

zoning at the front of the lands be retained and that these lands be removed from the proposed indicative Flood Zone A. Submission also points out that the zoning on lands to the east, north and west of owner's lands remain zoned as they were in the current plan.

In response, Mr. Martens said that the Map 7.2 An Spidéal Land Use Areas has not been amended as part of the Proposed Amendment and the Village designation shown on this map remains on the landowner's lands and, therefore, no change has been made to that map.

He further advised that a significant portion of the owner's lands is located in Flood Zone A, which has been identified based on all available flood risk information, including the OPW PFRA flood maps, the OPW Irish Coastal Protection Study coastal flood maps, and the Stage 2 SFRA undertaken by consultants for Galway County Council, including site walkovers of the lands concerned which confirmed and extended the flood risk area in this location based on groundtruthing. The Stage 2 SFRA has identified and confirmed that these lands are at risk from coastal (through culvert), fluvial and pluvial flooding. The SFRA also states that the river that affects this location drains a steep, sizable catchment and there is a significant risk of flash flooding from the uplands. He said that the lands within Flood Zone A have accordingly been proposed to be zoned from Residential in the current LAP to Recreation and Amenity in the Proposed Amendment in accordance with the Flood Risk Management Guidelines.

Mr. Martens advised that the south-eastern portion of the owner's lands are not located within a flood risk area and these remain zoned as before, including residential zoning for an existing house, its site and adjoining undeveloped lands to the north and west. He said that the zoning of lands to the east of the owner's lands remain zoned as they were previously as these lands are not located within an identified flood risk area. He said that the adjacent lands to the north of the owner's lands and nearby lands to the west of the owner's lands have been zoned recreation and amenity as these lands are also included in Flood Zone A.

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

Mr. Skehan advised the meeting that CAAS walked over this site and confirmed that the PFRA map was very accurate as from examination of the site, the area of flood risk was very large and as the land is sloped and vegetation is evident on the land, this is an indication of poor drainage and a flood risk on the land. He said that the bottom right hand corner of the site only remains not affected by flood risk. He said that the landowner described in his Submission a storm that occurred in 1995.

Comh. Ó'Laoid said that if the sea water rose by 0.5m due to global warming then the road serving Connemara adjoining these lands would have to be risen and this would create a barrier for these lands. He proposed that the zoning remain as Village Centre in order that the landowner can undertake a Hydrology report on it so as to further examine the flood risk. Cllr. S. Walsh seconded this Proposal.

Comh. O'Tuairisg advised the meeting that this site varies considerably and that part of these lands are elevated. He said that there was flooding on this site years back but the landowner gave land to the Council to widen the road and 3ft pipes were put under the road to alleviate flooding. He said that the adjoining land is a lot lower and this land has never flooded. He said he would like the landowner to have the opportunity to undertake a hydrological report to identify if there are sections of the site that would be suitable for development. He said that Mr. O'Flaherty had given him a new map to include his site at the back which was omitted in error from his original Submission.

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Mr. Skehan commented that throughout the Meeting the precise circumstances of different sites have been questioned and in some cases professional hydrological reports have been forwarded with the Submissions and he said that, in general, these reports have confirmed in 95% of cases the OPW's maps, that is the OPW maps have not changed very much based on the hydrological reports received for specific sites. He advised the Members that it would be a serious matter to set aside the advice given in relation to flood risk areas.

Comh. Ó'Curraoin said that he concurred with the previous Councillors comments and said that no-one wants to build on top of flood plains but local knowledge must be respected and locals should be asked for their input in identifying flood risk areas.

Cllr. S. Walsh said that a mature and fair approach has been taken by the Members in respect of this Submission as there is no flood risk on the elevated parts of this site and he too would like the landowner to be given an opportunity to undertake a hydrological report on the site and he said he would not accept the full site being zoned Recreation & Amenity and the worst case scenario would be to propose an Agricultural zoning for these lands.

Mr. Kelly said that in respect of the Draft Local Area Plan for Maigh Cuillin where the Members decided to remove lands within a flood risk area from Open Space, Recreation and Amenity to Agriculture zoning, he said this has now raised environmental issues and has required that a full SEA Report be undertaken. He said that the development type allowable within Agriculture zoning is not compatible with a flood risk area.

Cllrs. McClearn & Feeney expressed their concern that false hope was being given to the landowners by the Members in rezoning lands in flood risk areas to another non recommended zoning and that if this land was rezoned today, the land is still in a flood risk area, and this would still affect their success in obtaining planning permission in the future.

Cllr. E. Mannion said that the OPW should consult with the landowners in identifying flood risk areas.

Mr. Kelly advised that even if the Members rezone this land, it will make no difference to the fact that the underlying issue of flood risk on the land still remains, the zoning will not displace the flood risk, until and unless further information, such as the CFRAM study, becomes available or detailed site specific flood risk assessments are received. He said that the Planning Authority examined this site and while there is a small elevated section at the back of the site, he expressed doubt that the overall site even on analysis of a detailed site specific flood risk assessment, would be eliminated of flood risk.

In reply to Comh. O'Curraoin's query re Residential Phase 2 lands, Mr. Kelly said that theoretically Residential Phase 2 lands cannot be developed until either the next Plan or the Plan after that, however, if Phase 1 lands are not coming forward for development, then Phase 2 lands can be considered. He said that in relation to An Spidéal, the amount of Phase 1 Residential land is set at 1.2Ha for the life of the Plan.

On the proposal of Comh. Ó'Laoi and seconded by Comh. O'Tuairisg, it was agreed not to accept the recommendations in the Manager's Report and to zone the lands outlined in red on the revised map area submitted by the Members, the subject of MA2, as Residential Phase 2.

A vote was taken and the result was as follows;

AR SON:

Cllrs. Broderick, Carroll, & D. Connolly, Comh. O' Cuaig, Cllrs. Cuddy & Cunniffe, Comh. Ó'Curraoin, Cllrs. G. Finnerty, M. Finnerty & Hoade, Comh. Ó'Laoi, Cllrs. Maher, E. Mannion, McClearn, McHugh, Roche & Ryan, Comh. O'Tuairisg, Cllrs. S. Walsh & Welby [20]

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AGHAIDH: Cllr. Feeney [1]

GAN VOTÁIL: [0]

Submission No. 6 – James O'Donnell on behalf of Gerard Kilcoyne

Mr. Martens outlined the main issues of Submission No. 6 raised by James O'Donnell on behalf of Gerard Kilcoyne and the Manager's response and recommendation.

Mr. Martens advised that this submission requests that the linguistic and occupancy requirements for proposed multiple residential developments within designated settlements located within the Cois Ferraige: District D area are amended in Section 5.4.2 to be in line with the level of Irish spoken in the area in order to encourage residential development within designated settlements and to support sustainable residential development. The submission puts forward information in support of the proposed changes and argues that this would not be injurious to the linguistic integrity of the area.

In reply, Mr. Martens advised that the submission requests a relaxation of occupancy requirements for housing developments within the villages and settlements along Cois Ferraige. He said that the provisions in relation to housing need and occupancy are not the subject of the proposed amendments and it is accordingly not considered appropriate to make alterations to these existing provisions as part of the amendment process.

He further advised that it should also be noted that these housing need and occupancy provisions apply across all districts within the Gaeltacht area, not only District D: Cois Ferraige, and any review of the housing need and occupancy provisions in the LAP would need to be considered in the context of all of the districts within the Gaeltacht area.

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.

On the proposal of Comh. O'Tuairisg and seconded by Comh. O'Curraoin, it was agreed to accept the recommendations in the Manager's Report, as amended by the Members and it was agreed to put the Proposed Amendment to the Gaeltacht Local Area Plan 2008-2014, on display with the agreed amendments and Material Alterations.

Ar mholadh Comh. O'Tuairisg agus cuidithe ag Comh. Seamus Breathnach aontaíodh, go:

De réir Alt 19 den Acht um Pleanáil agus Forbairt 2000 (arna leasú), beartaíonn an Chomhairle seoladh fógra faoi Alt 20 (3)(a)(i) maidir le Plean Ceantar Áitiúil na Gaeltachta a chuir siar agus foilsíonn Fógra faoi Alt 20(3)(a)(ii) ar feadh tréimhse 5 bliana, ag tabhairt aird ar an aeráid eacnamaíoch reatha, cuspóirí an Phlean atá fós le baint amach agus an leasú beartaithe reatha ar Phlean na Gaeltachta, a chinnteoidh go bhfuil sé ag teacht leis an gCroí Straitéis agus cloí le riachtanais reatha agus go réiteodh an Bainisteoir tuairisc faoi Alt 19 (i) (e) agus go mbeadh an t-ábhar sin liostáilte lena mheas ag an gcomhairle iomlán ina dhiaidh sin.

(On the proposal of Comh. O'Tuairisg and seconded by Cllr. S. Walsh, it was agreed that: Pursuant to Section 19 of the Planning and Development Act 2000 (as amended), the Council resolves to defer the sending of a notice under Section 20 (3) (a) (i) in respect of the Gaeltacht Local Area Plan and publishes a Notice under Section 20 (3) (a) (ii) for a period of 5 years having regard to the current economic climate, the objectives of the Plan that remain to be fulfilled and the current proposed amendment of the Gaeltacht Plan, which will ensure its compliance with the Core Strategy and adherence to current requirements and that the Manager prepare a report under Section 19 (i) (e) and that the item be listed for consideration by the full Council thereafter.)

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

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The Mayor invited the presentation of the Manager's Report on the submissions received on the Proposed Amendment to the Clifden Draft Local Area Plan 2008-2014.

Ms. Kavanagh advised that the issues raised by Statutory Bodies, Ministerial bodies and any other National Authority have been dealt with first in the Manager's Report and the remaining submissions are then dealt with in order in which they were received.

Submission No. 18 – Department of Environment, Community and Local Government

Ms. Kavanagh advised that in respect of the Department's submission, she advised that their issues were as follows:

1. The Department noted and welcomed the compliance with the Core Strategy with the reduction in Residential Land.
2. SEA/AA Screening should be in compliance with Directives/Legislation.
3. A Stage 2 Flood Risk Assessment should be undertaken as per the *Flood Risk Guidelines*.

Ms. Kavanagh advised that Galway County Council has taken all these into account and no change is recommended to the Amended Plan.

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

Submission No. 14 – Department of Arts, Heritage and the Gaeltacht

Ms. Kavanagh advised that in respect of the Department's submission their issues were as follows:

1. Nature Conservation – Suggestions for inclusion into the Plan text of all references which refer to the Department and European Sites, the Environmental Directive and transport obligations under Habitats Directive, inclusion of a table listing Qualifying Interests (QI) of Special Areas of Conservation (SAC) and potential impact within the AA Screening Report.
2. AA Screening has failed to identify which of the QI of the 2 SAC's that may potentially be at risk.
3. Comments made with regard to wastewater infrastructure/water supply.

In respect of No. 1, Ms. Kavanagh advised that the following changes are recommended to the Amended Plan:

- a) Textural amendments for inclusion into the Plan text of all references which refer to the Department and European Sites.
- b) Include Table 1 titled '*Qualifying Interests, Potential Threats and Impacts*' into Section 2.4 of the AA Screening Statement.
- c) Delete the last sentence under S2 'Natural Heritage Areas and Associated legislation'.
- d) Amendment in text of Objective H2 Protected Habitats and Species.
- e) Amendment of Objectives - Objective D3 - Natura 2000 Network and Habitats Directive Assessment and Objective HI – European Sites - to include (in the first part of these 2 objectives) reference to the 'Environmental Liability Directive'

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- f) Amendment of text within Section 2.3 Transportation Infrastructure to include a fourth bullet point to read as follows: **"The Obligation, under Article 6(3) of the Habitats Directive, to ensure that no plans or projects, alone or in combination with other plans and projects, will have adverse effects on the integrity of a European Site."**

Ms. Kavanagh advised that Galway County Council noted comments in respect of AA screening and said that the Annex I habitats, Annex II species and Special Conservation Interests for SPA's will differ from site to site and these would be set out in Table 2.4 of the AA Screening Statement as amended and said that the wording of all amended objectives and policies was reviewed as part of the screening process and the proposed Amendments to the wording of policies and objectives will not give rise to impacts additional to those already assessed in the Appropriate Assessment screening of the existing LAP and she recommended no change to the Amended Plan.

In respect of No. 3, wastewater infrastructure/water supply, Ms. Kavanagh said the comments were noted and recommended no change to the Amended Plan.

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

Submission No. 1 – NRA

Ms. Kavanagh advised that the NRA had concern that there was no mention in the Amended Plan of the proposals to improve the N59 into Clifden and she recommended that new text be inserted in Section 2.3 of the Amended Plan.

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

Submission No. 2 – EPA

Ms. Kavanagh advised that Galway County Council has complied with the EPA's need for a SEA and AA of the Amendment and all cited legislation in the Submission has been complied with as appropriate and she recommended no change to the Amended Plan.

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

SUSPENSION OF STANDING ORDERS

1338

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

Submission No. 19 - OPW

Ms. Kavanagh advised that this Submission sets out the requirements under the **Flood Risk Management Guidelines 2009** and refers to the precautionary approach, which suggests that planning decisions should be carried out with due care for all development in outlined, known, or suspected flood risk areas. She said it details the type of information that could be considered for a Stage 2 SFRA.

In reply, Ms. Kavanagh 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 and indicative flood risk zones relevant to the Clifden Plan area were identified and informed **'The Strategic Flood Risk Assessment (SFRA) Conclusions for Clifden'**, a support document to the proposed amendment to the Local Area Plan and the Council's Consultants undertaking

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the SFRA have prepared a Stage 2 Flood Risk Assessment (SFRA) for the Plan area in accordance with the Flood Risk Guidelines 2009.

She further advised that the OPW made a number of recommendations in respect of Policy and Objectives in the Amended Plan such as Objective W6 – Flood Risk Management and Assessment and Objective W10 - Specific Flood Risk Locations. Objective W10 requires that new development proposals in specific flood risk locations (as identified within the Specific Objectives (Maps 2A/2B) be accompanied by a Site Specific Flood Risk Assessment and Justification Test where appropriate, that corresponds with that outlined under Chapter 5 **'Flooding and Development Management' of the Flood Risk Management Guidelines 2009.**

She said that the Submission refers to the sources of flooding, to the Catchment Flood Risk Management Plans (CFRAM) studies and to the responsibility of Local Authorities to assign appropriate development in flood risk areas. She advised that the Plan has included Flood Zone B as a surrogate for climate change for Flood Zone A and has generally taken the approach of avoiding flood risk and zoning areas identified as within Indicative Flood Zones A and B as Open Space, Recreation and Amenity.

In reply to the OPW's submission in relation to undeveloped lands at risk of coastal flooding (identified within indicative Flood Zone A and Indicative Flood Zone B) along Clifden Bay, Ardbear Bay and Salt Lake, Ms. Kavanagh advised that it is proposed to rezone these lands to Open Space Recreation and Amenity (OS).

Ms. Kavanagh further advised that the Stage 2 Flood Risk Assessment, as amended, recommends that a new provision is inserted into the proposed Amendment to the Clifden Plan in order to address situations where lands transected by the outer boundary of Indicative Flood Zone A or B do not reflect local topographical and/or flood path conditions. She explained that this new proposed objective allows the Planning Authority to consider the extension of an adjacent land use zone into the Indicative Flood Zone area, where the extended area inside the Indicative Flood Zone does not exceed 50% of the site outside of the indicative flood zone or 1acre/.404Ha, whichever is the lesser.

She said that this proposal will also be subject to the submission of a Site Specific Flood Risk Assessment and Justification Test as appropriate and the developer satisfying the Planning Authority and him/herself that the probability of flooding is appropriate to the development being proposed and will not increase flood risk elsewhere. She said that the Stage 2 SFRA recommended that it would be premature, based on available information, to allow for inappropriate land use zoning of undeveloped lands in Indicative Flood Risk Zones A and B as contained in the Stage 2 SFRA and it has been recommended that developed lands in such areas retain their proposed zoning – notwithstanding that they may be prone to flooding and where relevant, new information on flood risk - such as a site specific flood risk assessment, that is in compliance with the OPW Flood Risk Management Guidelines can be taken into account in future decision making where appropriate.

