

Authority has applied a conservative but consistent approach with regard to flood risk and the Planning Authority cannot advise on an alternative zoning at this time.

In reply to Cllr. Cuddy who advised that there no history of flooding on that site and that the site was previously zoned Town Centre, Ms. McConnell said that the Planning Authority cannot disprove that this site has been identified as a flood risk and the infilling of lands at risk of flooding is not advocated in the Department of Environment's Flood Risk Guidelines and, for that reason, a methodology has been applied by the Planning Authority to ensure that lands at a risk of flooding are not zoned for inappropriate uses.

Cllr. T. Mannion questioned the documentation referred to by the Planning Authority in making the decision.

Cllr. Noone advised that the site was previously zoned Commercial/Town Centre and requested that the site be re-zoned back to Commercial/Town Centre as this zoning was changed unknown to the landowner until it was too late. He said that parts of Oranmore village is lower than this piece of land and there is no history of flooding in the village or this site and also this site would not be a holding point for water if the river did overflow.

Cllr. McClearn said that the zoning of this site was discussed extensively and the Councillors made a conscious decision to zone the site Commercial/Town Centre as the site was not a flood risk and he would question the methodology used to define flood risk areas as this is one of the higher points of the village.

Cllr. Fahy said that the recommendation to re-zone the site back to Open Space/Recreation & Amenity Councillors was unfair as the Councillors had already considered and voted that this site was to be zoned Commercial/Town Centre. Cllr. McDonagh concurred with Cllrs. Cuddy, Noone, McClearn and Fahy and said he sees no reason to change the decision the Councillors had made at the previous Council meeting.

Cllr. Connolly asked if the sea level indicated on the Ordnance Survey map was lower than other parts of the town and was there water coming off the roadway onto the site.

In reply to the above comments, Mr. Kelly advised that part of the subject site falls within Indicative Flood Zone A and B as identified within the Preliminary Flood Risk maps and, therefore, the Planning Authority cannot disprove the risk of flooding on this site whilst yet not overstating it. He advised that the rear of the site has been identified as a flood risk and a conservative approach has been taken to all land identified as a flood risk. He said that the recommendation was not disregarding the previous decision made by the Councillors but that the Planning Authority was seeking to apply a consistent methodology in relation to flood risk zones identified and while he appreciates that there is no local evidence as to flooding on this site, the Planning Authority needs to be consistent in its approach to flood risk. He said that the landowner's Agent had agreed that flood risk could not be discounted but had proposed an increase in the level of the site.

Mr. Kelly advised that it was open to the Members not to agree with the recommendation and re-visit all or a portion of the site but said that any change to the Plan must be approved by 15 members (50%) as per the 2010 Planning & Development Act.

On the proposal of Cllr. Willers and seconded by Cllr. Fahy, it was proposed not to accept the recommendations in the Manager's Report and to zone the lands the subject of MA24 as Town Centre/Commercial.

The Mayor called for a vote on this proposal and the result was as follows;

AR SON: Cllrs. Canney, D. Connolly, M. Connolly, Cuddy, Comh. Ó'Curraoin, Cllrs. Fahy, G. Finnerty, M. Finnerty, Hoade, Hynes, Maher, T. Mannion, McClearn, McDonagh, McHugh, Noone, Roche, Ryan, Welby & Willers [20]

AGHAIDH: Cllr. Carroll [1]

GAN VOTÁIL: [0]

The Mayor declared the proposal carried.

3. Material Alteration No. 30

In reply to the Departments' submission that MA 30 should be omitted from the Local Area Plan pending the application of relevant policies of the Flood Risk Management Guidelines to the lands and also pending the preparation of a Masterplan for the area in the interests of safeguarding the strategic reserve from piecemeal, haphazard and potentially inappropriate development, Ms. O'Doherty advised that the Department's comments are noted and said that the Strategic Reserve Area has been identified to protect and safeguard the lands within this area from any development that would prejudice their potential as a reserve for the future, longer term strategic growth of Oranmore, the County or the region. The development of single houses, for sons or daughters of a land owner within the strategic reserve area has at least the potential to incrementally undermine the future development of this area and compromise the investment made in strategic infrastructure in this area to date and for this reason the first Manager's Report on the submissions on the Draft Plan did not recommend a change.

She advised, however, that it must be recognised that given the extent of the area and the existence of some dwellings within the area that there may be locations such as infill sites where a dwelling for a son or daughter could be accommodated without compromising the strategic nature of the area.

She said that Objective DS7, RD9 and LU12 remain the primary objectives for the Strategic Reserve area and any proposals for single dwellings would only be considered where the Planning Authority is satisfied that the development would have no material impact on the strategic nature of the area. This may mean that sites could be considered inappropriate even if being the only site available.

Ms. O'Doherty recommended accepting Material Alteration No. 30, i.e., to amend the Land Use Zoning Matrix to allow consideration be given to an application for a dwelling house, for their own use, by a son or daughter of a landowner within the Strategic Reserve Area subject to meeting all Development Management requirements and subject to any such proposal not negatively impacting on the Strategic Development of that area.

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

4. Telecommunications

Ms. O'Doherty advised that Policy UI5 and Objective UI16, as set out in Section 3.6.2 in the Plan, are considered sufficient to address the Department's concerns in relation to telecommunications infrastructure.

Ms. O'Doherty recommended no change to the Draft Plan.

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

5. Schedule of Areas

Ms. McConnell advised that a schedule of zonings including the relevant quantum of land in each zoning will be included in Section 3.1.3 just before the Land Use Zoning Matrix in the final adopted Local Area Plan.

Ms. O'Doherty recommended no change to the Draft Plan.

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

6. Material Alteration List

In reply to the Department's submission that a comprehensive list comprising the material alterations with a logical identification number to cross reference the amendment to both written statement and relevant mapping should form part of the LAP documentation, Ms. McConnell said that the entire Local Area Plan with the changes including deletions and additions were highlighted and placed on public display and this is considered sufficiently clear for that purpose.

Ms. O'Doherty recommended no change to the Draft Plan.

