manager's Report or if the Members make alternative decisions, any Material Alterations made will be put on public display and submissions invited. He then proceeded to outline the Submissions received to the Meeting.

#### **Submission No. 3 - Department of the Environment Community and Local Government**

Mr. Martens outlined the main issues of Submission No. 3 raised by the Department of the Environment Community and Local Government and the Manager's response and recommendation.

In response to the Departments issue re zoning and phasing, Mr. Martens advised that Galway County Council had reviewed the extent of developed residential land zoning and was satisfied that it was generally consistent with the area of permitted developed land, that the limited number of larger sites associated with existing houses are consistent with the existing site curtilage/planning permission, and that these existing sites are not likely to come forward for development within the lifetime of the LAP, and that there is not any excess land that exists that should be included as Phase 1 residential land and that it is accordingly not necessary to review the extent of Phase 1 land.

He further advised that Galway County Council has reviewed the deletion of the provision in the Zoning Matrix which prohibits exclusively residential proposals in the village centre and considers that it would be appropriate to reinstate this requirement to promote appropriate development in the village centre and to promote sustainable communities. He said that the rationale for the choice of Phase 1 lands is set out in Section 6.4 (An Cheathrú Rua) and Section 7.4 (An Spidéal) of the proposed Amendment to the LAP. He said that the sites have been phased in a sequential manner (i.e. from the centre outwards) and in suitable locations that are serviced and accessible, that avoid significant environmental, landscape and flood risk sensitivities and that have the potential to make a contribution to the achievement of key objectives in the LAP.

In reply to Cllr. D. Connolly's question could a landowner with a house in a poor state of repair in the An Spidéal area apply to demolish and rebuild the house, Mr. Kelly said that the planning application would be considered on its merits and, as with any planning decision, account would be taken of what was granted on the land previously.

Mr. Martens recommended no change to residential zoning and phasing in the Amended Plan, however, he recommended that the following provision be reinstated in the Zoning Matrix in Appendix 2: "Exclusively residential proposals in the village centre (Mixed. Dev) zone will not normally be permitted."

With regard to Water and Wastewater capacity, Mr. Martens advised that the waste water policies and objectives in the Local Area Plan (LAP) were not proposed to be amended as part of the proposed Amendments to the LAP. He said that it is not considered appropriate to make changes to these provisions at this stage in the process. He advised that the proposed Amendment to the LAP includes a number of objectives: OSD5 – Service Led Development, OSD6 – Residential Development Phasing, OHE6 –Water Resources and Policy PW4, to protect water resources and ensure adequate servicing of new development.

Mr. Martens recommended no change to the Amended Plan in respect of Water and Wastewater capacity.

With regard to the National Guidelines, Mr. Martens recommended the following minor alterations are proposed to ensure that all references are up to date:

Section 6.2 to read “Sustainable Residential Development in Urban Areas Guidelines 2009” and Section 7.2 to read “Sustainable Residential Development in Urban Areas Guidelines 2009”.

With regard to the Flood Risk Management, Mr. Martens advised that Galway County Council is undertaking a Strategic Flood Risk Assessment (SFRA) for the County and, as part of this SFRA, the flood risk issues relevant to the Gaeltacht LAP have been identified (as per Stage 1 of the Flood Risk Guidelines) and an initial flood risk assessment has been undertaken (as per Stage 2 of the Guidelines). This has included the consideration of available flood risk information, the confirmation of sources of flooding, appraising the adequacy of existing information and the preparation of indicative flood zone maps.

He said that as part of the SFRA, site walkovers, facilitating the identification of vegetation associated with frequent inundation and micro-topography, have been carried out and that the Stage 2 SFRA has generally confirmed the areas identified in the Preliminary Flood Risk Assessment (PFRA), with modifications at certain locations, and has facilitated the identification of indicative flood risk zones and new Plan provisions with regard to Flood Risk Management and Assessment, including those relating to site specific FRAs.

He advised that the flood risk and flood zone maps for the Gaeltacht LAP, produced as part of the SFRA, cover the entire plan area for An Cheathrú Rua and An Spidéal, including historically zoned areas and areas under consideration for future development. He advised that these maps are included in the Stage 2 SFRA for the Gaeltacht, which is a support document to the proposed amendment to the LAP and the content of which will also form part of the final adopted LAP.

He advised that the Stage 2 SFRA has been fully considered in the preparation of the proposed amendment to the Local Area Plan and furthermore, he said Objective OFMR1 includes the requirement that any development proposals in an area of identified or potential flood risk will be required to carry out Site Specific Flood Risk Assessment in accordance with the provisions of the *Flood Risk Management Guidelines 2009*. Development proposals will *inter alia* be considered in light of the findings of such site-specific assessments – noting, in particular, that any development that may be subject to inappropriate risk of flooding or that would exacerbate such a risk at other locations shall not normally be permitted.

He further advised that in relation to the *Catchment Flood Risk Assessment Management Plans* (CFRAMs), Policy PFRC1 and PFRS1 of the proposed amendment to the Gaeltacht LAP states that Galway County Council will also take account of the *Catchment Flood Risk Management Plans* (CFRAMs), *Preliminary Flood Risk Assessment* (PFRA) and *County Galway*

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Strategic Flood Risk Assessment 2012 and any recommendations and outputs arising from same that relate to or impact on the An Cheathrú Rua and An Spidéal Plan Areas.