She said, however, that it should be noted that zoning arising from consideration of Flood Risk Assessment will not alter the ability to construct or use structures that are already permitted or built. She said it should be further noted that, in the core of established urban settlements, the Flood Risk Assessment and Justification Test make provision for consent to future development/alteration that would be otherwise be unacceptable due to flood risk – subject to satisfying all of the criteria set out in the Guidelines.

She said that the approach followed by the SFRA has been consistent with the Guidelines referred to and the recommendations contained within the SFRA also provide for the management of present and future flood risk.

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In relation to consultation with the OPW, she advised that Galway County Council consulted with the OPW when the proposed amendments to the Clifden Plan were being prepared.

On foot of this submission, Ms. Kavanagh recommended the following:

- 1) Update text within the proposed Amendment to the Clifden LAP 2009-2015 to provide for the inclusion for the following new text 'including Stage 2 Strategic Flood Risk Assessment (SFRA)' where it is appropriate within the Plan including the same text within Policy 3.7.3 and to delete reference to SFRA Conclusion document.

- 2) Include a new Objective – Objective W20 – Boundaries of Flood Zones within the Amended Plan to read as follows:

Objective W20 – Boundaries of Flood Zones

"In the case of lands transected by the outer boundary of Indicative Flood Zone A or B, where it can be demonstrated to the satisfaction of the PA [by more detailed local topographic survey information] that the outer boundary does not reflect local topographical and /or flood path conditions, the PA may consider the extension of uses allowed in an adjacent land use zone into the Indicative Flood Zone area, where the extended area inside the Indicative Flood Zone does not exceed 50% of the site area outside of the indicative flood zone or 1acre/.404ha, whichever is the lesser.

The proposal will also be subject to the submission of a Site Specific Flood Risk Assessment and Justification Test as appropriate and the developer satisfying the PA and him/herself that the probability of flooding is appropriate to the development being proposed and will not increase flood risk elsewhere"

- 3) On the Flood Risk Management Maps 3A/3B include new text within the Map Legend - under Indicative Flood Zone A to include the wording: '(PFRA Fluvial 100..... Stage 2 SFRA Data as amended'. Insert new text within Important Note to User - to read as follows 'research carried out on behalf of Galway County Council (Strategic Flood Risk Assessment for County Galway and including the Stage 2 SFRA as amended for the proposed Amendment to the Clifden LAP 2009 - 2015).

Cllr. E. Mannion welcomed Mr. Skehan's presence at the meeting as she said that the OPW's flood risk maps was causing distress on the landowners and said that the OPW should have engaged in consultation with the landowners with regard to their lands. She expressed concern with regard to the effect that changes in land zoning from Agriculture to Open Space, Recreation & Amenity would have on REPS and AEOS Schemes as some reports state there are reeds on these lands. She also said that some lands in the Plan area who have already obtained planning permission are now surrounded by flood risk. She also commented that the Water Treatment Plant is not included in the flood risk land while adjacent lands were in the flood risk area. She also asked what action would need to be taken in the future on receipt of the detailed CFRAM study as the obtaining of Hydrology Reports by landowners is causing unnecessary expense. She commented that there was no road access to the proposed Business/Enterprise zoning being recommended in the Amended Plan.

The Mayor expressed his concern that there were a number of houses in the Plan area that are now identified as being in a flood risk area and asked if there was an update on the OPW's AFA study.

In reply, Mr. Kelly said that with regard to the presence of reeds on one of the landowners's lands, he said that the Manager's Report states that the groundtruthing covers a wider area than appears to be encompassed by the landowners lands so reeds would not necessarily

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occur on their lands. He said that that Water Treatment Plant did not come within a Flood Risk area. He advised that with regard to road access to the proposed Business /Enterprise zoned site; he said that there was an area that could provide access to this site and on that basis this site was considered and this same site is also in the current Plan.

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

Ms. Kavanagh then dealt with the remaining submissions from the general public and other persons/bodies.

Submission No. 3 – James Sullivan

Ms. Kavanagh advised that this submission requests the rezoning of Agricultural land to Industrial lands as identified in red outline and marked as 'X' on the map attached to the Submission and located in the Townlands of Ardbear and Killymongaun to the south east of Clifden town centre.

She advised that the Stage 2 SFRA identifies part of the subject lands within Indicative Flood Zone B and are not considered suitable for Business and Enterprise or for industrial land due to their proximity and connectivity to a European Site, existing and proposed objectives to provide for amenity walkways/cycleway routes, a small portion of the lands have been identified within Indicative Flood Zone B, (the portion of land dissected by a tributary of the Owenglin River) and a lack of public sewerage/water network in this area. She also said that access from the submission lands leading onto the N59 is via a local tertiary road L51284 which serves an existing dwelling and would not be considered appropriate due to its elevated location, substandard width and alignment including sight distances for proposed industrial use and access to the site via Riverside Road is also not considered appropriate.

Ms. Kavanagh further advised that if a proposed amendment is made to the effect of the rezoning requested by this Submission then it would have to be screened for the need to undertake a full SEA and AA.

Ms. Kavanagh also advised that rezoning the lands to Industrial would have the potential to have adverse effects on the Owenglin River – which is part of the Twelve Bens/Gararun Complex SAC and it is considered that the proposed 6.15Ha of undeveloped Business and Enterprise lands is sufficient for future business/enterprise and light industry uses within the lifetime of this Plan.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of this Submission as it is not recommended, based on available information, to allow for inappropriate land use zoning of the Indicative Flood Risk Zones A and B as identified by the Stage 2 SFRA.

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

Submission No. 4 – Ivor Duane

Ms. Kavanagh advised that this submission wishes to object to the proposed rezoning to Open Space/Recreation and Amenity (OS) lands indicated as 'Green' and 'Pink' on the map attached with the Submission map and makes a request that these lands be returned to their original zoning –

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

Ms. Kavanagh advised that In relation to the lands (estimated area 1.51Ha) located to the north of the N59 (area outlined in green on the Submission map) are currently zoned as Residential in the Clifden Plan 2009 and under the proposed Amendment to the Plan, the

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developed land will remain zoned as Existing Residential and that portion of undeveloped land north of the N59 that is identified by the Stage 2 SFRA as being located within Indicative Flood Zone A shall be rezoned as Open Space/ Recreation & Amenity (OS). The presence of drains and reeds were noted on this portion of land.

She advised that in relation to the undeveloped lands (estimated area 1.051Ha) located to the south of the N59 (area outlined in pink on the Submission Map) are currently zoned as Enterprise/Light Industry, and have been identified within a flood risk area including a Recorded/Historical flood event (OPW) which is also confirmed by the area engineer and are proposed to be zoned as Open Space, Recreation and Amenity (OS).

She said that the subject lands have been proposed to be zoned as OS due to their location within Flood Zone A. She referred to the OPW's Submission No. 19 and the response given previously in respect of flood risk.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of this Submission.

Cllr. E. Mannion proposed that the North of N59 be zoned Residential Phase 2 and the lands South of the N59 be zoned Business and Enterprise in order to give the landowner an opportunity to undertake a hydrology report on the land. Cllr. O'Laoi seconded this proposal.

In reply, Mr. Kelly referred to the advice given by Ms. Kavanagh with regard to zoning of lands in flood risk areas.

Mr. Skehan, CAAS, advised that meeting that in addition to consultation with the Area Engineer, groundtruthing took place on these lands and the result was unambiguous in that it confirmed that part of this area categorically and historically floods. He advised that the site more uphill was more complex and the reeds and topography were examined and this land had clearly more potential to flood and it identified that this area needed to be widened. He explained that following their groundtruthing, there is evidence that the lower site will flood and the higher site will flood in extreme conditions. He said that flooding is a serious matter, and he expressed concern with giving the landowner false hope and expense by asking them to undertake a Hydrological report, which, in his opinion, could be refused by An Bord Pleanála if the application was referred to them.

In reply to Cllr. E. Mannion's query as to the likelihood of flooding, Mr. Skehan said that a risk, 1 in 100 years, means that land that has not flooded in a hundred years could still be at risk of flooding.

Cllr. E. Mannion said the landowner wanted an opportunity to study the OPW's report and obtain his own hydrological report. Cllr. O'Laoi concurred with this. In reply, Mr. Skehan said that land was zoned flood risk based on the information available and admitted that this information is continuously evolving and it would be more detailed in the future which may result in smaller instances of flood risk areas and it was possible that some boundaries could change.

The Mayor said that it was extremely worrying for some householders who have house insurance issues. In reply, Mr. Skehan agreed that insurance was an issue and Insurance Companies are aware of the risk as these flood maps are publicly available. He said that nothing could be done in the Chamber today to amend these maps and in the future while perhaps the flood risk contours may change, land beside a river will not change.

Cllr. McClearn referred to the extent of the flooding experienced in 2009 and the extent of the devastation caused.

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Cllr. Feeney advised that the Local Authority cannot grant planning permission on land that is identified as a flood risk, no matter what zoning is on the land. Cllr. Cuddy concurred with this statement and said that if the Members zone this land, the landowner still will not get planning permission.

On the proposal of Cllr. E. Mannion and seconded by Comh. O'Laoi, it was agreed not to accept the recommendations in the Manager's Report and to zone the lands, the subject of MA1, to the North of N59 Residential Phase 2 and the lands South of the N59 be zoned Business and Enterprise.

A vote was taken and the result was as follows;

AR SON: *Comh. O'Cuaig, Comh. O'Curraoin, Comh. O'Laoi, Cllrs. Maher, E. Mannion, McClearn, McHugh, Roche & Ryan, Comh. O'Tuairisg, Cllrs. S. Walsh & Welby [12]*

AGHAIDH: *Cllrs. Broderick, Carroll, Connolly, Cuddy, & Feeney [5]*

GAN VOTÁIL: *[0]*

The Mayor declared the motion carried.

Submission No. 5 – Joe and Imelda Glynn

Ms. Kavanagh advised that this Submission's land (estimated area 0.16Ha) is located in the Townland of Ardbeer to the south west of the town centre in a serviced area and within the 50km/hr speed limit. The Twelve Bens/Garraun Complex cSAC is also located within the Submission land which is part of the Owenglin River. She said that the Stage 2 SFRA identifies the land within Indicative Flood Zone A. A derelict low lying building fronts onto the L51251 - Dooneen Road and site contours descend from this roadway to the river where it ponds and the contours ascend again towards the Ballyconneely road at Mill Bridge.

She advised that the land, as outlined in red on the Submission map is currently zoned as Town Centre, Agriculture (western portion of submission land) and as Recreation and Amenity (northwest portion of submission land) and under the proposed Amendment to the Clifden LAP, the developed portion of the land is proposed to be re-zoned as Town Centre/Commercial (C1) and the remainder as Open Space Recreation and Amenity (which replaces undeveloped Recreation and Amenity under the 2009 LAP) and which relates to that portion of undeveloped land identified within a flood risk area. In addition a portion of land located within the Twelve Bens/Garraun Complex cSAC to the west and northeast (and which was partly zoned as Agriculture under the 2009 Plan) is proposed to be zoned as Environmental Management (EM) under the proposed Amendment to the Plan. She referred to the OPW's Submission No. 19 and the response given previously in respect of flood risk.

Ms. Kavanagh said that it is not recommended, based on available information, to allow for inappropriate land use zoning of the Indicative Flood Risk Zones A and B as identified by the Stage 2 SFRA and, therefore, no change is recommended to the Amended Plan.

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

Submission No. 6 – John and Mary Joyce

Ms. Kavanagh advised that this Submission wishes to lodge an objection to the proposed changes that incorporates their land as a flood plain at Tullyvoheen, Clifden and also wishes

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to lodge an objection to the rezoning of the land from residential to the proposed changes, and they request that the land be left as residential.

Ms. Kavanagh advised that the Submission lands (estimated area 1.39Ha) are located in the Townland of Tullyvoheen to the northeast of the town centre and west of the L51283 in an un-serviced area. The contours of the site fall from the roadway and the site is mainly low lying and a stream flows in a north westerly direction. The Stage 2 SFRA identifies the land within Indicative Flood Zone A. She referred to the OPW's Submission No. 19 and the response given previously in respect of flood risk.

She advised that it would be inadvisable based on the information available to allow for inappropriate land use zoning of the Indicative Flood Zones A and B and with regard to the presence of reeds on the land, the groundtruthing covered a wider areas than appeared to be encompassed by the landowner's lands so reeds would not necessarily occur on his lands.

Ms. Kavanagh advised that the approach to the flood risk designations is based on the information available and cannot be changed without further information being available to support such change and recommended no change to the Amended Plan on foot of this Submission.

Mr. Kelly clarified that the recommendation is the same as regards flood risk and that the land remains identified as a flood risk, no matter what zoning is on the land and it is not recommended that the lands be zoned.

On the proposal of Cllr. E. Mannion and seconded by Cllr. Maher, it was agreed not to accept the recommendations in the Manager's Report and to zone the lands, the subject of MA2, as Residential Phase 2, area coloured green outlined in black as shown on the map attached to the Proposal.

A vote was taken and the result was as follows;

AR SON: Cllr. Broderick, Comh. O'Cuaig, Comh. O'Curraoin, Comh. O'Laoi, Cllrs. Maher, E. Mannion, McClearn, McHugh, Ryan, Comh. O'Tuairisg, Cllrs. S. Walsh & Welby. **[12]**

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

GAN VOTÁIL: **[0]**

Submission No. 7 – Olive Carty in respect of House No. 3 Owenglin Estate.

Submission No. 10 – Brendan Madden in respect of House No. 8 Owenglin Estate.

Submission No. 11 – Brendan Madden on behalf of the Owenglin Management Company, in respect of House No.s 1,2,3 & 4 Owenglin Estate.

Submission No. 12 – Ann King in respect of House No. 2 Owenglin Estate.

Submission No. 13 – Sean Burke in respect of House No. 2 Owenglin Estate.

Submission No. 21 – Fran Kelly in respect of House No. 1 Owenglin Estate.

Ms. Kavanagh advised that these Submissions were received from the Residents of the Owenglin Housing Estate and they have all requested that the decision to designate the above listed properties within flood plains should be reviewed as there is no history of flooding in the Owenglin estate and it will undermine the value of the houses in the estate.

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Ms. Kavanagh advised that these Submissions are part of the Owenglin Housing Estate which is located in the Townland of Killymongaun to the east of the town centre and located immediately south of the Owenglin River which forms part of the Twelve Bens/Garraun Complex cSAC and north of the N59. This estate is located to the south east of the Baragwanath Bridge, an estate bridge which separates the Clifden Glen estate from the Owenglin estate.

She advised that;

- Houses Numbers 1-4 front elevation or southern aspects of the houses are identified in the Stage 2 SFRA as Indicative Flood Zone C. The rear elevation or northern aspect of these houses slope to the river and are identified in Flood Zone A. The front elevations or southern aspect of houses 1-4 are more elevated and are identified as Flood Zone C.
- House Numbers 5-8 have been identified within Indicative Flood Zone C.

She said that under the proposed Amendment to the LAP the lands have been proposed to be zoned as Environmental Management (EM) due to their location within the Twelve Bens/Garraun Complex cSAC and its designation status as a European Site.

She further advised that the approach to the flood risk designations is based on the information available and cannot be changed without further information being available to support such change.

She advised that in relation to houses (House Numbers 5-8) identified within Indicative Flood Zone C: Indicative Flood Zone C is defined by the *Flood Risk Management Guidelines 2009* as follows:

"Flood Zone C – where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 for both river and coastal flooding). Flood Zone C covers all areas of the Plan which are not in zones A or B."

and, therefore, by virtue of not being included in Zones A or B, the remaining lands in the LAP area must be part of C.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of these Submissions.