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

7. Draft LAP Guidelines

Ms. O'Doherty advised the Local Authority is required to have regard to any Guidelines issued under Section 28, of the Planning & Development Act 2000, as amended, which includes the Department's Local Area Plan Guidelines and the Local Area Plan Manual, and while the Departments comments are noted, they do not relate to any of the Material Alterations to the Draft Local Area Plan.

Ms. O'Doherty recommended no change to the Draft Plan.

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

Submission No. 1 - National Roads Authority

Ms. O'Doherty outlined the observations from the National Roads Authority and the Manager's response and recommendation.

Ms. O'Doherty advised that the issues raised by the NRA were previously considered at Draft Plan stage and discussed with the Roads and Transport Section and no changes were deemed necessary at that time. There are no specific comments in relation to the proposed Material Alterations to the Draft Plan and therefore no changes are recommended.

Ms. O'Doherty recommended 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. 2 – Department of Agriculture, Food & the Marine

Ms. O'Doherty outlined the observations from the Department of Agriculture, Food & the Marine and the Manager's response and recommendation.

Ms. O'Doherty said that the Department of Agriculture, Food and the Marine (DoAFM) has no submissions or observations to make, at this time, in regard to the Material Alterations to the Draft Oranmore Local Area Plan but would suggest that local area habitat maps which

are not designated e.g. tree and hedgerow/stonewall clusters for retention be available in GIS format. In reply, Ms. O'Doherty said that local area habitat maps have not been prepared as part of the Local Area Plan or the Strategic Environmental Assessment (SEA) process, however, the Local Area Plan includes objectives to protect local habitats and biodiversity, including Objective CF9, NH2, NH4, NH5, NH8 and NH10. Ms. O'Doherty recommended 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. 3 – EPA

Ms. O'Doherty outlined submission Number 3 from the EPA under the following headings and the Manager's response and recommendation:

4. General
5. Specific comments on Alterations

1. General

Ms. O'Doherty notes the EPA's reminder of obligations with respect to all national and EU environmental legislation.

Ms. O'Doherty recommended no change to the Draft Plan.

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

2. Specific comments on Alterations

Ms. O'Doherty advised that specific reference is made in relation to Material Alteration 24 and the proposal to rezone from Open Space Recreation and Amenity and Community Facilities to Town Centre/Commercial C1 zoning in Flood Risk Zones A and B by the EPA. The EPA state that it seems that the rezoning of these lands is in conflict with the concept of appropriate development in the context of the statutory Guidelines set out in 'The Planning System and Flood Risk Management' 2009, as some of the lands in question are in an area classified as Flood Zone A and the proposed C1-town centre/commercial zoning includes residential development, which is classed as a high vulnerability land use.

Ms. O'Doherty advised that her recommendation was as per Submission No. 6 from the Department of the Environment.

See Submission No. 6 (2) above with respect to voting on this recommendation.

Submission No. 4 – Department of Arts, Heritage and the Gaeltacht

Ms. O'Doherty outlined submission Number 4 from the Department of Arts, Heritage and the Gaeltacht under the following headings and the Manager's response.

1. Point of Content
2. Specific comments on Alterations

1. Point of Content

Ms. O'Doherty recommended that text in Section 3.9.1 Natural Heritage Area be amended to refer to the Wildlife Acts, 1976-2000, and not just the Wildlife (Amendment) Act, 2000.

2. Nature Conservation

Ms. O'Doherty advised that the comments in the submission did not relate specifically to any of the proposed Material Alterations. She said that the Local Area Plan has been subjected to full Appropriate Assessment which concluded that the policy/objective

responses in the Plan provide adequate protection of European sites. And Objective DS3 and Objective NH 1 specifically relate to the protection of European sites and states that a plan or a project within the Plan area will only be authorised after the competent authority (Galway County Council) has ascertained, based on scientific evidence and a Habitats Directive Assessment where necessary, that the plan or project will not give rise to significant adverse direct, indirect or secondary impacts on the integrity of any European site, and other stated requirements in the Objective.

Ms. O'Doherty said that with regard to the key species surveys, the zonings of the Plan have taken cognisance of the European Sites through the provision of the Environmental Management zoning, for areas outside of this zoning the Plan include objectives to protection of key species and habitats (Objective NH4, NH11). These objectives provide for the requirement for further survey and assessment as appropriate, prior to any development being permitted, so as to ensure that important species and habitats are protected.

Ms. O'Doherty recommended no change to the Manager's Report and said that the issues raised will be addressed in the Natura Impact Report Addendum Reports, where relevant.

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

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

Ms. O'Doherty outlined submission Number 5 from the Department Office of Public Works and the Manager's response.

Ms. O'Doherty outlined submission Number 4 from the Department Office of Public Works, under the following headings, and the Manager's response.

3. Environmental Legislation
4. Flood Risk Management

1. Environmental Legislation

Ms. O'Doherty advised that in relation to their submission with regard to turloughs, Galway County Council operates in compliance with relevant environmental legislation. With regard to unauthorized infilling: in particular, in environmentally sensitive areas, such as turloughs, she advised that this is outside the scope of a Local Area Plan and these comments do not appear to relate to any of the specific material alterations to the Draft Local Area Plan, therefore no changes are warranted.

2. Flood Risk Management

Ms. O'Doherty advised that this submission sets out the requirements under the Flood Risk Management Guidelines for Planning Authorities 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 that the response to Submission No. 6 is considered to adequately address the issues raised in this submission. With reference to the Coastal Flood Maps and the Coastal Climate Change Flood Maps for the Mid-Range Future Scenario as well as the High End Future Scenario maps which due are to be sent in September, Ms. O'Doherty advised that Galway County Council has taken into consideration all of the available flood information brought to their attention at the time of the preparation of the Plan and any information subsequently received will need to be considered at a later stage.

Ms. O'Doherty recommended no change to the Draft Plan on foot of the above submission.