In relation to consultation with the OPW, a detailed submission has been received from the OPW on the proposed amendment to the LAP and this has been fully considered and addressed above and under the OPW submission below.

Mr. Martens recommended no change to the Amended Plan in respect of Flood Risk Management.

In reply to Comh. O'Tuairisg, Mr. Martens advised that the Stage 2 SFRA covers the entire Plan area, and said that CAAS, the Planning Authority's Consultants, carried out site walkovers in the flood risk locations and identified them as being in either Indicative Flood Zone A, B, or C, based on the *Flood Risk Management Guidelines*.

Mr. Conor Skehan, Environmental Consultant, CAAS, advised the Meeting that the information provided is based on detailed analysis carried out as the Stage 2 SFRA involves groundtruthing, identification of signs of vegetation, and micro-topography being carried out. In reply to Comh. O'Tuairisg, Mr. Skehan said that all the Settlements in the Plan were walked as close as possible whilst respecting the landowner's privacy.

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

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

Mr. Martens outlined the main issues of Submission No. 1 raised by the National Roads Authority and the Manager's response and recommendation.

Mr. Martens advised that the comments from the NRA are noted and said that the issues and references raised in the submission are generally not the subject of the proposed amendment to the LAP and it is not considered appropriate to make changes to these provisions at this stage in the process. He said it should also be noted that the changes proposed and issues raised in the submission are generally covered by the objectives and policies contained within the Galway County Development Plan or by Section 28 Ministerial Guidelines and therefore are considered addressed satisfactorily and implementable under these documents and associated provisions.

Mr. Martens recommended no change to the Amended Plan in respect of this Submission.

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

**Submission No. 4 – Office of Public Works**

Mr. Martens outlined the main issues of Submission No. 4 raised by the Office of Public Works and the Manager's response and recommendation.

Mr. Martens advised that this Submission set out the requirements under the *Flood Risk Management Guidelines* including reference to statutory obligations for flood risk the justification text, hierarchical approach, flood zone system and the precautionary approach in known or suspected flood risk areas. He said the Submission refers to the four sources of flood risk and the Catchment Flood Risk Assessment and Management (CFRAM) studies and the Preliminary Flood Risk Assessment (PFRA) exercise. He said that the Submission explicitly states that the Proposed Amendments to the Gaeltacht LAP requires a Stage 2 SFRA.

Mr. Martens advised that his response is the same as to the Department's submission referred to earlier and he recommended no change to the Amended Plan in respect of this Submission. He further advised that a Stage 2 SFRA has been undertaken as per the *Flood Risk Management Guidelines* and the land use zoning is in accordance with the Guidelines taking account of the flood zones identified.

In reply to the Mayor with regard to landowners submitting detailed site specific flood risk reports as part of their Submissions on the Amended Plan, Mr. Martens said that CAAS have to balance the information on the site specific report and the OPW's maps and the Guidelines in making their decision with regard to flood risk.

Mr. Kelly said that the Planning Authority, takes consideration of site specific flood risk assessments attached to Submissions but advised that there are varying factors that impact on flood risk in an area and providing these site specific reports must have regard to these and use acceptable parameters.

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

**Submission No. 5 – Environmental Protection Agency**

Mr. Martens outlined the main issues of Submission No. 5 raised by the Environmental Protection Agency and the Manager's response and recommendation.

Mr. Martens advised that the Directives referred to in their Submission have been considered as part of the preparation of the Gaeltacht LAP 2008, the proposed amendments to the LAP and associated SEA Environmental Reports.

In relation to Service Infrastructure, Mr. Martens advised that the issues and requirements referred to in their Submission have been considered as part of the preparation of the Gaeltacht LAP 2008, the proposed amendments to the LAP and associated SEA Environmental Reports and he said that they will also be considered/incorporated as part of any specific plans/measures to improve any infrastructural deficiencies identified.

With regard to the Amendments to the Plan, Mr. Martens advised that this has been considered as part of the Plan Amendment process and it has been determined that a full SEA is required and this has been prepared, taking account of Schedule 2, and published with the amendments. Any future changes will also be subject to SEA screening and a determination made if full SEA is required at the appropriate stage in the process.

With regard to the SEA Statement, Mr. Martens said that the preparation of an SEA Statement will be addressed at the appropriate stage in the process.

Mr. Martens advised that with regard to the Appendix, the requirements and issues raised have been considered as part of the preparation of the Gaeltacht LAP 2008, the proposed amendments to the LAP and/or the associated SEA Environmental Reports and AA Reports and Galway County Council is satisfied that these have been considered, incorporated and/or addressed where appropriate in the LAP, the proposed amendment and/or the SEA and that all requirements and obligations will be complied with at the appropriate stage in the planning and Mr. Martens recommended no change to the Amended Plan in respect of this Submission.

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

Mr. Martens then dealt with the remaining submissions from the general public and other persons/bodies.

**Submission No. 2 – Brendan O'Flaherty**

Mr. Martens outlined the main issues of Submission No. 2 raised by Brendan O'Flaherty and the Manager's response and recommendation and asked the Members to Refer to Map 1 and Map 2 of the site specific submissions in Appendix 2.

Mr. Martens advised that this Submission requests that existing Village Centre zoning on owner's lands be retained and that said lands be removed from the 'Indicative Flood Zone A' area and requests that existing residential zoning with a strip of recreation and amenity