Mr. Kelly advised that meeting that while the Owenglin & Clifden Glen estates are zoned Environmental Management and Residential respectively, they are in a flood risk area and the Members can make no further change. In reply to the Mayor, he clarified that in the future, on receipt of more detailed information, it may be possible to change the zoning on the undeveloped lands.

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

Submission No. 8 – Padric Duane

Ms. Kavanagh advised that this Submission wishes to make an objection to proposed Clifden LAP Amendment 2012 to designate their lands as outlined in 'pink' on the map enclosed with their Submission to flood plains and requests that these lands be removed and returned to their original designation.

Ms. Kavanagh advised that the Submission lands (estimated area 0.37Ha) are located in the Townland of Tullyvoheen to the northeast of the town centre on the northern aspect of the N59 in an area where the 100kph applies. The Stage 2 SFRA has identified the lands within Indicative Flood Zone A. The land as shaded in pink on the Submission map is currently zoned as Residential. Under the proposed amendment to the Clifden LAP the submission land shall remain zoned as Existing Residential (developed land). She further advised that

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the approach to the flood risk designations is based on the information available and cannot be changed without further information being available to support such change.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of this Submission.

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

Submission No. 9 – Shane Delaney on behalf of Josie Conneely

Ms. Kavanagh advised that this Submission states that the lands outlined in 'Blue' on the enclosed submission map and located within an Indicative Flood Zone C as illustrated on Map 3A of the proposed Amendment 2012 is not representative of past flood events and incorporates areas of land that has never previously flooded and the inclusion of all lands within the LAP boundary in the Indicative Flood Zone C should be considered again.

Ms. Kavanagh advised that the Submission land (estimated area of 4.27Ha) as shaded in blue on the enclosed Submission map is located in Townland of Killymongaun to the southeast of the town centre. The land as outlined overlaps partly with Submission No 3 (that portion of land around L51284 and adjoining the N59) and two portions of the Submission land to the south and south east extend outside the LAP boundary. The Stage 2 SFRA identifies the land within Indicative Flood Zone C.

She also said that under the 2009 LAP, the Submission lands are zoned as Agriculture and Recreation and Amenity. Under the proposed Amendment to the Clifden LAP, it is proposed to retain the Agricultural (A) zoning on most of the land, to re-zone that portion of the Submission land within Recreation and Amenity to Open Space, Recreation and Amenity (OS).

Ms. Kavanagh referred to the OPW's Submission No. 19 and the response given previously in respect of flood risk and said that with regard to the request that the lands within Indicative Flood Risk Zone C cannot be changed, as by virtue of not being included in Zones A or B, the remaining lands in the LAP area must be part of C.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of this Submission.

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

Submission No. 15 – PK Joyce

Ms. Kavanagh advised that this Submission requests that their lands at Ardbear, Clifden be rezoned from the present zoning of 'Agriculture' to 'Residential'. She said that the submission land (estimated area 3.022Ha) is located in the townland of Ardbear to the south west of Clifden town centre.

Ms. Kavanagh explained to the Meeting that the Stage 2 SFRA identifies the land within Indicative Flood C with some Pluvial flooding within that portion of the land which fronts onto the R341. She said that the lands are currently zoned as Agriculture and no change to this zoning status is proposed under the Clifden LAP Amendment.

She explained that the proposed Amendment has provided the maximum quantum of Residential land as per the Core Strategy which also provides for a 50% overhead in terms of required hectares. This equates to 12.02Ha under Residential Phase 1. These lands will be prioritised for development within the short to medium term of the plan period. In this regard, the Planning Authority does not have a requirement for additional lands at present.

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In addition to this under the proposed Amendment to the LAP there is an additional 37Ha of undeveloped Phase 2 lands which are generally not developable during this plan period.

Ms. Kavanagh advised that this submission requests the rezoning of agricultural land to residential. She said that if a proposed amendment is made to the effect of the rezoning requested by the submission then it would have to be screened for the need to undertake a full SEA, and in addition a similar amount of residential zoning would have to be removed from elsewhere in the Plan, which would not be recommended as the zoned areas are all more appropriate for development having regard to their location.

Ms. Kavanagh recommended no change to the Amended Plan on foot of this Submission. The Members agreed to accept the recommendation in the Manager's Report.

Submission No. 16 – Richard Bartley

Ms. Kavanagh advised that this Submission requests that no change is made to the property as shown 'arrowed' on the map enclosed with their Submission.

Ms. Kavanagh advised that the lands are zoned as Town Centre under the existing LAP and are zoned as developed Town Centre/Commercial (C1) under the proposed Amendment to the Clifden LAP. The site has been developed as a hostel. The Stage 2 SFRA has identified the submission land within Indicative Flood Zone A.

She advised that in a situation where lands are at risk of flooding are zoned, the extent of flood risk will have to be taken into account in any subsequent planning decisions.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of this Submission.

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

Submission No. 17 – Francis Joyce

Ms. Kavanagh advised that this Submission requests that the subject lands remain as Residential and be zoned as Amenity.

Ms. Kavanagh advised that the Submission land (estimated are 0.33Ha) is located in the townland of Tullyvoheen to the south east of Clifden town centre, south of L5128-0 (known locally as the Trunk Road) in an area within the 50-60kph. She said that the site is situated to the north of the Owenglin River which forms part of the Twelve Bens/Garraun Complex cSAC.

The Stage 2 SFRA has identified the land within Indicative Flood Zone A and under the existing LAP the land is zoned as Residential and Agriculture and under the proposed Clifden Amendment the portion of the land which is developed remains zoned as Existing Residential and the portion of the undeveloped land identified within Flood Zone A has been re-zoned from Agriculture to Open Space, Recreation and Amenity (OS).

She said the approach to the flood risk designations is based on the information available and cannot be changed without further information being available to support such change.

Ms. Kavanagh advised that no change is recommended to the Amended Plan on foot of this Submission.

In reply to Cllr. E. Mannion, Mr. Kelly clarified that this land is in a flood risk area and if an alternative zoning is proposed, it would have environmental implications.

On the proposal of Cllr. E. Mannion and seconded by Cllr. Maher, it was agreed not to accept the recommendations in the Manager's Report and to zone the undeveloped portion of the lands, the subject of MA3, from Open Space to Residential Phase 2, area coloured green outlined in black as shown on the map attached to the Proposal.

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A vote was taken and the result was as follows;

AR SON: Cllrs. Carroll, D. Connolly, Comh. O’Cuaig, Cllr. Feeney, Comh. O’Laoi, Cllrs. Maher, E. Mannion, McClearn, McHugh, Ryan, Comh. O’Tuairisg, Cllrs. S. Walsh & Welby [13]

AGHAIDH: Cllrs Broderick & Cuddy [2]

GAN VOTÁIL: [0]

The Mayor declared the Motion carried.

Submission No. 20– Martin & Rita Acton

Ms. Kavanagh advised that the Submission requests that

- The land outlined in red and hatched as ‘yellow’ on their Submission Map which was zoned as low density residential in the Clifden LAP 2009 remain so zoned under the Amendment 2012.
- The land outlined in red and coloured in ‘cyan’ be zoned from the present zoning of Agriculture to Residential.

Ms. Kavanagh advised that the Submission site (estimated area 4.25Ha) is located in the Townland of Ardbear to the southwest of Clifden town centre and the Stage 2 SFRA has identified a portion of the northern aspect of the site as within Indicative Flood Zone A (coastal).

She further advised that;

- The land outlined in red and hatched as yellow (estimated area 0.66Ha), on the map displayed to the meeting, is currently zoned as Residential – Low Density and under the proposed Amendment to the Clifden LAP this area is proposed to be re-zoned as Residential (Phase 2).

The proposed Amendment has provided the maximum quantum of Residential land as per the Core Strategy and there is an additional 37Ha of undeveloped Phase 2 lands which are generally not developable during this Plan.

- The land outlined in red and coloured cyan (estimated area 2.86Ha), on the map displayed to the Meeting, is currently zoned as Agriculture.

Ms. Kavanagh explained that under the proposed Amendment to the Clifden LAP this portion of the Submission land is zoned as follows the northern aspect of these lands as Open Space, Recreation and Amenity (due to being identified within Indicative Flood Zone A (coastal), Agriculture (A) and Public Utilities (PU) including a specific Objective (Objective W5) which shall protect a 50m buffer zone around the perimeter of the Municipal Wastewater Treatment Works boundary from inappropriate development in the interest of public health.

Ms. Kavanagh confirmed that if a proposed amendment is made to the effect of the rezoning requested by the submission then it would have to be screened for the need to undertake a full SEA.

She also said that under the Clifden LAP Amendment, the Land Use Matrix under Agriculture for a retirement/nursing home use has been changed from ‘Not Permitted’ to ‘Open for Consideration’ and therefore no zoning change is required to allow the consideration of such a development.

Ms. Kavanagh recommended no change to the Amended Plan on foot of this Submission.

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Cllr. Mannion advised that this site has access and public lighting and is near the Water Treatment Plant and proposed that these lands be zoned Community Facilities. In reply to Cllr. Mannion, Mr. Kelly advised that the Matrix was changed and the modified Matrix would allow a Nursing Home to be considered under Agriculture zoning and on its existing planning permission so the Amended Plan, therefore, would not require a specific zoning change.

On the proposal of Cllr. E. Mannion and seconded by Cllr. Maher, it was agreed not to accept the recommendations in the Manager's Report and to zone the lands, the subject of MA4, Community Facilities, area coloured green as shown on the map attached to the Proposal.

A vote was taken and the result was as follows;

AR SON: Cllrs. Broderick, Carroll, Comh. O'Cuaig, Clls. Cuddy & Feeney, Comh. O'Laoi, Cllrs. Maher, E. Mannion, McClearn, McHugh, Ryan, Comh. O'Tuairisg, Cllrs. S. Walsh & Welby. [14]

AGHAIDH: Cllr. D. Connolly [1]

GAN VOTÁIL: [0]

The Mayor declared the Motion carried.

Submission No. 22 - Cyril Joyce

Ms. Kavanagh advised that the Submission requests that the site where a recently permitted dwelling (12/572) is to be built should not be rezoned to OS or at the very least the northern area of the site where the house is to be built should continue to be zoned as Residential. The submission also includes a site specific flood risk assessment in support of their request. In response to the Submission, Ms. Kavanagh advised that this serviced site (estimated area 0.74Ha) is located to the south east of Clifden town centre and is situated between the junction of L5127 (Low Road) and L5128 (Tank Road) in an area where the 50kph applies and is immediately north of the Owenglin River. She said that the Stage 2 SFRA has identified the lands within Indicative Flood Zone A. She said that the submission land is currently zoned as 'Residential' and under the proposed Amendment to the Clifden LAP the lands are proposed to be rezoned part as Open Space Recreation and Amenity (OS) due to being undeveloped lands within Indicative Flood Zone A.

She explained that the submission was accompanied by a detailed Flood Risk Assessment of the site which illustrates that the majority of the site floods and is classifiable as Zones A and B and taking into account the Site Specific Flood Risk Assessment study provided by the landowner which identifies Flood Zones A, B and C, she said that it was proposed to align the Flood Zones included in the SFRA as amended to match those in the Submission. She advised, however, that in the matter of the zoning of the aligned Indicative Flood Zones A and B, regard must be had to the Stage 2 SFRA, the criteria set out by the *Flood Risk Management Guidelines* and the land use zoning as provided by the Proposed Amendment should remain unchanged within Indicative Flood Zones A and B.

Ms. Kavanagh advised that the following changes are recommended to the Amended Plan:

1. Align the Flood Zones included in the Stage 2 SFRA as amended to match Figure 7 of the Flood Study appended to the Submission and Amend the Flood Risk Management Maps 3A/3B accordingly.

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2. Land identified within Indicative Flood Zone C of the Stage 2 SFRA as amended shall be re-zoned as R - Residential (Phase 2).

3. Include a new Specific Objective in the Plan as amended to read as follows:

Objective W21 - Lands Adjacent to and South of the L5127 (Low Road) and the L5128 (Trunk Road) Road Junction

"These lands have been zoned according to the information contained in a site specific flood risk assessment provided by the land owner and that there is still potential for some of the lands to flood. Available data currently is imperfect and does not allow for the definitive quantification of this potential. This does not preclude development once the proposed site design for any proposed development shows that it does not displace flood water thereby exposing lands elsewhere to unacceptable levels of flood risk and satisfies the developer that the development itself to will not be exposed to unacceptable levels of flood risk. Refer to Maps 2A/2B – Specific Objectives".

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

Submission No. 23 – On behalf of the Clifden Glen Management Limited

23A - Annette Lindsay, General Manager

23B – Gleeson, McGrath, Baldwin Solicitors

23C – Shane Joyce Civil Engineering/Surveying

Ms. Kavanagh advised that the owners of dwellings Numbered 84-93, 74-59, 58-57 wish to object to the SFRA and the flood risk designations particularly the dwellings within the Indicative Flood Zone A. She said that they state that such flood designations will have an adverse affect both to property values and ability to obtain insurance and will have a negative impact on the Clifden Glen in general. The submission states that the site has never flooded since 1993 when flood works were carried out on the river at that time. Survey work was also undertaken from 2006 to recent times in support of this.

Ms. Kavanagh advised that the Submission land which is part of the Clifden Glen Housing Estate is located in the Townland of Couravaughil to the east of the town centre and located immediately north of the Owenglin River which forms part of the Twelve Bens/Garraun Complex cSAC and north of the N59. She said that the flood risk designation is based on the information available and cannot be changed without further information being available to support such change.

She clarified to the meeting that:

- Dwellings 84-93 of this estate are well elevated above the level of the river and according to the Stage 2 SFRA are primarily located in Flood Zone A and also partly in Flood Zone C.
- The managed recreational/open area to the east of the bridge is low lying to the river level and has been identified by the Stage 2 SFRA as Indicative Flood Zone A/B.
- Dwellings 74-59 are also low lying and have been identified within Flood Zone A.
- Dwellings 57-58 are slightly more elevated than others and have been identified within Flood Zones B

Ms. Kavanagh referred to the OPW's Submission No. 19 and the response given previously in respect of flood risk and said that the approach to the flood risk designations is as set out and is based on the information available and cannot be changed without further information being available to support such change.

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In reply to Cllr. E. Mannion, Mr. Kelly said that the issue is the flood risk zoning which cannot be changed without further information being available to support such change.

Ms. Kavanagh recommended no change to the Amended Plan on foot of this Submission.

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

On the proposal of Cllr. E. Mannion and seconded by Comh. O'Laoui, it was agreed to accept the recommendations in the Manager's Report, as amended by the Members and it was agreed to put the Proposed Amendment to the Clifden Local Area Plan 2009-2015, on display with the agreed amendments and Material Alterations.