The Members agreed to accept the recommendation in the Manager's Report. On the proposal of Cllr. Carroll and seconded by Cllr. McDonagh, it was agreed to adopt the Oranmore Local Area Plan 2012, 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 to adopt the Oranmore Local Area Plan 2012, in accordance with the Manager's Report, in accordance with Section 13 (b) (iv) of the Planning and Development (Amendment) Act 2010 and the result was as follows;

AR SON: Cllrs. Canney, Carroll, D. Connolly, M. Connolly, Cuddy, Comh. Ó'Curraoin, Cllrs. Fahy, G. Finnerty, M. Finnerty, Hoade, Maher, E. Mannion, T. Mannion, McClearn, McDonagh, McHugh, Noone, Roche, Ryan, Walsh, Welby & Willers [22]

AGHAIDH: [0]

GAN VOTÁIL: [0]

The Mayor declared the Oranmore Local Area Plan adopted.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – N84 LUIMNAGH REALIGNMENT SCHEME 1211

Report was already circulated to each Member.

On the proposal of Cllr. Hoade, seconded by Cllr. Canney, it was agreed that the proposed N84 Luimnagh Realignment Scheme be approved, in accordance with the Report as circulated.

Cllr. Hoade welcomed this proposal and asked if the Council is in a position to proceed with the necessary land acquisition. She also strongly urged that the NRA be requested to provide funding for the realignment scheme in 2013.

Mr. Gilmore replied that the Council will now progress the Compulsory Purchase Order for the necessary land and he hopes that funding will be provided for the scheme in the next year or two.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – TRAFFIC CALMING SCHEME ON THE N67 AT BALLINDERREEN 1212

Report was already circulated to each Member

On the proposal of Cllr. Willers, seconded by Cllr. Fahy, it was agreed that the proposed Traffic Calming Scheme on the N67 at Ballinderreen be approved, in accordance with the Report as circulated.

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In reply to Cllr. Fahy, Mr. Gilmore said that the traffic calming scheme will start in the next few weeks but the extension of the speed limit on the eastern side will not be part of the traffic calming scheme.

In reply to Cllr. Canney, Mr. Gilmore said that traffic calming at Milltown is viewed as a priority by the Council and the Council will pursue this vigorously with the NRA in the hope that they will fund the necessary work in 2013.

Also in reply to Cllr. Canney, Mr. Cullen stated that he anticipates that Milltown Sewerage Scheme will commence later this year.

Cllr. Canney said that it is important that the traffic calming scheme be done simultaneously with the Milltown Sewerage Scheme.

TO CONSIDER AGREEMENT WITH MAYO COUNTY COUNCIL PURSUANT TO SECTION 85 OF THE LOCAL GOVERNMENT ACT 2001 – FINNEY BRIDGE REHABILITATION 1213

Report dated 14th September, 2012 was already circulated to each Member.

On the proposal of Cllr. Canney, seconded by Cllr. E. Mannion, the making of an Agreement with Mayo County Council pursuant to Section 85 of the Local Government Act 2001 in order to enable Galway County Council to undertake the rehabilitation of Finney Bridge and to exercise all the functions necessary for this purpose in the area administered by Mayo County Council, which authority will also have to be party to the Agreement, was agreed.

TO CONSIDER AGREEMENT WITH DONEGAL COUNTY COUNCIL PURSUANT TO SECTION 85 OF THE LOCAL GOVERNMENT ACT 2001 – NRA BRIDGE REHABILITATION PROGRAMME 2013 1214

Report dated 14th September, 2012 was already circulated to each Member.

Cllr. McHugh stated that he had issues with this proposal whereby Donegal County Council will be the lead authority regarding the repairs to bridges throughout the Connaught and Ulster region under the NRA Bridge Rehabilitation Works 2013. He said that seven of the bridges to be repaired are located in County Galway and that the bundling of bridges together into one contract will mean that local small and medium-sized contractors will not have the capacity to carry out the works and therefore will not be in a position to tender for the works.

Cllr. McClearn stated that he was not convinced that bundling of contracts brings about efficiencies and cost savings and he expressed the view that this practice would result in jobs being lost in the local community and could result in delays in the works being carried out due to the size of the contracts.

A number of other Members agreed with Cllr. McHugh and Cllr. McClearn stating that Galway County Council should be the authority arranging the contracts for works to bridges in County Galway.

Mr. Gilmore replied that this process whereby one local authority administers the NRA Bridge Rehabilitation Works is a rolling process and that Galway County Council was the lead authority last year for the Sligo, Mayo and Galway counties in this regard. He said that some of the works in the area of bridge rehabilitation are very specialised, but he said that some local contractors will have the capacity to tender for the works. He also said that if outside contractors are contracted to carry out the work, they usually hire local labour as this is cheaper than bringing in workers from other areas.

Cllr. Canney asked if the Council could get a commitment that smaller sized contracts under the programme be tendered separately in order to allow small to medium sized contractors to tender. Mr. Gilmore replied that the Council can request this from the NRA but he would not recommend that this be made a condition of the Section 85 Agreement as a conditional Agreement could not be signed.

Cllr. Hoade asked if the Members do not approve of the proposed Agreement, what would be the outcome and Mr. Gilmore replied that if the Members do not approve the Agreement, the NRA may decide not to proceed with the works within the original timeframe envisaged.

Mr. Gilmore agreed to keep the Members informed of progress on the NRA Bridge Rehabilitation Programme 2013.

On the proposal of Cllr. T. Mannion, seconded by Cllr. Hoade, the making of an Agreement with Donegal County Council pursuant to Section 85 of the Local Government Act 2001 in order to enable Donegal County Council to undertake the NRA Bridge Rehabilitation Works 2013 and to exercise all the functions necessary for this purpose in the area administered by Galway County Council which authority will also have to be party to the Agreement, was agreed.

It was also agreed that the Council write to the Minister for Transport, Tourism & Sport to convey the concerns expressed by the Members regarding the bundling of contracts and the impact of same on local small and medium sized contractors and local employment and also the potential for a longer timeframe for completing the works which may occur due to the approach of bundling the contracts and awarding same to a single contractor.

TO RECEIVE A PRESENTATION FROM FÁILTE IRELAND ON THE WILD ATLANTIC WAY

1215

The Mayor introduced Mr. Paddy Matthews of Fáilte Ireland to the Members.