TO CONSIDER AND IF DEEMED APPROPRIATE TO AUTHORISE THE ATTENDANCE AT CONFERENCES

1339

On the proposal of Cllr. Carroll, seconded by Cllr. Ryan the Members agreed to authorize the attendance at the following Conferences, details of which were circulated at the meeting:

IPRT (Irish Penal Reform Trust) & the Community Platform: Social Exclusion & Crime – 2nd February 2012 – The Carmelite Centre, Augnier St., Dublin 2 – Fee: €0

1. Seamus Walsh

Radiological Protection Institute of Ireland – 10th Irish National Radon Forum – 17th January 2013 – Chartered Accountants House, Pearse St., Dublin 2 – Fee: €0

1. Seán Ó Tuairisg

Clare Tourist Council – Clare Tourism Conference 'Tourism in Recessionary Times' – 18th – 19th January 2013 – Falls Hotel, Ennistymon, Co. Clare – Fee: €229

1. Mary Hoade
2. Jim Cuddy
3. Michael Maher

Kadenza Consultancies – Local Electoral Area Boundaries – 18th – 20th January 2013 – Silver Tassie Hotel, Letterkenny, Co. Donegal – Fee: €145

1. Pat Hynes
2. Michael Fahy
3. Kevin Ryan

Celtic Conferences – Debt Solutions – The new Personal Insolvency Legislation – 25th – 27th January – Celtic Ross Hotel, Rosscarbery, Co. Cork – Fee: €100

1. Shaun Cunniffe
2. Michael Fahy

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3. Pat Hynes

Cumann Merriman – Winter School 2013 ‘Traditional Culture – from Firesides to Multimedia’ – 1st – 3rd February – Hotel Westport, Westport, Co. Mayo – Fee: €60

1. Seán Ó Tuairisg
2. Michael Fahy
3. Pat Hynes

Ace Training – Tourism Seminar – Making the Difference – 8th – 10th February – Four Seasons Hotel, Carlingford, Co. Louth – Fee: €100

1. Shaun Cunniffe
2. Tiarnan Walsh
3. Tom McHugh
4. Jimmy McClearn

TO NOTE THE SUMMARY OF PROCEEDINGS OF CONFERENCES ATTENDED 1340

On the proposal of Cllr. Carroll, seconded by Cllr. Maher, the summary of proceedings of Conferences attended, as circulated at the meeting was noted and agreed:

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

1. Seamus Walsh

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

1. Seamus Walsh

Kadenza Consultancies – National Housing Crisis – Policy Statement 2011 – 1st – 3rd June – Silver Tassie Hotel, Letterkenny, Co. Donegal

1. Shaun Cunniffe

Celtic Conferences – Utilising your Tax Entitlements & Reliefs – 24th – 26th August – Celtic Ross Hotel, Rosscarbery, Co. Cork

1. Kevin Ryan

AMAI – Centenary Annual Conference – Local Government Reform – 13th – 15th September – Shearwater Hotel, Ballinasloe, Co. Galway

1. Seamus Walsh

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Donegal Co. Council – LAMA Autumn Seminar 2012 – The Challenge for Local Authorities – Can we do more with less? – 28th – 29th September – Mount Errigal Hotel, Letterkenny, Co. Donegal

1. Eileen Mannion

Greystones Town Council – La Touche Legacy Seminar 2012 – Local Democracy – Myth or Reality – 28th – 30th Sept – Charlesland Golf & Country Club, Greystones, Co. Wicklow

1. Seamus Walsh

Ace Training – Michael Collins & the creation of Irish Democracy – 12th – 14th October – Celtic Ross Hotel, Rosscarbery, Co. Cork

1. Kevin Ryan

Association of Irish Regions Annual Conference 2012 – Ireland's Regions for Business – 2020 – 16th November – Newpark Hotel, Kilkenny

1. Tomás Mannion
2. Eileen Mannion
3. Tom McHugh

Kadenza Consultancies – Local Authority Budgets 2013 – 16th – 18th November – Silver Tassie Hotel, Letterkenny, Co. Donegal

1. Seamus Walsh
2. Kevin Ryan
3. Shaun Cunniffe

Esperanza Enterprises – Environmental Implications of harvesting Wind Energy – 23rd – 24th November 2012 – Westport Plaza Hotel, Westport, Co. Mayo

2. Tom McHugh

Superior Training – Information & Communications Technology for Councillors – 23rd – 24th November – Great Northern Hotel, Bundoran, Co. Donegal

1. Seamus Walsh
2. Shaun Cunniffe

Teagasc – Will we run out of natural resources needed for Food Production? – 27th Nov – RDS, Dublin

1. Seamus Walsh

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Esperanza Enterprises – Promoting Justice through better Consultation & Cooperation in Local Government – 30th November – 1st December 2012 – Carlton Hotel Tralee, Co. Kerry

– Fee: €150

1. Jarlath McDonagh
2. Mary Hoade
3. Michael Connolly
4. Tiarnan Walsh
5. Seán Ó Tuairisg
6. Tomás Ó Curráoin
7. Michael Maher
8. Kevin Ryan
9. Michael Fahy

Superior Training – The Local Govt. Budget 2013 – 30th November – 1st December 2012 – Carlton Millrace Hotel, Bunclody, Co. Wexford

1. Shaun Cunniffe

TGR Seminars – ‘Putting People First’ Reform & Strategic Planning for 2013 – 7th – 9th December 2012 – Bunratty Castle Hotel, Bunratty, Co. Clare

1. Seamus Walsh

Celtic Conferences – Budget 2013 Seminar – 14th – 16th December 2012 – Celtic Ross Hotel, Rosscarbery, Co. Cork – Fee: €100

1. Tom McHugh
2. Jimmy McClearn
3. Kevin Ryan
4. Shaun Cunniffe
5. Tomás Ó Curráoin
6. Seamus Walsh

TO RECEIVE A PRESENTATION ON THE APPROACH TO THE IMPLEMENTATION OF WATER SECTOR REFORMS. **1341**

It was proposed by Cllr. McHugh, seconded by Cllr. Cuddy and agreed to defer Item No. 12 to the next meeting.

TO RECEIVE AN UPDATE ON THE PROGRAMME OF FLOOD MITIGATION WORKS AND SCHEMES **1342**

It was proposed by Cllr. McHugh, seconded by Cllr. Maher and agreed to defer Item No. 13 to the next meeting.

TO NOTE INDICATIVE PROGRAMME OF WORKS FOR STRATEGIC POLICY COMMITTEES FOR 2013 **1343**

Report dated the 22nd January, 2013 as circulated to each Member was considered and noted on the proposal of Cllr. McHugh, seconded by Cllr. Cuddy.

TO RECEIVE AN UPDATE ON CRASH BARRIERS ON THE GALWAY /LIMERICK ROADS **1344**

It was proposed by Cllr. Maher, seconded by Cllr. D. Connolly and agreed to defer item No. 15 to the next meeting.

MANAGER'S BUSINESS & CORRESPONDENCE **1345**

The County Manager informed the Members that details of the Road Grants for the County had been received for 2013 and that same would facilitate the drafting of the 2013 Roads Programme for consideration by the Members.

She reminded the Members of the timeframe for the completion and return of their Annual Declarations under the Ethics Framework in Local Government and their Declarations of Donations for Political Purposes and requested their cooperation in meeting the necessary timelines.

The County Manager advised the Members that the Office of the Director of Corporate Enforcement was scheduled to provide a briefing for the Members on company law and the duties and responsibilities of persons acting as directors of companies on Thursday, 24th February 2013 in County Hall.

Mr. Owens referred to correspondence received from the Irish Wind Energy Association asking for an opportunity to make a presentation to the Council in advance of the revision of the County Development Plan. The Mayor suggested that it would be more appropriate to refer this to the Planning SPC and on the proposal of Cllr. Cuddy, seconded by Cllr. Carroll it was agreed to refer the matter to the Planning SPC.

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

- Correspondence dated 25th January 2013 from Ennis Town Council regarding Notice of Motion relating to the payment of an Annual Financial Contribution by TD's and Senators to their Local Authority towards the costs of the services provided to their constituency offices.

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- Correspondence dated 23rd January 2013 from Limerick County Council regarding the governance arrangements of banks in which the State holds a majority shareholding.
- Correspondence dated 7th January 2013 from Donegal County Council in relation to the Value for Money aspect of registering on the evening of the 17th January 2013 for the "Tourism in Recessionary Times" Conference.
- Correspondence dated 31st December 2012 from Laois County Council regarding the Members seeking a meeting with the Galway Oireachtas members to discuss the proposed Local Government Arrangements in the context of correspondence from the Local Electoral Boundary Committee dated 6th December 2012.
- Correspondence dated 17th December 2012 from Waterford City Council regarding a motion rejecting the proposed amalgamation of Waterford City and County Councils as proposed in "Putting People First" by the Minister for Environment.
- Correspondence dated 18th December 2012 from Bundoran Town Council requesting an urgent meeting with the Taoiseach and the Minister for Transport, Tourism and Sport in relation to the future of Knock Airport and the negative effect any proposed downgrading will have on the entire region.
- Correspondence dated 17th December 2012 from Clones Town Council regarding a motion calling on the Minister for the Environment, Community and Local Government to instruct all County Registrars, in future elections to take unemployed people off the dole on the Election Day to carry out the duties required in polling stations.

MAYOR'S BUSINESS

1346

It was proposed by Cllr. Broderick, seconded by Cllr. Cuddy and agreed that Galway County Council disassociate itself completely from a motion that was passed by Kerry County Council, asking for drink driving permits to be introduced.

In reply to concerns expressed by Comh. O'Cuaig in relation to the design speed for the upgrade of the N59, Mr. Gilmore stated that the N.59 is being designed to 85km but that this would only apply to certain sections of the road, in particular those adjacent to the lakes which presented difficulties to design for 100 km/hr. He confirmed that any section of the road with the necessary sight distance to support 100km would have a 100 km/hr applied. He further advised that no decision was taken on the speed limit and that any proposals relating to the speed limit would be brought before Council for consideration.

In reply to Cllr. E. Mannion, Mr. Gilmore confirmed that the section of the N59 from Maam Cross to Oughterard had already been submitted to An Bord Pleanala and that he would revert in relation to the timeline for the section from Maam Cross to Clifden.

In reply to Cllr. Cuddy, the County Manager confirmed that the transfer of the driving licence function from the local authority to the Road Safety Authority was being undertaken on a phased based and that the revised requirements for photographs was scheduled for introduction in September 2013.

Mr. Gilmore in reply to Cllr. Roche confirmed that the allocation of Notice of Motion funding was restricted to roads projects, as per the adopted budget.

It was proposed by Cllr. Ryan, seconded by Cllr. Roche and agreed that Galway County Council get a Department of Agriculture Official to give a presentation or briefing on food labeling and quality and traceability of Irish products.

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In reply to Comh. O’Cuaig, Mr. Gilmore confirmed that the Senior Engineer would review the junction of the N59/R340 with a view to possible improvement.

NOTICE OF MOTIONS

NOTICE OF MOTION NO 18 – CLLR. J. CUDDY

1347

The following reply was given:-

“A Brief was prepared for the appointment of consultants to prepare a Preliminary Report for the Clarenbridge Sewerage Scheme and was submitted to the Department for approval in early 2009. The scheme was subsequently removed from the Water Services Investment Programme, (W.S.I.P.), for 2010 to 2012, prior to approval being given to proceed to appointment of consultants.

The proposed Galway City Eastern Environs Waste Water Treatment Works does include for treatment of waste water from Clarenbridge, as well as the neighbouring agglomerations of Oranmore and Athenry. This scheme is on the current W.S.I.P. under Planning.”

NOTICE OF MOTION NO 19 – CLLR. J. CUDDY

1348

The following reply was given:-

“The last speed limit review was undertaken during 2009 and completed in early 2010. The current speed limit review commenced during 2012 and will be completed by the end of quarter 2, 2013. The difficulty in giving a definite date is that there is no time limit on the requirement from some of the external bodies we must consult. However, we are now at the final stages of consultation with the external bodies and it is expected the speed limit review will be complete by quarter 2 of 2013.”

NOTICE OF MOTION NO 20 – CLLR. J. CUDDY

1349

The following reply was given:-

“Noted.”

NOTICE OF MOTION NO 21 – CLLR. M. FAHY

1350

The following reply was given:-

“Galway County Council have sought funding from the NRA over the last number of years to improve the surface and safety along the N18. We will continue to seek funding for this work and funding is being requested for works at the junction at Labane adjacent to the cemetery. However, to date no funding has been made available for any further work along the N18 but we will continue to seek funding.”

NOTICE OF MOTION NO 22 – CLLR. M. FAHY

1351

The following reply was given:-

“Galway County Council sought funding from the Department of Transport during 2012 for the provision of bus facilities at various locations throughout County Galway. However, no

Minutes of Monthly Meeting held on 28th January 2013

funding was made available. We will continue to seek funding as we are conscious of the need to provide a proper bus shelter facility at Ardrahan”.

NOTICE OF MOTION NO 23 – CLLR. M. FAHY

1352

The following reply was given:-

“The provision of signs at and along National Roads must be agreed with the National Roads Authority. Galway County Council will discuss the provision of this sign for Ballinderreen at Kilcolgan Junction with the National Roads Authority and will liaise with Cllr. Fahy on their response and requirements.”

NOTICE OF MOTION NO 24 – CLLR. T. WALSH

1353

The following reply was given:-

“Galway County Council Road Design Section will examine this location to determine what road safety improvements should be carried out at this location.”

Criochnaigh na Crinniú Ansin.

Submitted, Approved & Signed

T. Walsh

25th February 2013.

CHOMHAIRLE CHONTAE NA GAILLIMHE

MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD AT ÁRAS AN CHONTAE, PROSPECT HILL, GALWAY ON MONDAY 20th DECEMBER, 2012.

CATHAOIRLEACH:

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

I LATHAIR FREISIN:

Baill:

Cllrs. T. Broderick, S. Canney, L. Carroll, D. Connolly, M. Connolly, Comh. S. Ó Cuaig, T. Ó Curraoin, Cllrs. J. Cuddy, S. Cunniffe, M. Fahy, P. Feeney, G. Finnerty, M. Finnerty, M. Hoade, P. Hynes, Comh. S. Ó Laoi, Cllrs. M. Maher, E. Mannion, T. Mannion, J. McDonagh, J. McClearn, 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; S. Kennedy, A/Senior Planner; E. Doherty, Executive Planner; H. Duffy, Intern, Forward Planning; L. Gavin, E. Molloy, Senior Engineers; M. Donohue, Senior Staff Officer; P. O'Neachtain, Oifigeach Gaeilge; G. Healy, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

RESOLUTIONS OF SYMPATHY

1301

Mr. Noel Mc Hugh, Tycooley, Caltra, Ballinasloe, Co. Galway.
Mrs. Frances Killeen & Family, Cloonahaha, Gort, Co. Galway.
Mr. Mattie Coppinger & Family, Ennis Road, Gort, Co. Galway.
Mr. Tom Moylan, Sarsfield Road, Ballinasloe, Co. Galway.
Mr. Tomas Dooley, Ballinderry, Kilconnell, Ballinasloe, Co. Galway

CONFIRMATION OF MINUTES OF MEETING

1302

Arising from the Minutes, Cllr. D. Connolly referred to the second last paragraph on Page 29 of the Minutes, and he asked that the Minutes be amended by removing the word "Spain" from this paragraph. This amendment was agreed by the Members.

The Minutes of Monthly Meeting held on 26th November 2012, with the above amendment, were approved by the Council and signed by the Mayor on the proposal of Cllr. T. Walsh, seconded by Cllr. McDonagh.

Also arising from the Minutes, Comh. Ó Cuaig referred to the first paragraph on Page 3 of the Minutes regarding the junction of the R340 Recess Road with the N59 Galway – Clifden Road and he asked what was the current position in this regard. Mr. Gilmore stated that he would revert on this matter.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION 1303

The Report of the Tuam Area Committee Meeting held on 11th October 2012 was approved by the Council on the proposal of Cllr. T. Walsh, seconded by Cllr. Roche.

The Report of the Tuam Area Committee Meeting held on 24th October 2012 was approved by the Council on the proposal of Cllr. Roche, seconded by Cllr. T. Walsh.

The Report of the Tuam Area Committee Meeting held on 13th November 2012 was approved by the Council on the proposal of Cllr. T. Walsh, seconded by Cllr. Roche.

The Report of the Ballinasloe Area Committee Meeting held on 17th February 2012 was approved by the Council on the proposal of Cllr. D. Connolly, seconded by Cllr. Ryan.

The Report of the Ballinasloe Area Committee Meeting held on 27th March 2012 was approved by the Council on the proposal of Cllr. Ryan, seconded by Cllr. T. Mannion.

Arising from the Report, Cllr. D. Connolly wished to put on record that although he did not attend this Meeting, he did inform the officials prior to the Meeting that he would make himself available to attend the Meeting if necessary.

The Report of the Ballinasloe Area Committee Meeting held on 18th June 2012 was approved by the Council on the proposal of Cllr. T. Mannion, seconded by Cllr. D. Connolly.