Mr. Matthews made a presentation on The Wild Atlantic Way to the Members and he explained that the objective of this initiative is to increase the number of visitors to the west coast of Ireland by re-packaging the Atlantic coast and by creating a corridor along the coast which links destinations and attractions.

He said that the initiative aims to:

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- Increase visitor numbers, dwell time, spend and satisfaction with the destinations
- To increase mobility between destinations
- To provide linkages between and added value to a range of attractions
- To improve trade cohesion around the project

The project aims to deliver:

- A new web presence
- A range of marketing material and a concerted marketing drive
- Improved on-road interpretation, viewing infrastructure and signage
- A framework for improved packaging and bundling by trade

He concluded by explaining that the Wild Atlantic Way will:

- Focus on the wild Atlantic
- Hug the coast wherever possible
- Only include landscapes and attractions of immediate thematic relevance
- Include clusters of Wild Atlantic Way experiences, e.g. beach, harbour, seafood, sealift watching
- Not dilute the product by straying inland or including non-Atlantic themed attractions.

Overall, he said that the project aims to bring increased holiday-makers to the west coast and ensure that they dwell longer in particular areas rather than just driving by.

Cllr. E. Mannion thanked Mr. Matthews stating that this is a very exciting initiative and she asked if Fáilte Ireland are engaging with local people in regards to the project, for example the Marconi and Alcock & Brown site.

Mr. Matthews replied that they are engaging with groups in relation to sites and agreed with Cllr. E. Mannion on the potential offered by the Marconi and Alcock and Brown site.

In reply to a question regarding funding of the project, Mr. Matthews said that Fáilte Ireland has allocated €1.8m towards the Conamara part of the project and funding will also be sourced from LEADER, Interreg etc. for the project.

In reply to comments from Cllr. Carroll, Mr. Matthews said that it is important that we attract visitors back on repeat holidays and this project aims to do so by giving the visitor the appetite to complete the journey along the west coast thereby encouraging a repeat visit.

The Manager stated that the Wild Atlantic Way project is very exciting and innovative and Fáilte Ireland has proven to be great partners of Galway County Council. She said that their funding of €1.8m for the Conamara part of the project is very welcome. She also stated that she wished to thank Mr. Liam Gavin and Mr. Kurt Lydon of the Council for their excellent work on the interpretative orientation signage element on the project and she said she looks forward to when the Conamara project is completed.

SUSPENSION OF STANDING ORDERS

1216

On the proposal of Comh. Ó Curraoin, seconded by Cllr. McClearn, it was agreed that the Standing Orders be suspended in order to allow the Meeting continue after 6pm.

TO RECEIVE AN UPDATE ON THE LOCAL GOVERNMENT FUND GENERAL PURPOSE ALLOCATION/HOUSEHOLD CHARGE COMPLIANCE **1217**

Report dated 24th September, 2012 was circulated to each Member.

Mr. Mullarkey presented the update regarding the collection of the household charge as at 24th September, 2012 to the Members, stating that the update as circulated at the Meeting had been amended from previous such reports to take account of properties that qualify for a waiver and that Galway County Council has achieved a 63% compliance rate.

He also circulated a copy of Circular Fin 11/2012 dated 21st September, 2012 in relation to payment of the fourth quarter of the Local Government Fund and he said that in order to avoid any deduction from our fourth quarter allocation, a compliance rate of 65% needs to be reached which would require an additional 1,392 properties to be registered before mid-November. The implications of not achieving a 65% compliance rate would mean that the Council's fourth quarter allocation would be reduced by €140,529.

He advised the Members that the amount withheld from the Council's third quarter Local Government Fund allocation has been confirmed as a permanent deduction by the Minister and amounts to €779,835, that is a 2.8% reduction in our 2012 advised allocation. He said the Council is currently reviewing the areas where expenditure had been deferred pending clarification of the reduction notified in early July 2012, together with remaining budgeted expenditure headings, to identify where the required reduction of €779,835 can be implemented, and will give details of same at the October Monthly Meeting of the Council. In reply to queries raised by the Members, Mr. Mullarkey stated the following:

- He is confident that the target of a 65% compliance rate will be reached, which will ensure that there is no cut in the Local Government Fund allocation to the Council for the 4th Quarter of 2012. However he said that every effort should be made to encourage those who have not paid the household charge to do so as they are legally obliged to pay the charge and in the long-term, people who have not paid the household charge will face the potential of prosecution
- The Council will seek clarification regarding Circular Fin 11/2012, however he is not hopeful that the deduction of €779,835 is not a permanent cut and therefore the Council will have to adjust our current budgets to account for this reduction in funding. He indicated that he will bring forward proposals to the October Monthly Meeting of the Council in this regard.
- Those living in designated unfinished housing estates should claim their entitlement for a waiver from the household charge in order that they are included in the calculations of the compliance rate for the county, although they will not be required to pay the charge. This would increase the compliance rate and would benefit the Council accordingly.
- The Council has no intention of linking student grants with the payment of the household charge.
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TO CONSIDER FINANCIAL REPORT OF THE COUNCIL FOR THE PERIOD ENDING 30TH JUNE 2012 **1218**

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Report dated 14th September, 2012 was already circulated to each Member.

Mr. Mullarkey presented the Financial Report of the Council for the period ending 30th June, 2012 to the Members and he summarised the main points of the report. He stated that the main point to note is that there is a small deficit at the end of June in the amount of €86,000.

Cllr. M. Connolly asked for an update regarding civic amenity centres and Mr. Cullen stated that the Council had sought tenders for the operation of the civic amenity centres earlier in the year and this process has been completed and the sites are now being run by private operators. He said that the Council is anxious that the operators take in a wider range of waste materials, however this will have to be financially viable for the operators.

In reply to a query from Cllr. Broderick regarding Greenstar and the landfill site at Kilconnell, Mr. Cullen stated that the fact that Greenstar has gone into receivership has no monetary implications for Galway County Council. He explained that the Council collects the landfill levy on behalf of the Department of Environment, Community & Local Government and forward the payment directly to the Department, subject to a small fee for the administration costs associated with the collection of the levy by the Council.

Cllr. Roche said that local Community Centres provide a great service to the community but the groups in charge of the centres are finding it increasingly difficult to keep the centres open due to the cost of light and heat for the premises. He asked if the Council had any freedom to provide a waiver from watercharges to these centres in the interests of supporting these centres.

Mr. Mullarkey replied that the Council would not have the power to provide such a waiver.

In reply to Cllr. Canney, Mr. Cullen stated that the income generated in respect of burial ground plots is currently insufficient to meet in full the costs associated with the maintenance and operation of the graveyards including caretakers' expenses, graveyard extensions etc. and the cost per plot in the amount of €700 is generally in line with other local authority areas. He also referred to the ongoing need for resources to be made available to support the local authority programme for both new burial grounds and extensions to existing burial grounds.

The Financial Report of the Council for the period ending 30th June, 2012 was noted by the Members.

OIREACHTAS SELECT COMMITTEE REPORT – FLOODING RIVER SHANNON (REPORT OF THE JOINT COMMITTEE ON ENVIRONMENT, CULTURE AND THE GAELTACHT DATED JULY 2012)

1219

Report dated July 2012 was already circulated to each Member.

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Cllr. D. Connolly stated that he wished to bring the Oireachtas Report of the Joint Committee on Environment, Culture and the Gaeltacht to the attention of the Members. He said that the report contains eight proposals which the Joint Committee feel are urgently required to tackle flooding on the River Shannon, its tributaries and the waters feeding into it. He asked that the Members read and consider these eight proposals and bring forward their submission on these proposals and any recommendations they feel should be added. It was agreed that any such submissions be submitted to the County Secretary to be brought forward for consideration by the Members at the October Monthly Meeting of the Council.

Cllr. M. Connolly proposed that the Council write to the Minister for the Environment, Community & Local Government and the Minister for Arts, Heritage and the Gaeltacht stating that "This Council is requesting that the Minister for Arts, Heritage and the Gaeltacht contact and consult the Minister for the Environment, Community Local Government and subsequently instruct the National Parks and Wildlife Service to implement recommendations 2 & 8 of the Joint Committee on Environment, Culture and the Gaeltacht July 2012".

This proposal was seconded by Cllr. McHugh and agreed.

TO CONSIDER AND IF DEEMED APPROPRIATE TO AUTHORISE THE ATTENDANCE AT CONFERENCES **1220**

On the proposal of Cllr. Feeney, seconded by Cllr. McHugh, it was agreed that the attendance of the Members at the Conferences listed be authorized.

- **Esperanza Enterprises – Personal Insolvency Bill 2012 – 10th – 11th August – Manor West Hotel, Tralee, Co. Kerry – Fee: €150**
 1. Tomás Ó Curráoin
 2. Peter Roche
- **Celtic Conferences – Utilising your Tax Entitlements & Reliefs – 24th – 26th August – Celtic Ross Hotel, Rosscarbery, Co. Cork – Fee: €100**
 1. Kevin Ryan
 2. Michael Maher
- **AMAI – Centenary Annual Conference – Local Government Reform – 13th – 15th September – Shearwater Hotel, Ballinasloe, Co. Galway – Fee: €175**
 1. Mary Hoade
 2. Michael Finnerty
 3. Seamus Walsh
 4. Michael Maher

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- **Rattoo Heritage Society – Kerry Autumn Environmental, Cultural & Heritage Conference – 19th – 22nd Sept – Meadowlands Hotel, Tralee, Co. Kerry – Fee: €150**
 1. Michael Fahy
 2. Pat Hynes
- **Greystones Town Council – La Touche Legacy Seminar 2012 – Local Democracy – Myth or Reality – 28th – 30th Sept – Charlesland Golf & Country Club, Greystones, Co. Wicklow – Fee: €150**
 1. Seamus Walsh

TO NOTE THE SUMMARY OF PROCEEDINGS OF CONFERENCES ATTENDED 1221

On the proposal of Cllr. McClearn, seconded by Cllr. Hoade the summary of proceedings of Conferences attended was noted by the Members.

- **Esperanza Enterprises – Draft performance standards for Domestic Wastewater Treatment Systems – 1st – 2nd June – Westport Plaza Hotel, Westport, Co. Mayo**
 3. Mary Hoade
- **Galway Co. Council – The Irish American Link – 12th – 16th July – Ard Ri Hotel, Tuam, Co. Galway**
 1. Mary Hoade
 2. Jimmy McClearn
- **Fondúireacht Na Gaeilge Teo. – Nurturing the Future: Developing the Country & The Irish Language – 13th – 14th July – Seven Oaks Hotel, Carlow**
 1. Seán Ó Tuairisg
- **2012 MacGill Summer School & Arts Week – Reforming & Rebuilding our State – 22nd – 27th July – Glenties, Co. Donegal**
 1. Pat Hynes
 2. Tim Broderick
 3. Jimmy McClearn
 4. Mary Hoade

In reply to Cllr. Canney regarding cost saving in the area of the Members attendance at Conferences, the Manager said that proposals to achieve a balanced budget for the third quarter would be brought before the Members at the October Monthly Meeting.

MANAGERS BUSINESS & CORRESPONDENCE 1222

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Mr. Cullen reminded the Members that the closing date for the registration of septic tanks at the reduced fee of €5 is Friday, 28th September, 2012 and that the final closing date is the 1st of February, 2013 at a fee of €50.

He said that the Council's adopted budget for 2012 had allowed for €50 fee in respect of the septic tank registration and the reduction to €5 would impact on the anticipated income to be generated from the charge.

Mr. Gilmore informed the Members of recent grant announcements by the Department of Transport Tourism & Sport as follows:

1. Funding of €63,000 for the development of Walking and Cycling Strategies under Active Travel Towns Stream 1. He said that Strategies are to be prepared for Ballinasloe, Clifden, Tuam, Gort and Athenry and that the Strategies for Clifden and Tuam are being prepared in-house.
2. Funding of €100,000 for the provision of a walkway from the Gaelscoil in Oranmore towards the town centre, under Active Travel Towns Stream 2 Scheme. He said that the Council is currently acquiring the land and proceeding with tenders for the set back and construction of walls. Works will be completed on this scheme by April, 2013.
3. Funding of €425,000 for the provision of walkways and cycle paths in Loughrea, under the Active Travel Towns Stream 2 Scheme. He said the Council is currently preparing designs and tendering for elements of the work and it is expected works will be completed by December, 2012.