The Report of the Ballinasloe Area Committee Meeting held on 5th September 2012 was approved by the Council on the proposal of Cllr. T. Mannion, seconded by Cllr. D. Connolly.

The Report of the Environment & Water Services Strategic Policy Committee held on 19th September 2012 was approved by the Council on the proposal of Cllr. Maher, seconded by Cllr. McDonagh.

The Report of the Loughrea Area Committee Meeting held on 20th September 2012 was approved by the Council on the proposal of Cllr. Fahy, seconded by Cllr. G. Finnerty.

The Report of the Conamara Area Committee Meeting (Planning Meeting) held on 17th October 2012 was approved by the Council on the proposal of Comh. Ó Laoi, seconded by Cllr. Welby.

The Report of the Planning, Economic Development & Community Strategic Policy Committee Meeting held on 24th September 2012 was approved by the Council and signed by the Mayor on the proposal of Cllr. Carroll, seconded by Cllr. Fahy.

The Report of the Corporate & Cultural Affairs Strategic Policy Committee Meeting held on 24th September 2012 was approved by the Council on the proposal of Cllr. McDonagh, seconded by Comh. Ó Cuaig.

The Report of the Corporate Policy Group Meeting held on 22nd November 2012 was approved by the Council on the proposal of Cllr. McClearn, seconded by Cllr. Fahy.

TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS RECEIVED ON THE PROPOSED MATERIAL ALTERATIONS TO THE PROPOSED AMENDMENT TO THE BEARNA LOCAL AREA PLAN 2007-2013 AS PER SECTION 20 (3) (C) AND (D) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED) 1304

The Mayor invited the presentation of the Manager's Report on the submissions received on the Proposed Material Alterations to the Proposed Amendment to the Bearna Draft Local Area Plan 2007-2013.

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

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

Mr. Kelly stated that the Proposed Amendment to the Bearna Local Area Plan 2007-2013 was considered by the Members at the County Council meeting of the 22nd October 2012 and a number of Material Alterations was made to the Proposed Amendment of the Plan. These Alterations, together with addendum reports on the SEA and HDA were put on public display for a further period of 4 weeks and the public were invited to make submissions on the Material Amendments only. A total of 10 submissions were received.

Mr. Kelly advised that the Manager's Report on the Proposed Amendment to the Bearna Local Area Plan 2007-2013 was circulated to the Members on the 10th December 2012, which he understood as being read and considered by the Members. Mr. Kelly then presented the Manager's Report on the Submissions received on the Proposed Amendment to the Bearna Local Area Plan 2007-2013.

Submission No. 5 - Department of the Environment Community and Local Government

Mr. Kelly outlined the main issues of Submission No. 12 raised by the Department of the Environment Community and Local Government and the Manager's response and recommendation.

He advised that the Department's main issue was with regard to flood risk and suggested that the Council should review the proposed Material Alterations No. 18, 20 and 21 which are located in Indicative Flood Zone A.

In relation to MA18 (Peter & Michelle Connolly), Mr. Kelly advised that further to a previous submission, the site is partly zoned Village Consolidation Zone/Green Wedge Area along the rural fringe and Environmental Management (EM) and the Members modified the Environmental Management zoning (zoning for the flood risk area) to Village Consolidation Zone. He said no detailed site specific flood risk assessment was submitted but advised that part of the lands could be developed and the landowner has additional lands, adjoining the subject lands, that are not located within any flood risk area or the EM zone and these lands could potentially be developed for residential purposes, subject to normal planning, access and servicing requirements and compliance with the objectives of the Local Area Plan (LAP).

Mr. Kelly suggested in the absence of sufficient information on the site, an existing provision in the Bearna Plan could be used "*Extensions may be considered from one zone into another where the extended part is generally less than the area in the zone, where it is necessary to fit with field boundaries or other natural/physical features, where it promotes an orderly transition and/or where it can be shown that it can help to achieve the community gain priorities established in the Plan (see SECTION 2.5)*". He said that this provision could be amended to take account of the findings of a detailed specific flood risk assessment for an individual site to allow some flexibility on the precise boundary of EM and other zonings,

Mr. Kelly recommended that the zoning/designation of the MA18 lands revert back to Environmental Management as previously proposed in the Draft Proposed Amendment to the LAP to ensure that it is in accordance with the recommendations of the Stage 2 Strategic Flood Risk Assessment (SFRA), the *Flood Risk Management Guidelines* and the relevant objectives of the Galway County Development Plan, including Objective HL39 and HL40.

In reply to Comh. Ó Curraoin, Mr. Kelly advised that planning permission could be considered on part of the lands.

In reply to Comh. O'Tuairisg, Mr. Kelly said that in the absence of detailed information on this site, and for the avoidance of doubt, a paragraph could be inserted to allow some degree of flexibility that on the submission of a site specific flood risk assessment, the site could possibly be extended within reason further into the EM zone to take account of contour lines, provided the area of the extended part is less than the area in the zone.

In reply to Cllr. Feeney, Mr. Kelly clarified that in relation to the provision in the Plan previously mentioned, that once a site is partly in a flood risk area, it will be a requirement of the individual to undertake a site specific flood risk assessment and this provision allows consideration to be given for a proposal for development on the land, subject to normal planning, access and servicing requirements, rather than contravening the Flood Risk Management Guidelines by zoning it other than EM. He further clarified that this existing provision could be amended to include the taking account of the findings of an individual site specific flood risk assessment.

In relation to MA 21 (Emer Hickey), Mr. Kelly advised that part of the Site was zoned Village Consolidation Zone/Inner Village Area and part zoned EM and the Members modified the EM zoning (zoning for the flood risk area) to Village Consolidation Zone/Inner Village Area. He said that a flood risk assessment was received in respect of this site and clarified that part of the lands could be developed. He advised that while spot levels were submitted for the site, no contour was available for the site. He said that the study showed that much of the area was below the 13.4 contour and recommended that this site would be best dealt with within the existing provision, in that if a site specific flood risk assessment was submitted, the Council could consider a planning application subject to normal planning, access and servicing requirements.

In relation to MA 20 (Patricia Darcy), Mr. Kelly advised that the Members modified the EM zoning (zoning for the flood risk area) to Village Consolidation Zone/Village Core Area. He said that a full flood risk assessment was received in respect of this site with the second submission. He clarified that the flood risk level was determined to be 4.46 metres and so the 4.5 metre contour was used for flood risk and while the flood risk areas do not take account of climate change, the zoning must and, therefore, an allowance was made in respect of climate change and a level of 4.75 metres was used in producing the area outlined as the proposed zoning. The level chosen allows for climate change but this could have been higher as certain elements of the site are in a stream and the contour map outlines that. He confirmed that specific information was made available to the planning authority and this was taken into account and is now incorporated into the proposed Amendment to the Bearna Plan.

Mr. Kelly clarified that the proposed Amended Plan complies with the Flood Risk Management Guidelines and also allows for consideration of a planning application on relevant lands provided it meets the normal planning requirements. He said that the consideration of planning permission will depend on a site specific flood risk assessment and the situation on the ground, however, it should be noted that any permission could be overruled by An Bord Pleanála, regardless of the land zoning.

In reply to Comh. Ó Curraoin & Cllr. E. Mannion, Mr. Kelly said that the amended paragraph allows some flexibility for landowners to come forward with a planning permission whilst yet adhering to the Flood Risk Management Guidelines where a site is partly within a flood risk area, and the area within the flood risk area is less than area outside the flood risk zone, and on receipt of a detailed site specific flood risk assessment.

Cllr. Cuddy expressed concern re the National Parks and Wildlife Service (NPWS) restrictions on persons to do drainage in flood risk areas and on the cleaning and opening of drains which are now being flooded and being declared flood risk areas.

Comh. Ó Curraoin, Comh. O'Cuaig and Cllr. M. Connolly expressed concerns re the cleaning of drains and the responsibility for the cleaning of streams and that the flood risk areas affects all areas of County Galway. In reply, the Manager advised that in relation to flooding, the OPW are the lead agent and they are responsible for certain areas such as the Corrib and Clare River and some areas are within the responsibility of Galway County

Council such as the Dunkellin river and anything beyond such areas is the landowners responsibility.

Comh. O’Cuaig advised that there was no problem with flooding in Connemara in 2009. In reply, Mr. Kelly advised that the flood risk information is not only historical but also what might happen in the future. He said that while Galway County Council took account of the OPW’s reports, CAAS, the Planning Authority’s Consultants, walked all the streams and central key areas and identified the flood risk areas. In reply to Comh. O’Laoi and Cllr. D. Connolly, Mr. Kelly advised that information on flood risk areas is based on the best information from a number of sources available to the planning authority. Mr. Kelly advised that it is not feasible to carry out a Stage 3 or Stage 4 Flood Risk Assessment for every area for each Local Area Plan review and in the absence of the OPW’s Catchment Flood Risk Management Plans (CFRAMs), a precautionary approach has been applied in relation to flood risk. He said that this methodology meets the needs of the Members whilst also complying with the *Flood Risk Management Guidelines* and it will be demonstrated in the individual submissions how a detailed site specific flood risk assessment can be accommodated and taken into account into the planning process.

On the proposal of Cllr. Feeney and seconded by Cllr. Cuddy, it was proposed to accept the recommendations in the Manager’s Report with a minor addition to Policy 2.3.2A to read as follows:

“Extensions may be considered from one zone into another where the extended part is generally less than the area in the zone, where it is necessary to fit with field boundaries or other natural/physical features, where it promotes an orderly transition and/or where it can be shown that it can help to achieve the community gain priorities established in the Plan (see SECTION 2.5), or to take account of the findings of a detailed specific flood risk assessment for an individual site”.

On the proposal of Comh. Ó Curraoin and seconded by Comh. O’Cuaig , it was proposed not to accept the recommendations in the Manager’s Report.

A vote was taken to accept the recommendations in the Manager’s Report with a minor addition to Policy 2.3.2A and the result was as follows;

AR SON: Cllrs. Canney, Carroll, Cuddy, Feeney, G. Finnerty, M. Finnerty, Hoade, Maher, E. Mannion, McClearn, McDonagh, McHugh, Noone, Roche, Ryan, Comh. Ó’Tuairisg, Cllrs. S. Walsh, T. Walsh, Welby & Willers. [20]

AGHAIDH: Cllr. M. Connolly, Comh. O’Cuaig, Comh. Ó Curraoin & Cllr .Fahy [4]

GAN VOTÁIL: Cllr. D. Connolly, Comh. O’Laoi [2]

The Mayor declared the proposal carried.

Submission No. 1 – An Bord Pleanála

Mr. Kelly advised that An Bord Pleanála acknowledged but had no comment to make regarding the proposed Material Alterations on the Proposed Amendment to the Bearna Local Area Plan 2007-2013.

Mr. Kelly recommended no change to the Amended Plan on foot of the above submission.

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

Submission No. 2 – Department of Agriculture, Fisheries and Food

Mr. Kelly advised that the Department of Agriculture, Fisheries and Food had no submissions or observations to make regarding the proposed Material Alterations on the Proposed Amendment to the Bearna Local Area Plan 2007-2013.

Mr. Kelly recommended no change to the Amended Plan on foot of the above submission.

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

Submission No. 3 – National Roads Authority

Mr. Kelly advised that the National Roads Authority had no comment in regard to the proposed Material Alterations on the Proposed Amendment to the Bearna Local Area Plan 2007-2013.

Mr. Kelly recommended no change to the Amended Plan on foot of the above submission.

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

Submission No. 8 – Office of Public Works

Mr. Kelly outlined Submission No. 8 from the OPW and the Manager's response and recommendation:

Mr. Kelly advised that the requirements in relation to the Flood Risk Management Guidelines that are identified in this submission are acknowledged and have been addressed in the preparation of the Stage 2 SFRA.

Mr. Kelly advised that the issues raised by the OPW in relation to the Material Alterations are noted and advised that the recommendation on these Material Alterations is contained in Submission No. 5 (MA18), Submission No. 4 (MA20) and Submission No. 6 (MA21).

Mr. Kelly recommended no change to the Amended Plan on foot of the above submission.

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

Submission No. 4 - Patricia D'Arcy

Mr. Kelly outlined submission Number 4 from Patricia D'Arcy and the Manager's response and recommendation. Mr. Kelly advised that this submission includes a Flood Risk Assessment Study (FRAS) prepared for the subject lands by Hydro Environmental Ltd. Mr. Kelly said that the submission, including the findings of the FRAS and clarification provided, has been considered by Galway County Council and the Consultants that prepared the Stage 2 SFRA for Bearna.

He outlined that under the Flood Risk Management Guidelines, the LAP must also consider the potential impacts of climate change, including sea level rise and potential for increased rainfall and fluvial flooding. The LAP therefore considers that in the interests of addressing climate change and avoiding potential climate change impacts to future development on the lands and also providing a regular shaped site suitable for development that a portion of the site be zoned as Village Core at a level above 4.75m ODMH or higher in some cases in order to create a regular, rectangular shape to accommodate suitable development on the site. This will also facilitate the objective in the LAP to provide for a coastal amenity park and promenade along the foreshore.

Mr. Kelly recommended that having regard to the detailed flood risk assessment submitted for the site that a portion of the site be zoned as Village Core and the lower sections of the site be zoned as Environmental Management in recognition of the flood risk identified on this portion of the site in the Stage 2 SFRA for Bearna carried out on behalf of Galway County Council, and to take account of climate change.

He also recommended that an additional objective be added to Objective IS19 and that Map 2.8.1C be amended accordingly as follows:

Objective IS19 | Specific Flood Risk Locations (refer to Map 2.8.1C)

(d) Fluvial and coastal flood risk areas along Trusky Stream at the end of Pier Road. These lands have been zoned according to the information contained in a site specific flood risk assessment provided by the land owner and that there is still potential for some of the lands to flood. Available data currently is imperfect and does not allow for the definitive quantification of this potential. This does not preclude development once the proposed site design for any proposed development shows that it does not displace flood water thereby exposing lands elsewhere to unacceptable levels of flood risk and satisfies the developer that the development itself will not be exposed to unacceptable levels of flood risk.

In reply to Cllr. Walsh, Mayor Welby advised that a detailed flood risk assessment was carried out and it showed that some of the site does not flood and Galway County Council has changed their map accordingly.

In reply to concerns raised by Comh. Ó'Curraoin and O'Tuairisg on how this zoning will affect adjacent sites, Mr. Kelly advised that this is the site for which detailed information is available but where a site is partially inside a flood risk area but where the majority of the site is outside the flood risk area, there will be some degree of flexibility and consideration can be given in that context on where the boundary line would be.

Mayor Welby read the following to the meeting for the purpose of the minutes:

"Based on a hydrological survey and using the figure for climate change in the Manager's Report all lands below the 4.5m O.D. contour should be zoned Environmental Management and the existing Village Core zoning be maintained on the balance of the site. The zoning shall not prevent or inhibit the provision of the Environmental Greenway along the Truskey stream or the promenade to the South of the site"

Mr. Kelly clarified that the level at which the flood risk was determined was 4.46 metres and this was delineated on the map as 4.5 metres, however, the area level took for zoning is at a

level of 4.75 metres to take account of climate change. He said what is being proposed is what is seen on the map being shown on the screen, the red area on the map being the area to be zoned for development (Village Core) and the green area on the map to be zoned Environmental Management. He said that the applicants had submitted a full flood risk assessment on the site and it shows a level of information far greater than any other site and this information was assessed by the Council's Environmental Consultants.

subject of Submission No. 6 (MA21) as Environmental Management.

In reply to Comh. Ó'Curraoin, Mr. Kelly advised that the level proposed is 4.75 meters to take account of climate change as the flood risk level is 4.46 metres and so the 4.5 metre contour was used for flood risk and the previous amendment made by the Members would also apply to this site.

On the proposal of Mayor Welby and seconded by Cllr. T. Walsh, it was proposed to accept the recommendations in the Manager's Report.

The proposal was not accepted and a vote was taken on the proposal and the result was as follows;

AR SON: Cllrs. Canney, Carroll, M. Connolly Cuddy, Feeney, G.Finnerty, M. Finnerty, Hoade, Comh. O'Laoi, Cllrs. Maher, E. Mannion, McClearn, McDonagh, McHugh, Roche, Ryan, Comh. Ó'Tuairisg, Cllrs. S. Walsh, T. Walsh, Welby & Willers [21]

AGHAIDH: Comh. O'Cuag & Comh. Ó Curraoin, [2]

GAN VOTÁIL: Cllr. D. Connolly [1]

The Mayor declared the proposal carried.

Submission No. 6 - Planning Consultancy Services for Emer Hickey

Mr. Kelly outlined submission Number 6 from Planning Consultancy Services for Emer Hickey and the Manager's response and recommendation.

Mr. Kelly advised that the submission requests that the proposed Inner Residential zoning (MA21) on Emer Hickey's lands is retained as part of the LAP to be adopted by the Council. Mr. Kelly said that it is considered that there is insufficient information currently available to alter the flood zones outlined in the Stage 2 SFRA as they relate to the site and that the eastern portion of the site should remain in the flood risk area for the purposes of the LAP. The applicants have provided spot levels for the site but these vary and do not aid the development of a contour line. This area should accordingly be zoned as Environmental Management to address the requirements of the Flood Risk Management Guidelines. He said that notwithstanding the above, the western portion of the site outside of the flood risk area could potentially accommodate a dwelling house and the eastern portion of the site could also be considered in the context of the previously agreed provision.

Mr. Kelly recommended that the zoning of the eastern portion of the site within Flood Zone A revert back to Environmental Management to avoid inappropriate development in flood risk areas in accordance with the Flood Risk Management Guidelines.

On the proposal of Cllr. Maher and seconded by Cllr. Cuddy, it was proposed to accept the recommendations in the Manager's Report and to zone the lands the subject of Submission No. 6 (MA21) as Environmental Management.

The proposal was not accepted and a vote was taken on the proposal and the result was as follows;

AR SON: Cllrs. Canney, Carroll, Cuddy, Feeney, M. Finnerty, Hoade, Hynes, Comh. O'Laoid, Cllrs. Maher, E. Mannion, T. Mannion, McClearn, McDonagh, Noone, Roche, Ryan, Comh. Ó'Tuairisg, Cllrs. S. Walsh, T. Walsh, Welby & Willers. **[21]**

AGHAIDH: Cllr. M. Connolly Comh. O'Cuaig, Comh. Ó Curraoin & Cllr. Fahy **[4]**

GAN VOTÁIL: Cllr. D. Connolly **[1]**

The Mayor declared the proposal carried.

Submission No. 7 - Planning Consultancy Services for Martin Kearney

Mr. Kelly outlined submission Number 7 from Planning Consultancy Services for Martin Kearney and the Manager's response and recommendation.

In reply to the request that Section 4.16 of the LAP be amended to be consistent with Section 2.4.3 of the Retail Planning Guidelines 2012, in particular that the 65m² net sales floorspace cap for Petrol Station Shops, Mr. Kelly acknowledges that the Retail Planning Guidelines 2012 recommends a net floorspace cap of 100m² for petrol filling station shops, however, Section 4.1.6 of the Bearna LAP is not the subject of any proposed alterations to the proposed amendment and the issue raised in the submission cannot be considered at this stage.

Mr. Kelly recommended no change to the Amended Plan on foot of the above submission.

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

Submission No. 9 – McCarthy, Keville O'Sullivan on behalf of Michael Molloy

Mr. Kelly outlined submission Number 9 from McCarthy, Keville O'Sullivan on behalf of Michael Molloy and the Manager's response and recommendation.

Mr. Kelly advised that the submission refers to a land parcel located along the Trusky Stream, with parts of the boundary of the submission lands adjoining the Material Alteration MA 20 site and the submission requests that the Environmental Management (EM) Zone be removed from the submission lands, similar to the approach taken to the lands under Material Alteration MA 20.

In response, Mr. Kelly advised that Material Alteration MA 20 relates to the rezoning of a specific site from EM zone to Village Core. The submission relates to a separate land parcel than the site the subject of MA 20 and accordingly the issue raised in the submission cannot be considered at this stage.

In reply to Cllr. O'Tuairisg and Cllr. Cuddy, Mr. Kelly confirmed that the previous general provisions and amendment to the wording under Policy 2.3.2A as previously agreed by the Members, would apply if appropriate to the site.

Mr. Kelly recommended no change to the Amended Plan on foot of the above submission. The Members agreed to accept the recommendation in the Manager's Report.

Submission No. 10 – Martin Hession

Mr. Kelly outlined submission Number 10 from Martin Hession and the Manager's response and recommendation.

Mr. Kelly advised that this submission refers to properties in Bearna but no map has been submitted showing the location or extent of the submission lands. The submission raises concerns regarding the proposed amendment to the LAP to include Map 2.8.1C Flood Risk Areas and Zones. The submission does not relate to any of the Material Alterations, which are comprised of the proposed rezoning of three specific land parcels, and accordingly the issue raised in the submission cannot be considered at this stage.

Mr. Kelly recommended no change to the Amended Plan on foot of the above submission. The Members agreed to accept the recommendation in the Manager's Report.

On the proposal of Cllr. E. Mannion and seconded by Comh. O'Tuairisg, it was agreed to accept the recommendations in the Manager's Report, as amended by the Members and it was agreed to adopt the Amendment to Bearna Local Area Plan 2007-2013, 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. Carroll, Cuddy, Fahy, Feeney, M. Finnerty, Hoade, Hynes, Comh. O'Laoi, Cllrs. Maher, E. Mannion, T. Mannion, McClearn, McDonagh, McHugh, Noone, Roche, Ryan, Comh. Ó'Tuairisg, Cllrs. S. Walsh, T. Walsh, Welby & Willers. [22]

AGHAIDH: Comh. O'Cuaig & Comh. Ó Curraoin. [2]

GAN VOTÁIL: Cllr. D. Connolly [1]

The Mayor declared the proposal carried.

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

1305

Mr. Kelly advised the meeting that the approach taken with the Bearna Local Area Plan was that it was amended to bring the Plan up to date with the Core Strategy, the Flood Risk Management Guidelines, and updated Planning and Environmental Legislation.

Mr. Kelly said that the Members passed at the October Council Meeting that the Manager provide a report, which has now been circulated to the Members in accordance with legislation (Section 12 of the Planning and Development (Amendment) Act 2010), outlining that the lifespan of the Bearna Local Area Plan 2007 and the inclusion of the amendments adopted today could be extended by a further five years (i.e. up to and including 20th December 2017) as the Local Area Plan is consistent with the objectives and Core Strategy of the relevant Development Plan 2009-2015 (as varied in 2011), the objectives of the Local Area Plan have not been substantially secured, and the sending and publishing of the notices may be deferred and the period for which they may be deferred.

On the proposal of Comh. O'Tuairisg and seconded by Cllr. S. Walsh, and agreed that pursuant to Section 19 (1) (d) of the Planning and Development Act 2000 (as inserted by Section 12 (a) (iii) of the Planning & Development (Amendment) Act 2010), the Council resolves to defer the sending of a notice under Section 20 (3) (a) (i) of the Act of 2000 and publishing a notice under Section 20 (3) (a) (ii) for a period of 5 years, and hereby resolves to extend the lifespan, by a further five years (i.e. up to and including 20th December 2017), of the Bearna Local Area Plan, 2007, in accordance with the provisions of Section 19 of the Planning and Development Act 2000 (as amended) which provides for the extension of the valid life of a Local Area Plan (LAP)".

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

1306

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

Ms. O'Doherty advised the meeting that she would outline the Manager's Report which includes the Manager's Response & Recommendations on the Submissions received on the Draft Maigh Cuilinn Local Area Plan which was on public display from the 5th October to the 16th of November 2012.

Ms. O'Doherty said that the issues raised by Statutory Bodies, Ministerial bodies and any other National Authority have been dealt with first in the Manager's Report and the remaining submissions are then dealt with in order in which they were received.

Ms. O'Doherty presented the Manager's Report on the Submissions received on the Maigh Cuilinn Draft Local Area Plan 2012-2018.

Submission No. 5 - Department of the Environment Community and Local Government

Ms. O'Doherty outlined Submission No. 5 from the Department of the Environment Community and Local Government and the Manager's response and recommendation. She advised that three main issues are discussed in this submission.

She said that the first issue relates to the reduction in residential zoned land in the Draft Plan with the Department stating that the Plan is well structured and welcomes the transparent and sequential approach applied to comply with the reduction in residential lands as per the Core Strategy requirement. These comments have been noted and the recommendation is no change to the Draft Plan.

With regard to the flood risk issue raised by the Department, Ms. O'Doherty 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 and indicative flood risk zones relevant to the Maigh Cuilinn plan area were identified and informed 'Conclusions for Maigh Cuilinn', a support document to the Draft Local Area Plan. The Consultants undertaking the SFRA have prepared a Stage 2 Flood Risk Assessment for the Plan area which confirms the conclusions reported in the 'Conclusions for Maigh Cuilinn' support document and replaces same.

Ms. O'Doherty recommends that Galway County Council publish the Stage 2 Flood Risk Assessment with any Material Alterations to the Plan and to include a new Objective UI 12—Lands Transected by Flood Zones. The new objective allows the Planning Authority the flexibility to consider the extension of a zone that is outside of the Indicative Flood Zone area into this area, subject to a Site Specific Flood Risk Assessment and Justification Test as required.

She also recommends small mapping changes to the Land Use Zoning Map 1A and 1B primarily to the north and northeast of the Plan area to ensure that areas falling within Flood Zone A and B are zoned Open Space Recreation and Amenity.

In relation to legacy zoning, Ms. O'Doherty recommends no change to the Draft Plan as they are located largely within the speed limits of the town, within 300m to 800m of the village centre which is widely recognised as being between a 5 and 10 minute walking distance from town centre and that the existing areas will accommodate the expansion of existing and future employment/industrial uses in a consolidated location within the village.

In reply to Cllr. D. Connolly's query with regard to the accurate mapping of flood risk areas, Mr. Kelly advised that the OPW compiled the *Preliminary Flood Risk Assessment* (PFRA) and JBA Consulting did a ground truthing exercise on this information and the Council's Consultants then undertook its own assessment of historic flood zones in its Strategic Flood Risk Assessment (SFRA) and further ground site walkovers and they identified the flood risk areas. This was an independent evaluation of the OPW's report. He advised that the flood

risk areas for the County will be discussed as part of the review of the County Development Plan.

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

Submission No. 2 – National Roads Authority (NRA)

Ms. O'Doherty outlined Submission No. 2 from the NRA and the Manager's response and recommendation. She said that this submission raises three main issues the strategic national road network, transportation infrastructure, and economic development.

Ms. O'Doherty recommended no change to the Plan in respect of the strategic National Road Network and economic development and noted the NRA's comments in relation to Transportation Infrastructure and advised that in the interest of clarity Objective TI 22– Signage On or Visible from National Roads will be updated in the Local Area Plan to include reference to the Spatial Planning and National Roads Guidelines in order to address their issue.

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

Submission No. 1 – Department of Agriculture, Food and the Marine

Ms. O'Doherty advised that the Department of Agriculture, Food and the Marine had no submission or observation to make on the Draft Plan.

The Manager recommends no change to the Draft Plan.

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

Submission No. 6 – Cian O'Mahony, EPA

Ms. O'Doherty outlined Submission No. 6 from Cian O'Mahony, EPA, which reminds Galway County Council of their obligations regarding the SEA process and Habitats Directive, and its obligations regarding National and Environmental legislation, listing documents and Regulations which should be referred to in the Plan and the authorities that should be consulted. These comments have been noted and considered and the Manager's recommendation is no change to the Draft Plan.

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

Submission No. 7 – Máire Áine Ní Mhaoláin, Údarás Na Gaeltachta

Ms. O'Doherty outlined Submission No. 7 from Máire Áine Ní Mhaoláin, Údarás Na Gaeltachta and the Manager's response and recommendation.

She said that this was a detailed submission that raises a number of issues which in summary refer to the role of the Local Authority and other State Agencies in preserving and promoting the Irish language and pledges their support to GCCs policies if they are in line with Udaras's aims. The submission also comments on other issues including the following: linguistic and cultural heritage, the amalgamation and integration of new and existing developments, improving transport and access network, employment opportunities and tourism. Ms. O'Doherty advised that the comments raised were noted and generally it is considered that the policies and objectives in the Plan are sufficiently comprehensive yet broad enough to address the issues raised in the submission.

Ms. O'Doherty advised that the Managers response is no change to the Draft Plan. The Members agreed to accept the recommendation in the Manager's Report.

Submission No. 11 – Shirley Crosbie, Office of Public Works

Ms. O'Doherty outlined Submission No. 11 from Shirley Crosbie, Office of Public Works and the Manager's response and recommendation.

Ms. O'Doherty advised that this Submission outlines the requirements of the *Flood Risk Guidelines* which puts a firm onus on the Planning Authority to avoid, substitute, justify mitigate and (where a Justification Test has been passed), manage flood risks and it also details the flood zone system. The submission refers to the Catchment Flood Risk Management Plans (CFRAM) studies due for publication next year, refers to the karst geology of co. Galway and highlights that the use of the Preliminary Flood Risk Assessment (PFRA) data sets is not suitable for a Stage 2 Flood Risk Assessment (FRA). The submission details the type of information that would be considered the extra detail for a Stage 2 FRA, which is recommended by the OPW. Finally the submission refers to ensuring that the Planning Authority applies the correct level of assessment as recommended in the Guidelines which may mean a Stage 3 Strategic FRA & Justification Test in some instances.

Ms. O'Doherty advised that the Managers response is that the issues raised in the OPW's submission have been addressed under the Manager's Response and Recommendations under Submission 5.

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

In reply to Cllrs. Cuddy, McClearn and Comh. Ó'Curraoin, the Mayor requested the Chairperson of the Planning Strategic Policy Committee (SPC) to consider with the Director of Service to invite the National Parks and Wildlife Service (NPWS) to outline their position re drainage at a future Planning SPC meeting.

Submission No. 12 – Anne Flynn, Department of Education and Skills

Ms. O'Doherty outlined Submission No. 12 from Anne Flynn, Department of Education and Skills and the Manager's response and recommendation.

Ms. O'Doherty advised that the planning authority notes the Departments methodology for calculating educational requirements and the documents/agreements referred to and notes the amount of undeveloped community facility lands in the Plan area with a significant portion adjacent to existing educational facilities permitting the consideration of expansion of these facilities.

Ms. O'Doherty advises that the Manager's recommendation is no change to the Draft Plan. The Members agreed to accept the recommendation in the Manager's Report.

Ms. O'Doherty then dealt with the remaining submissions from the general public and other persons/bodies.

Submission No. 3 – Thomas Clancy, Danesfield House, Moycullen.

Ms. O'Doherty outlined Submission No. 3 from Thomas Clancy and the Manager's response and recommendation. She advised that this submission requests that the zoning for lands identified as 'X' in the townland of Gortyloughlin is retained as is R-Residential (Phase 1) and 'Y' in the townland of Ballyquirke is retained as is R- Residential (Phase 2) as identified on the map included with the submission.

Ms. O'Doherty advises that the Manager notes the request but recommends no change to the Draft Plan on foot of the above submission. The Members agreed to accept the recommendation in the Manager's Report.

Submission No. 4 – Austin Clancy, Gortyloughlin, Moycullen.

Ms. O'Doherty outlined Submission No. 4 from Austin Clancy and the Manager's response and recommendation. She advised that this submission requests that the zonings for lands identified as 'Z' as outlined on a map submitted with the submission, remains as it is zoned in the Draft Plan, which is Business and Enterprise. Ms. O'Doherty advises that the Manager notes the request but recommends no change to the Draft Plan. The Members agreed to accept the recommendation in the Manager's Report.