The Members welcomed the allocation of the grants and in reply to Cllr. Cuddy, Mr. Gavin stated that the grant for the Gaelscoil at Oranmore is for the existing Gaelscoil and will provide a link from the housing estate to the main road.

In reply to Cllr. Feeney, Mr. Gilmore confirmed that a strategy would be completed in respect of Athenry and proposals for funding will be considered thereafter.

Mr. Gilmore confirmed that the Hearing by the European Court of Justice regarding the Galway City Outer Bypass was held on Wednesday 12th September 2012 and while no timeframe for the decision was given, it is anticipated that a decision on the hearing will be made within three to six months.

MAYORS BUSINESS

1223

Cllr. Cunniffe raised an issue regarding the disposal of lands by the Council at the Palace Road, Tuam.

Minutes of Monthly Meeting held on 24th September 2012

Cllr. Canney declared a potential conflict of interest arising from previous works undertaken on behalf of Mr. Joe O'Toole and Cllr. Canney withdrew from the Meeting for the duration of the discussion on this matter.

Cllr. Cunniffe said that the previous week the public was informed by a local newspaper that there was a legal agreement regarding a land swap between the Council and a developer at Tuam. He said he was fully aware of a proposal under Section 183 of the Local Government Act 2001 and he had been involved in discussions on the matter at a Meeting of the Tuam Area Committee prior to the Monthly Meeting of the Council on May 23rd 2011. He acknowledged that the public car park opposite Tuam Cathedral had been part of the deal but insisted he had no knowledge of the Palace Road being included. He said that the issue of the disposal of the Palace Road had not been discussed adequately.

Mr. Cullen stated that at its meeting on 23rd May 2011, the Council decided unanimously to dispose of lands at Tuam, namely Bishop Street Car Park and the old swimming pool road. The lands in question were marked clearly on a map circulated to the members and the proposed disposal was explained at the meeting. This was recorded in the minutes which were subsequently confirmed in June 2011. It was also explained at the meeting that an extinguishment of public right of way would be brought before the Council at a later date. He said that this process is underway at the moment and will come before the council in due course. Subsequently the Council entered into an Agreement to give effect to the disposal decision and the arrangements for the construction of the inner relief road which has since been completed.

Cllr. Cunniffe insisted he had not seen the full details of the Section 183 proposal and that he would have been opposed to the proposal if he had.

In reply to Cllr. Cunniffe, Mr. Cullen confirmed that only one Section 183 Notice dated Thursday, 12th May 2011 is in place relating to the disposal of lands to Mr. Joe O'Toole, Bishop Street, Tuam.

Cllr. Cuddy referred to the Development Contribution Scheme, stating that there was a need to review the Scheme to take into consideration the current economic climate. He outlined that since the last review was undertaken in 2010, further significant change had occurred that required a further review of the various contributions required under the scheme.

Mr. Kelly advised that it was his understanding that the Department of Environment, Community & Local Government plans to review the Development Contribution Scheme at a national level and that it would be appropriate to consider the matter in the context of the outcome of same.

Cllr. Feeney said he would welcome a review of the scheme and he also said that rates and car park charges need to be lowered if businesses in our towns are to survive.

Cllr. D. Connolly raised the issue of turf cutting and he made the following proposal "that Galway County Council endorse the request by Monivea Branch Turf Cutters Association to An Taoiseach and Minister Deenihan:

- A. (i) The possibility of continuing to cut turf in Monivea Bog
 - (ii) The status of Killaclogher Bog
 - (iii) The possibility of including Lenerah Bog and any other suitable bogs in the negotiations.
- B. To be allowed to bring turf out of Monivea Bog without harassment".

This proposal was seconded by Cllr. Roche, and agreed.

The Mayor referred to the nomination forms for the LAMA Awards which had been circulated to each Member and he asked that rather than the Members sending off nominations separately, that the channel their nominations through the County Secretary and the Corporate Policy Group would then decide which nominations to put forward.

NOTICE OF MOTIONS

NOTICE OF MOTION NO 20 – CLLR. B. WILLERS 1224

The following reply was given:-

"Funding will be requested under the low cost safety schemes in 2013 from the NRA for this proposal."

NOTICE OF MOTION NO 21 – CLLR. B. WILLERS 1225

The following reply was given:-

"There are no immediate proposals for the development of this site at present. Funding for the next phase of the Smarter Travel initiative has been approved for 2012 which includes for the provision of a pedestrian access along the eastern boundary through the site, from the Meadowbrook Court housing estate to the Athenry Road emerging at a point where a pedestrian crossing will be installed opposite the Loughrea Spa Hotel."

NOTICE OF MOTION NO 22 – CLLR. B. WILLERS 1226

The following reply was given:-

"The Engineering Consultants have finalised the preferred engineering scheme, which proved challenging due to the environmental constraints and in particular the requirement that there could be no negative impacts on the Rhasane Turlough.

The Environmental Consultants together with their specialist sub-consultants are working towards completing the Environmental Impact Statement for this scheme. In this regard, consultation with statutory and non-statutory stakeholders and in particular the NPWS is ongoing. It will be necessary to address the requirements of the NPWS and other stakeholders prior to making a planning application to An Bord Pleanála for the scheme. The Council is in communication with the NPWS with a view to arranging a meeting at an appropriate level to obtain feedback on the proposal and it is anticipated that this meeting will take place in October 2012.

It should be noted that it is also necessary for the Flood Relief Scheme to comply with the necessary benefit to cost assessment and this may also present a significant challenge. Galway County Council, the OPW and our consultants will continue to ensure that every effort is made to facilitate the completion and submission of the EIS to the Strategic Infrastructure Division of An Bord Pleanála as soon as possible."

NOTICE OF MOTION NO 23 – CLLR. J. CUDDY

1227

The following reply was given:-

"The N17/N18 Gort to Tuam PPP Scheme Contract Documents includes a list of permitted access routes for haulage of construction vehicles during construction. These permitted routes are:

- (i) the N18 National Primary Road - with access at Gort Junction and at the proposed Kiltiernan Junction (subject to Site access points being located at the north western and south eastern extremities of the Lands Made Available on the existing N18 so as to minimise movement of construction traffic past Kiltiernan National School);
- (ii) the R446, formerly the N6 National Primary Road;
- (iii) the M6 Dublin to Galway National Primary Road, at the diverge and merge slip roads of the Rathmorrissy Junction;
- (iv) the existing N17 National Primary Road; and
- (v) the existing N63 from its junction with the existing N17 to the proposed south western Annagh Hill junction.

Access to construct the realignment of Local Roads shall be from the Site only.

The Contract also permits access off other roads, but these routes will be subject to the prior written approval of the Authority's Representative and shall be subject to further requirements as specified in the Contract Documents. Details of these requirements are included in response to Motion 2 below.

2) The following clauses have been included in the Construction Requirements as part of the Contract Documents for the N17/N18 Gort to Tuam PPP Scheme relating to condition surveys of proposed access/haulage routes:

- Schedule 4 Part 2 – Appendix 1/19 – Routeing of Vehicles:

Haulage Route Plans

The PPP Co shall submit a Haulage Route Plan for the haulage of the following material to and from permitted access / egress points to the Authority's Representative and the Relevant Roads Authority as outlined below:

- (i) acceptable and unacceptable earthworks material as detailed in Series 600 of the Specification;
- (ii) pavement materials detailed in Series 800, 900 and 1000 of the Specification;
- (iii) drainage material in accordance with clause 503 and 505 of the Specification;
- (iv) concrete in accordance with Series 1700 of the Specification; and
- (v) any material to be disposed off Site.

No haulage of material on National Secondary Roads (excluding the section of the N63 included as a permitted access route), Regional Roads and Local Roads shall take place without the prior written approval of the Haulage Route Plan by the Authority's Representative and the Relevant Roads Authority and shall be subject to such conditions as may be required by the Authority's Representative or Relevant Roads Authority. Works required to comply with such conditions shall be at the PPP Co's expense and may include, without limitation, requirements to carry out prior road improvement works to any part of the haulage route, measures to maintain road standards and safety during use of the haulage route by the PPP Co, its Staff, its sub-contractors and suppliers, and measures to be carried out by the PPP Co following such use, returning the haulage route to the same condition before any haulage operations took place on the improved route. Applications for the written approval of a Haulage Route Plan shall be submitted to the Authority's Representative and Relevant Roads Authority, accompanied by the proposals as listed hereunder, at least 8 weeks in advance of any proposed haulage along such route. The PPP Co shall note that there is no guarantee that the application will be approved by the Authority's Representative and the Relevant Roads Authority.

The PPP Co shall ensure that relevant Staff, sub-contractors and suppliers adhere to the Haulage Route Plan and shall take appropriate measures to monitor and enforce its Staff, sub-contractors and suppliers adherence to the Haulage Route Plan. The monitoring and enforcement shall include, but not be limited to;

- (i) A weekly 12 hour vehicular registration surveys, recording vehicle make, model, registration plate, at any location and time as nominated by the Authority's Representative. Records of vehicular registration surveys shall be submitted to the Authority's Representative 24 hours after the completion of the 12 hour survey; and
- (ii) An enforcement strategy agreed in writing with all Staff, sub-contractors and suppliers.

The Haulage Route Plan shall include, but is not limited to:

- (i) A plan to a scale of 1:5000 with an OS tile background indicating the proposed haulage route from the quarry and/or supplier of the material to the Permitted Access / Egress Point and the return route to the quarry and/or

supplier, indicating the National Primary Roads, National Secondary Roads, Regional Roads and Local Roads used;

- (ii) Pre-haulage survey of the road, including digital video visual survey of pavement, drainage, road side features and boundaries, copies of the survey shall be submitted to relevant Roads Authority;
- (iii) IRI (International Roughness Index) survey, on National Primary Roads (on the N6 National Road, this will only apply adjacent to the Works), National Secondary Roads and Regional Roads, measured by RSP in accordance with the Specification and the Authority's practice as set out in the document "Term Contract for the Collection of Road Condition and Skidding Resistance Data – Project Specification" April 2010;
- (iv) Details of construction traffic volumes and loadings;
- (v) Risk Assessment of the haul route;
- (vi) AutoTrack analysis to determine suitability for use by HGV's;
- (vii) A Level 1 and a Level 2 Falling Weight Deflectometer (FWD) analysis, sufficient to demonstrate the improvements and any pavement strengthening required before haulage operations commence (Level 1 testing to be carried out at 40 metre centres on each lane of the carriageways, Level 2 analysis to include sufficient number of pavement cores and Dynamic Cone Penetration (DCP) tests to adequately determine existing pavement parameters);
- (viii) Assessment of drainage;
- (ix) Structural assessment of bridges and culverts;
- (x) Protective measures;
- (xi) Proposed strengthening and drainage work which will be paid for and undertaken by the PPP Co and completed prior to commencing haulage;
- (xii) Proposed maintenance regime which will be put in place and paid for by the PPP Co during the haulage operation;
- (xiii) Proposed rehabilitation work which will be paid for and undertaken by the PPP Co on cessation of the haulage operation; and
- (xiv) any other information that may be required to fully assess the PPP Co's proposal.
- (xv) The haulage route shall be subject to a post construction survey shall be carried out upon completion of the haulage and shall include but not be limited to:
 - (i) Post-haulage survey of the road, including digital video visual survey, pavement, drainage, road side features and boundaries, copies of the survey shall be submitted to Local Authority;

- (ii) IRI (International Roughness Index) survey, on National Primary Roads (on the N6 National Road, this will only apply adjacent to the Works), National Secondary Roads and Regional Roads,, measured by RSP in accordance with the Specification and the Authority's practice as set out in the document "Term Contract for the Collection of Road Condition and Skidding Resistance Data – Project Specification" April 2010. Copies of the survey shall be submitted to the Local Authority and the results shall be no greater than the results of the IRI survey taken before Works commenced on that route;
- (iii) A Level 1 and a Level 2 Falling Weight Deflectometer (FWD) survey, sufficient to demonstrate the maintenance required to return the pavement to it's pre-haulage condition (Level 1 testing to be carried out at 40 metre centres on each lane of the carriageways, Level 2 analysis to include sufficient number of pavement cores and Dynamic Cone Penetration (DCP) tests to adequately determine existing pavement parameters);
- (iv) Assessment of drainage maintenance required to restore drainage to pre-haulage condition; and
- (v) Structural assessment of bridges and culverts to determine maintenance required to restore any such bridge or culvert to pre-haulage condition.