Submission No. 8 – Coillte Teoranta, McCarthy Keville O'Sullivan

Ms. O'Doherty outlined Submission No. 8 from Coillte Teoranta, McCarthy Keville O'Sullivan and the Manager's response and recommendation.

Ms. O'Doherty advised that this submission relates to lands at Kilrainy as identified on a map included with the submission, owned by Coillte, which in the Draft Plan are zoned a mixture of Open Space (OS) and Residential Phase 2. Planning permission 08/2889 for 52 houses relates generally to the lands that are zoned Residential Phase 2. In summary, she said that the submission requests that the Coillte lands should be zoned from Open Space, Recreation & Amenity to Agriculture with the lands subject of planning permission 08/2889 should be included in Residential Phase 1.

Ms. O'Doherty said that the Manager's Response is that the Coillte lands are predominantly immature woodland and appear to facilitate recreation and amenity uses for village and wider community, while providing a consolidated area for possible future recreation, amenity and open space uses- and in this regard the OS zoning is considered the most appropriate and she said that the request to change the Residential Phase 2 lands to Residential Phase 1 would conflict with the Core Strategy requirements as there are ample quantities of Residential Phase 1 lands that are closer to village centre, within the By Pass route and are serviceable. She advised that the subject Residential Phase 2 lands were intended to reflect the previously zoned residential lands that related to planning permission 08/2889 except for the areas that fell within Flood Zone A and B which were intended to be zoned Open Space Recreation and Amenity- a small mapping change is required to accurately reflect this intention as per the Recommendation of Submission no 5 from the Department.

Ms. O'Doherty advised that the Manager's recommendation is no change to the Draft Plan regarding the Residential Phase 2 zoning for the Coillte Lands, except as per the

recommendation for Submission No.5 which recommends small mapping changes to the Land Use Zoning Map 1A and 1B to ensure that areas falling within Flood Zone A and B are zoned Open Space Recreation and Amenity, which may impact on the subject lands.

On the proposal of Comh. O'Tuairisg and seconded by Cllr. S. Walsh, it was agreed to zone the lands outside the flood risk area, part of Submission numbered 8, as Agriculture.

The Members agreed to accept the recommendation in the Manager's Report in respect of the Residential Phase 2 zoning for the Coillte Lands, except as per the recommendation for Submission No.5 which recommends small mapping changes to the Land Use Zoning Map 1A and 1B.

Submission No. 9 – Eoghan & Anne O'Sullivan, c/o McCarthy Keville O'Sullivan

Ms. O'Doherty outlined Submission No. 9 from Eoghan & Anne O'Sullivan, c/o McCarthy Keville O'Sullivan and the Manager's response and recommendation. Ms. O'Doherty advises that this submission requests that the subject lands are zoned agriculture from Open Space Recreation and Amenity and sets out the justification for same.

Ms. O'Doherty advised that the subject lands predominantly comprise of woodland and lakes and are located within the Drimcong pNHA, with some elements of the site located within Indicative Flood Zone A and B. Having regard to their location within the pNHA, the presence of Indicative Flood Zone A & B on part of the subject lands and considering their proximity to other proposed Open Space, Recreation and Amenity lands, this zoning is considered the most appropriate zoning and accords with the principles of proper planning and sustainable development of the area and this submission has also been considered in the context of the Habitats Directive and the Strategic Environmental Assessment Directive and the recommended response is considered appropriate to avoid adverse impacts on protected species and strategic environmental impacts.

Ms. O'Doherty advised that the Manager's recommendation is no change to the Draft Plan.

On the proposal of Cllr. S. Walsh and seconded by Comh. Ó'Curraoin, it was agreed to zone the lands outside the flood risk area, part of Submission numbered 9, as Agriculture.

Submission No.10 – Tim Bohan, McCarthy Keville O'Sullivan

Ms. O'Doherty outlined Submission No. 10 from Tim Bohan, c/o McCarthy Keville O'Sullivan and the Manager's response and recommendation.

Ms. O'Doherty advised that the subject lands predominantly comprise of woodland and lakes and are located in their entirety within the Drimcong pNHA, given their location within the pNHA and their proximity to other proposed Open Space, Recreation and Amenity zoned lands this zoning is considered the most appropriate and accords with the principles of proper planning and sustainable development of the area and in the context of the Habitats Directive and the Strategic Environmental Assessment Directive, the recommended response is considered appropriate to avoid adverse impacts on protected species and strategic environmental impacts.

Ms. O'Doherty advised that the Manager's recommendation is no change to the Draft Plan.
On the proposal of Cllr. S. Walsh and seconded by Comh. Ó'Laoi, it was agreed to zone the lands, part of Submission numbered 10, as Agriculture.

Submission No.13 – John O'Toole & Pat Fallon, David MacNeela Consulting Engineers

Ms. O'Doherty outlined Submission No. 13 from John O'Toole & Pat Fallon, David MacNeela Consulting Engineers and the Manager's response and recommendation.

Ms. O'Doherty advised that this submission relates to lands at Ballycurke East and West as identified on the map included with the submission. The submission outlines the history of the site, and states that it is supportive of Objective LU 4, the Land Use Objective for the Business and Enterprise zoning. However, it is requested that their subject lands are zoned Business and Enterprise in their entirety and states that no flooding has taken place and that the lands have been filled in accordance with a permit obtained. A request is also made in the submission to include a number of uses such as boarding kennels, home based economic activity, office <100m², warehousing less than 700m² as 'Open for Consideration'.

Ms. O'Doherty advised that the Manager's Response notes that in light of the population allocation given to Maigh Cuilinn the existing quantum of undeveloped Business and Enterprise zoning is sufficient with no additional requirement necessary. Ms. O'Doherty also advised that the Strategic Flood Risk for County Galway, the 'Conclusions for Maigh Cuilinn' and Stage 2 SFRA identify a large portion of the subject lands as being subject to pluvial flooding and falling within Flood zone A and for this reason a significant portion of the lands are zoned Open Space Recreation and Amenity in order to accord with the Flood Risk Guidelines. Zoning the lands B & E would allow a vulnerable land use to be considered in a flood risk area, require a Justification test, would likely fail and therefore it is not considered appropriate to rezone the lands from a planning and SEA perspective.

In relation to the changes requested to the zoning matrix, the proposed changes are not considered appropriate to this location and therefore the matrix should not be amended.

Ms. O'Doherty advises that the Manager's recommendation is no change to the Draft Plan.

Mr. Kelly clarified that an agricultural zoning was not considered appropriate in a flood risk area as it allowed for uses such as a slatted unit which would not be acceptable, however, to bring the matrix for agriculture into line with flood risk requirements would limit development on agricultural lands in other flood risk areas.

On the proposal of Comh. Ó'Laoi and seconded by Cllr. E. Mannion, it was agreed to zone the lands outlined in red in the map submitted as follows:

- a) **Lands zoned in the Draft Plan as Agriculture to be rezoned Business Enterprise (BE) as they are currently zoned in the current Plan and,**
- b) **Lands zoned in the Draft Plan as Open Space Recreation & Amenity to be re-zoned as Agriculture.**

Submission No.14 – Forbairt Pobail Mhaigh Cuilinn Teoranta

Ms. O'Doherty outlined Submission No. 14 from Forbairt Pobail Mhaigh Cuilinn Teoranta and the Manager's response and recommendation.

Ms. O'Doherty advised that this submission requests that a parcel of land, identified on the map included with this submission, zoned Community Facilities in the Draft Plan is rezoned to permit light industrial and activities related to the tourist and sporting industries. The submission also requests that a footpath leading to the Oughterard road should be included on the specific objectives Map 2A as the pathway is already present.

Ms. O'Doherty advised that the Manager's Response considers that the requested zoning is inappropriate at this location to the rear of a residential area and in proximity to an area identified as potentially important for bats and that changing the zoning would also allow for a wide range of uses not just those outlined in the request, and would also result in a significant reduction in a block of consolidated community facilities zoning, a loss which is not desirable. Furthermore, she advised that there is no additional requirement for this zoning as there is already 13ha of undeveloped land zoned for either industrial or business and enterprise use with the Plan area. She further advised that regarding the issue raised in relation to the footpath, it is accepted that this should be included in the Specific Objectives Map.

Ms. O'Doherty advises that the Manager's recommendation is to alter Specific Objectives Maps 2A & 2B to include Amenity Corridors/Indicative Pedestrian & Cycle Networks from the Community Facility lands to the Oughterard Road as per the map included with the submission.

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

Submission No.15 – Mairtin Clancy, Tobin Consulting Engineers

Ms. O'Doherty outlined Submission No. 15 from Mairtin Clancy, Tobin Consulting Engineers and the Manager's response and recommendation.

Ms. O'Doherty advised that this submission seeks to have lands, as identified on the map included in the submission, zoned as Residential Phase 1 and if this is not possible it is proposed that exemptions to the development of Residential Phase 2 lands which should include: single house developments not just for family members or family owned lands and low density housing on suitable sites.

Ms. O'Doherty advises that the Manager's response outlines that requirements of the Core Strategy with regarding the acceptable quantum of zoned lands had been fulfilled in the Draft Plan and there is no additional requirement for increased areas of Residential Phase 1. It is also considered that the exemptions to development on Residential Phase 2 lands would undermine the Core Strategy and also compromise the efficient future use of these lands.

Ms. O'Doherty advises that the Manager's recommendation is no change to the Draft Plan.

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

On the proposal of Comh. O'Tuairisg and seconded by Cllr. S. Walsh, it was agreed to accept the recommendations in the Manager's Report, as amended by the Members and it was agreed to put the Maigh Cuilinn Draft Local Area Plan on display with the agreed amendments and Material Alterations.

A vote was taken and the result was as follows;

AR SON: Cllrs. Canney, Carroll, D. Connolly, Comh O'Cuaig, Cllrs. Cuddy, Feeney, Hoade, Comh. O'Laoi, Cllrs. E. Mannion, T. Mannion, McClearn, McHugh, Roche, Comh. Ó'Tuairisg, Cllrs. S. Walsh, T. Walsh & Welby. [17]

AGHAIDH: [0]

GAN VOTÁIL: [0]

The Mayor declared the proposal carried.

ELECTION OF A MEMBER TO THE GOVERNING AUTHORITY OF THE NATIONAL UNIVERSITY OF IRELAND 1307

Report dated 20th December, 2012 as circulated to each Member was considered.

Mr. Owens referred to the Report dated 20th December, 2012 stating that two nominations were received in respect of the Election of a Member to the Governing Authority of NUIG as follows:

- (1) Cllr. Eileen Mannion - Proposed by Cllr. T. Walsh and seconded by Cllr. McHugh
- (2) Cllr. Sean Canney - Proposed by Cllr. D. Connolly and seconded by Comh. Ó Curraoin

As there was more than one nomination, the Mayor called for a vote and the following was the result of the vote:

For Cllr. Eileen Mannion: Cllrs. Broderick, Carroll, Cuddy, Cunniffe, Fahy, Feeney, M. Finnerty, Hynes, Comh. O'Laoi, Cllrs. Maher, E. Mannion, McClearn, McDonagh, McHugh, Roche, Ryan, T. Walsh, Welby, Willers [19]

For Cllr. Sean Canney: Cllr. Canney, D. Connolly, Hoade, T. Mannion, Comh. Ó Cuaig, Ó Tuairisg [6]

Abstained: Cllr. G. Finnerty & Cllr. S. Walsh [2]

As a result of the vote, the Mayor declared Cllr. Eileen Mannion elected to the Governing Authority of NUIG.

Cllr. Mannion thanked her proposer and seconder and those who voted for her and said that she was honoured to be elected to the Governing Authority of NUIG and she would represent the Council to the best of her ability in this important role.

AUDIT REPORT ON THE ACCOUNTS OF GALWAY COUNTY COUNCIL FOR THE YEAR ENDING 31ST DECEMBER 2011 **1308**

Report dated 11th December, 2012 as already circulated to each Member was considered.

The Audit Report on the Accounts of Galway County Council for the year ending 31st December, 2011 was proposed by Cllr. S. Walsh, seconded by Cllr. Carroll, and agreed.

The County Manager referred to item 5.5 on Page 4 of the Report under the heading Debtor for Caladh Mór Harbour which stated that included in debtors was an amount of €3.1m in outstanding grants on Caladh Mór Harbour development. She advised that the Department of Arts, Heritage & the Gaeltacht (formerly the Department of Community, Rural & Gaeltacht Affairs) had indicated that the Department were of the opinion that it has no liability in respect of funds expended by the local authority in excess of the original contract sum in respect of works carried out on its behalf by the local authority on Caladh Mór Pier and Cill Rónáin Harbour. She outlined that it is normal to expect that where a contract is signed which is not a fixed-price contract, price variations will occur and the local authority had no reason to expect that the Department would not recoup the total cost of these projects. The County Manager confirmed that discussions had taken place with the Department including a recent meeting with the Secretary General and confirmed receipt of a recent letter from the Secretary General outlining that the Department had no liability for the balance of expenditure properly and necessarily incurred by the local authority to meet its contractual commitments and to allow for the completion of the developments. She said that this was a very worrying matter for the local authority and that the local authority was determined to bring the matter to a satisfactory resolution at an early date.

Mr. Gilmore stated that between 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, the extra costs incurred over and above the initial contract sums will be in the region of between €8m and €8.5m.

A discussion took place and the Members expressed grave concern at the prospect that the local authority would not be reimbursed in respect of monies expended on works carried out in good faith on behalf of the Department of Community Rural & Gaeltacht Affairs.

In reply to Cllr. McClearn, the Manager stated that the contracts were not fixed price contracts and in such contracts it was normal to expect that price variations would occur and that any such extra costs would be recouped by the relevant Department. She said that in her experience the situation the local authority finds itself in was unprecedented and she

said that the local authority has a good relationship with the National Roads Authority, the Department of the Environment, Heritage & Local Government and had no such difficulties in the past in regard to recouping monies spent by the local authority on approved projects.

In reply to Comh. Ó Cuaig, the Manager said that the reason given to the Council by the Department of Community, Rural & Gaeltacht Affairs for not recouping the amounts outstanding is that the Department were of the opinion that they were only obliged to meet the original contract sums. The Manager advised that if that was the understanding of the local authority at the outset, the local authority would not have signed the Contracts for the works as the local authority would not have been in a position to sign the contracts if it was known that the Department would not reimburse the full costs incurred.

In reply to Cllr. Canney, the Manager said that at every meeting held between the Department and the local authority in relation to the projects, the local authority were always lead to believe that the only cost to be met by the local authority was the agreed local contribution and that the remaining balance of the costs incurred by the local authority in delivering the projects would be met in full by the Department.

In reply to the Mayor, the Manager said that the history of these two projects goes back to the 1990's and the local authority would have supported the works at these locations as it would have considered them as being very important for the sustainable development of the islands and the island communities. She said that the local authority was determined to be reimbursed in respect of the total expenditure on the projects and will take all steps necessary in order to recoup the money owed to the local authority by the Department.

Cllr. D. Connolly made the following proposal regarding the Caladh Mór Harbour Project "that a Galway County Council Deputation meet with Minister Jimmy Deenihan, T.D. with a view to having funding forwarded to Galway County Council which the Department are contractually obliged to honour". This proposal was seconded by Cllr. T. Mannion, and agreed.

Following further discussion on the resolution, it was agreed that the timing of the issuing of the request for a deputation would be determined by the County Manager based on the response received from further interaction on the matter including consultation with the Department of Environment, Community & Local Government.

The County Manager advised that it was an unprecedented situation, that every item of expenditure was legitimately incurred on the projects undertaken on behalf of the Department, that the contracts were not fixed price and all marine projects carry risk and included a price variation clause. She stated that it was her intention to pursue the collection of the funding in every possible way up to and including legal proceedings if necessary.

In reply to a question from Cllr. T. Walsh in relation to commencing legal proceedings to recoup the monies due to the local authority, the County Manager stated that it would not be necessary to commence legal proceedings if an alternative solution could be found, she confirmed that it was her ambition to find an amicable solution and that she hoped common sense prevailed and the local authority was reimbursed the money due.

A discussion then took place regarding other issues which the Members raised regarding the Audit Report.

In reply to a query from Cllr. Broderick, Mr. Mullarkey confirmed that energy costs rose in 2011 and that the reference to Urban Accounts relates to demands payable to the Council from Ballinasloe Town Council.

In reply to Cllr. Carroll, Mr. Mullarkey said that Development Contributions are broken down in the report into short-term and long-term. He said that until planning permissions expire, the Council is obliged to show unpaid Development Contributions under Debtors.

Island Ferries Teo –v- Galway County Council. High Court 2012 / 47JR

Report dated 20th December, 2012 as circulated to each Member was considered.

Mr. Molloy read out the Report stating that Island Ferries Teo, have sought a High Court Judicial Review in regard to the Bye-Laws for the regulation of Cill Rónáin Harbour and Cill Éinne Harbour, Inis Mór, Árainn, and in accordance with Section 153 of the Local Government Act 2001 the defence of the action requires the express authorization of the Elected Council as the adoption of the Cill Rónáin Harbour and Cill Éinne Harbour Bye-Laws was a reserved function of the elected Members of Galway County Council.

On the proposal of Cllr. McClearn, seconded by Cllr. E. Mannion, the Members agreed to authorize the Council to defend the action being taken by Island Ferries Teo.

TO CONSIDER AND IF DEEMED APPROPRIATE TO AUTHORISE THE ATTENDANCE AT CONFERENCES **1309**

On the proposal of Cllr. T. Mannion, seconded by Cllr. McClearn, the Members agreed to authorize the attendance at the following Conferences:

- **Esperanza Enterprises – Environmental Implications of harvesting Wind Energy – 23rd – 24th November 2012 – Westport Plaza Hotel, Westport, Co. Mayo – Fee: €150**

1. Tom McHugh

- **Teagasc – Will we run out of natural resources needed for Food Production? – 27th Nov 2012 – RDS, Dublin – Fee: €0**
 1. Seamus Walsh
 2. Jarlath McDonagh
- **Esperanza Enterprises – Promoting Justice through better Consultation & Cooperation in Local Government – 30th November – 1st December 2012 – Carlton Hotel Tralee, Co. Kerry – Fee: €150**
 1. Jarlath McDonagh
 2. Mary Hoade
 3. Michael Connolly
 4. Tiarnan Walsh
 5. Seán Ó Tuairisg
 6. Tomás Ó Curráoin
 7. Michael Maher
 8. Kevin Ryan
 9. Michael Fahy
- **TGR Seminars – ‘Putting People First’ Reform & Strategic Planning for 2013 – 7th – 9th December 2012 – Bunratty Castle Hotel, Bunratty, Co. Clare – Fee: €145**
 1. Seamus Walsh
- **Celtic Conferences – Budget 2013 Seminar – 14th – 16th December 2012 – Celtic Ross Hotel, Rosscarbery, Co. Cork – Fee: €100**
 1. Tom McHugh
 2. Jimmy McClearn
 3. Kevin Ryan
 4. Shaun Cunniffe
 5. Tomás Ó Curráoin
 6. Seamus Walsh

- **Esperanza Enterprises – Civil Liability Legislation & how it affects Local Authorities**
11th – 12th January – Westport Plaza Hotel, Westport, Co. Mayo – Fee: €150
 1. Mary Hoade
 2. Jarlath McDonagh

- **Ace Training – Budget Seminar 2013 – 11th – 13th January – Four Seasons Hotel, Carlingford, Co. Louth – Fee: €100**
 1. Shaun Cunniffe
 2. Tomás Mannion

TO NOTE THE SUMMARY OF PROCEEDINGS OF CONFERENCES ATTENDED 1310

- **TJK Conferences – Local Government Seminar for Councillors – 27th – 29th January – Patrick Punches Hotel, Limerick**
 1. Seosamh Ó Laoi

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

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

- **Association of County & City Councils – Annual Conference 2012 – On the Verge of Change – 10th – 11th May – Newpark Hotel, Kilkenny**
 1. Peter Feeney

- **Galway County Council – Living Landscape Conference – Maximising our outdoor resources – 17th – 18th May – Clifden Station House, Clifden, Co. Galway**
 1. Seosamh Ó Laoi

- **Esperanza Enterprises – Draft performance standards for Domestic Wastewater Treatment Systems – 1st – 2nd June – Westport Plaza Hotel, Westport, Co. Mayo**
 1. Tomás Ó Curráoin
 2. Tomás Ó Curráoin
- **Carlow Tourism – 10th National Tourism Conference: Pride in our County – Pride in our Place – 21st – 23rd June – Dolmen Hotel, Kilkenny Rd., Carlow**
 1. Peter Feeney
- **2012 MacGill Summer School & Arts Week – Reforming & Rebuilding our State – 22nd – 27th July – Glenties, Co. Donegal – Newpark Hotel, Kesh, Co. Donegal**
 1. Peter Feeney
- **Esperanza Enterprises – Personal Insolvency Bill 2012 – 10th – 11th August – Manor West Hotel, Tralee, Co. Kerry**
 1. Peter Roche
 2. Tomás Ó Curráoin
- **Donegal Co. Council – LAMA Autumn Seminar 2012 – The Challenge for Local Authorities – Can we do more with less? – 28th – 29th September – Mount Errigal Hotel, Letterkenny, Co. Donegal**
 1. Peter Feeney
 2. Tom McHugh
- **National Rural Network / Teagasc – Maximising the Use of Rural Resources – 16th October – Johnstown House Hotel, Enfield, Co. Meath**
 1. Peter Feeney
- **TGR Seminars – Reform of Local Government II – 19th – 21st October – Bunratty Castle Hotel, Bunratty, Co. Clare**
 1. Peter Roche

MANAGER'S BUSINESS & CORRESPONDENCE

1311

- **Esperanza Enterprises – Debt Settlement – 2nd – 3rd November – Manor West Hotel, Tralee, Co. Kerry**
 1. Jarlath McDonagh
 2. Tomás Ó Curráoin
- **Esperanza Enterprises – Education for Work Initiatives – 9th – 10th November – Westport Plaza Hotel, Westport, Co. Mayo**
 1. Jimmy McClearn
- **Association of Irish Regions Annual Conference 2012 – Ireland's Regions for Business – 2020 – 16th November – Newpark Hotel, Kilkenny**
 1. Jarlath McDonagh
- **TGR Seminars – LEADER Funding & the Councillor – 16th – 18th November – Bunratty Castle Hotel, Bunratty, Co. Clare**
 1. Peter Roche
- **Superior Training – Information & Communications Technology for Councillors – 23rd – 24th November – Great Northern Hotel, Bundoran, Co. Donegal**
 1. Jimmy McClearn
 2. Tiarnan Walsh
 3. Tomás Ó Curráoin
- **Teagasc – Will we run out of natural resources needed for Food Production? – 27th Nov – RDS, Dublin**
 2. Seán Ó Tuairisg

On the proposal of Cllr. McClearn, seconded by Cllr. T. Mannion, the summary of proceedings of Conferences attended was noted and agreed.

MANAGER'S BUSINESS & CORRESPONDENCE

1311

The Manager referred to correspondence dated the 6th December 2012 from Mr. Eamonn Waters, Secretary, Local Electoral Area Boundary Committee inviting submissions in respect of the work the Local Electoral Area Boundary Committee was undertaking reviewing local electoral areas. She advised that submissions may be sent by email to boundarycommittee@environ.ie or by post to arrive no later than Friday, 25th January 2013 at 5 pm.

The County Manager advised of proposed changes to the Community Involvement in Roadworks Scheme and that the existing scheme was being suspended to be replaced with a revised scheme with a requirement for a minimum community contribution of 50%.

In reply to Cllr. McClearn, the County Manager confirmed that the notification related to the suspension of the 2013 Scheme.

Mr. Gilmore acknowledged that approximately 60 applications had already been received in respect of 2013 and that the Department of Transport, Tourism and Sport indicated that they will endeavour to work around the existing status of applications already on hand. Mr. Gilmore confirmed that approximately €400,000 had been allocated to support the Community Involvement in Roadworks Scheme each year and that in the current year the Department advised that funding should not be allocated from the Multi Annual Programme or discretionary block grants and that accordingly other funds may be made available directly by the Department.

MAYOR'S BUSINESS

1312

Cllr. D. Connolly referred to Notice of Motion No. 16 whereby he proposed that the Council engage with the NRA to have crash barriers on the Galway/Limerick road made safe. He said he received a reply to this Notice of Motion but he requires a further update in this regard and he asked that this matter be placed on the Agenda for the January 2013 Monthly Meeting. This proposal was seconded by Cllr. G. Finnerty and agreed.

Cllr. D. Connolly referred to Notice of Motion No. 15 whereby he proposed that the Council recognize the valuable work carried out by home helps and call on the Government to restore this service to a properly resourced service and where service providers are given fair contract hours and time to deliver the service which gives users the ability to remain in their own homes. This proposal was seconded by Cllr. Canney and agreed.

Cllr. D. Connolly referred to Notice of Motion No. 17 whereby he proposed that the Council call on Government to reverse the recent budget announcement to close rural Garda stations in County Galway. This proposal was seconded by Cllr. Canney and agreed.

Cllr. T. Walsh said that although he agreed with the sentiments of Cllr. D. Connolly, the matters raised by the Councillor were matters for discussion in the Dáil and not in the Council Chamber and that agreeing the resolution would not result in a change of the decision to close certain Garda Stations.

In reply to Cllr. Maher who asked if it is possible to put in special speed limits at Craughwell National School as there are no footpaths and no traffic calming measures in place, Mr. Gilmore stated that as a result of representations, this matter has been referred to the NRA for consideration as a Low Cost Accident Scheme.

Cllr. E. Mannion raised the matter of wind energy and said that that it must be recognized that householders have concerns regarding the size and density of wind turbines and the distance of the wind turbines from their home. She made the following proposal "that Galway County Council review Galway County Council's Wind Strategy in 2013". This proposal was seconded by Cllr. Carroll and agreed.

Cllr. T. Mannion made the following proposal "As part of the review of the Wind Energy Strategy that Members have an opportunity to visit an existing wind farm to see and experience first hand the impact that such a development can have". This proposal was seconded by Cllr. T. Walsh and agreed.

Comh. Ó Cuaig stated that there were different strands to the current debate on the issues, including an argument for not allowing any wind turbines, which he did not agree with. He stated that it was important to avoid an over concentration of wind turbines in one area, that the height and size of wind turbines needed to be considered together with proximity to houses and referred to his previous contributions during consideration of the wind energy strategy and the need to spread wind turbines around the county.

Cllr. McClearn said that previous studies may have found that only 2% of the county is suitable for wind turbines due to wind speed or designations but that technology was advancing and that if technology allows for new areas to be considered that were previously regarded as not economical, then he agreed it was time to review the strategy.

Cllr. Welby referred to National Heritage Sites stating that these are not designated at E.U. level although they are recognized by the E.U. He said that Ireland has the power to designate National Heritage Sites at National level and vast areas have been designated. He said therefore Ireland has the power to de-designate these sites and this should be considered in some cases.

Comh. Ó Tuairisg said that national guidelines state that wind turbines must be located at least 500m from homes and he said that this must be revised and that in bringing forward a revised strategy for the County, it was necessary to include consideration of additional issues including the cumulative impact of wind turbines, the size of the turbines and existing concentrations in particular areas including Moycullen and An Spideal.

Cllr. Hynes agreed that the current distance of 500 m was too short a distance and needed to be changed but that alternative source of energy including wind were needed.

Cllr. T. Walsh indicated that he was supportive of the review and the need to visit an appropriate site to gain a greater understanding of the implications and impact of wind turbines on an area as part of the review process. He outlined that he had no direct experience of the immediate impact of wind turbines that while the appearance of wind turbines was not of significant concern to him personally, issues of flicker and noise, if as described, were of serious concern and accordingly merited review of the strategy.

Cllr. Maher stated that he wished to be associated with previous comments and recognized the need for a review of the strategy, he stated that he lived near wind turbines in the Sliabh Aughty but recognized that the impact of same was not directly comparable as they were 50 meters in height while the wind turbines in the Moycullen area were 150 meters.

Cllrs. Hoade, Roche and Ryan were supportive of the review and wished to be associated with the previous comments on the potential impact of wind turbines in terms of height, noise and flicker.

Cllr. Cunniffe proposed that the Council suspend any activity on approval of planning applications for wind turbines until such time as the Wind Energy Strategy is reviewed. However, as there was no seconder to this proposal, the Mayor said that he could not put the proposal to the Members for consideration.

Mr. Kelly replied to the points raised by the Members stating that the matter of wind energy was discussed at a recent Monthly Meeting of the Council and it was agreed that a presentation would be made to the Members in 2013 in this regard. He said that this presentation has been scheduled for February and the outcome of this Meeting can inform the review of the Wind Energy Strategy as part of the overall review of the County Development Plan. He said that it would be expected that any amendments to the Wind Energy Strategy would be incorporated into the review process for the County Development Plan.

In reply to Cllr. E. Mannion, Mr. Kelly said that the presentation to be made to the Members in February will provide the Members with very clear and detailed information regarding the Councils role in relation to the matter of wind energy and in dealing with applications for planning permission for the development of wind turbines and wind farms.

In reply to Cllr. T. Walsh, Mr. Kelly said that when Members raise issues these issues are always taken on board by the Executive. However he said that divergence between local and national policy should be avoided as if decisions made by the Council on planning applications are appealed to An Bord Pleanála, they will make their decision in compliance with National Policy.

In reply to comments by Cllr. Cunniffe, Mr. Kelly confirmed that there was no basis to prevent applications for the provision of wind turbines pending the review of the wind energy strategy as there was a legislative framework governing such applications, that the existing wind energy strategy as adopted by Council continued to apply and that it was not possible to overrule same based on a simply resolution of Council.

The Mayor referred to the conviction and execution of Mr. Myles Joyce in 1882 and made the following proposal "that Galway County Council support the initiative of Members of the British House of Lords, Lord Alton and Lord Avebury, to have the conviction and execution of Myles Joyce, a native of County Galway in the year of his execution, declared a miscarriage of justice and to recognize the efforts of the office of An Coimisinéir Teanga, Galway Museum and Conradh na Gaeilge towards this objective". This proposal was seconded by Comh. Ó Tuairisg and agreed. It was agreed that this resolution be sent to Uachtarán na hEireann, An Taoiseach and the Minister for Foreign Affairs. Following comments from Comh. Ó Curraoin, it was agreed to note that Comh. Ó Curraoin does not recognize the House of Lords.

NOTICE OF MOTIONS

NOTICE OF MOTION NO 12 – CLLR. B. WILLERS

1313

The following reply was given:-

"Galway County Council has made a request to the Department of Transport, Tourism and Sport for the provision of funding to place a bus shelter in Ardrahan. The Department has indicated that no funding is available in the current year. The Council will seek funding for this bus shelter in 2013 and examine alternative ways of sourcing funding for this project."

NOTICE OF MOTION NO 13 – CLLR. B. WILLERS

1314

The following reply was given:-

"Galway County Council propose to carry out a walkover survey of the Streamstown River, north of Cloon Bridge on the N66 and the Ballylee River with a view to carrying out maintenance works on these stretches of rivers to alleviate flood risk in this area. In order for the OPW to consider funding a Minor Works Scheme for this maintenance works there will be a need to demonstrate the benefits of such a scheme and a minimum Benefit to Cost Ratio of 1.5 has to be achieved. However, both Galway County Council and the OPW are very limited in terms of engineering solutions to mitigate against flooding in this area as the capacity to convey flood flows from this catchment is controlled by the capacity of the ground water conduits deep beneath the ground surface."