While the road is used as a haulage route, the PPP Co shall ensure that the route is inspected daily and that designated maintenance crews are available to immediately deploy to problem areas. The maintenance crews shall as a minimum, have the following equipment available:

- (i) Hot box;
- (ii) Planer;
- (iii) Road cutting and other equipment required to effect pothole repairs in accordance with best practice; and
- (iv) Appropriate compaction equipment

The PPP Co shall comply with the other Construction Requirement's regarding restrictions on the routing of vehicles under the control of the PPP Co, his sub-contractors and suppliers when planning and programming the Works.

- 3) The response to Motion 2 above includes Construction Requirements relating to adherence to the Haulage Route Plan, i.e.:

The PPP Co shall ensure that relevant Staff, sub-contractors and suppliers adhere to the Haulage Route Plan and shall take appropriate measures to monitor and enforce its Staff, sub-contractors and suppliers adherence to the Haulage Route Plan. The monitoring and enforcement shall include, but not be limited to;

- (i) A weekly 12 hour vehicular registration surveys, recording vehicle make, model, registration plate, at any location and time as nominated by the Authority's Representative. Records of vehicular registration surveys shall be

- submitted to the Authority's Representative 24 hours after the completion of the 12 hour survey; and
- (ii) An enforcement strategy agreed in writing with all Staff, sub-contractors and suppliers.
- 4) The response to Motion 2 above includes Construction Requirements relating to liability and maintenance of haulage routes during and after constructing, i.e.:

No haulage of material on National Secondary Roads (excluding the section of the N63 included as a permitted access route), Regional Roads and Local Roads shall take place without the prior written approval of the Haulage Route Plan by the Authority's Representative and the Relevant Roads Authority and shall be subject to such conditions as may be required by the Authority's Representative or Relevant Roads Authority. Works required to comply with such conditions shall be at the PPP Co's expense and may include, without limitation, requirements to carry out prior road improvement works to any part of the haulage route, measures to maintain road standards and safety during use of the haulage route by the PPP Co, its Staff, its sub-contractors and suppliers, and measures to be carried out by the PPP Co following such use, returning the haulage route to the same condition before any haulage operations took place on the improved route."

NOTICE OF MOTION NO 24 – CLLR. J. CUDDY

1228

The following reply was given:-

"Galway County Council will carry out repairs on the road network within the balance of allocations remaining of same. These repairs will concentrate mainly on pothole repair but will include limited amount of hedge and verge trimming, drainage and other aspects of road maintenance.

The Members may continue to allocate Notice of Motion funding towards verge trimming/hedge cutting, however, the timeframe for undertaking such works will be determined by the funding made available to the Council by the Department of Environment, Community & Local Government through the General Purpose Grant element of the Local Government Fund. In particular, the availability of the funding withheld in the quarter 3 payment of the Local Government Fund together with the approach taken by the Department in relation to the quarter 4 payment will determine the timeframe for undertaking such works."

NOTICE OF MOTION NO 25 – CLLR. J. CUDDY

1229

The following reply was given:-

"Galway County Council was notified by the Department of Environment, Community & Local Government in July 2012 that its allocation under the general purpose grant for 2012 was being reduced by €3.1m. The reduction in funding reflected the level of compliance with the household charge and the fact that at that time 44% of households in County Galway had yet to pay.

This eduction in funding will have an impact on the level of Council services and programs that can be delivered between now and year end. As the Council is required to achieve a

Minutes of Monthly Meeting held on 24th September 2012

COMHAIRLE CHONTAR NA BAILIUNNÍ

balanced budget it will be necessary to curtail or suspend activity in a range of areas to offset the reduction in the Local Government Fund allocation to the Council.

The Council is faced with unpalatable choices in balancing its budget for the rest of the year and inevitably the cuts in spending will impact on the services and communities. Among the programmes to be curtailed or deferred is the Community Support Schemes 2012 and groups have been informed that payments under this scheme are being withheld until further notice. The Council very much regrets having to implement these measures.

It may be possible for the Council to recoup some or all of the withheld Local Government Fund allocation with improved household charge compliance. At that point all grant commitments to community organisations under the Community Support Scheme 2012 will be honoured in full.

The Community, Enterprise and Economic Development Unit of the Council is liaising with community and voluntary groups allocated funding under the Community Support Scheme 2012 to minimise the negative impact of this unfortunate situation on the valuable work that they do in the communities."

NOTICE OF MOTION NO 26 – CLLR. M. FAHY

1230

The following reply was given:-

"Galway County Council will examine the location of this school relative to the National Route and bring forward proposals for safety measures as necessary for funding by the National Roads Authority."

NOTICE OF MOTION NO 27 – CLLR. M. FAHY

1231

The following reply was given:-

"The Department have allocated the sum of €2,375,000 for the payment of the Housing Adaptation Grants for Older People and People with a Disability for 2012. This funding is being paid to applicants on a priority basis."

Criochnaigh an Cruinniú Ansin.

Submitted, Approved + Signed

le Welley

22nd October 2012

DATE

Minutes of Monthly Meeting held on 20th July 2012

COMHAIRLE CHONTAE NA GAILLIMHE

MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD AT ARAS AN CHONTAE, PROSPECT HILL, ON FRIDAY, 20th JULY, 2012 at 3.00pm.

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

I LATHAIR FRESIN:- allocation of €28,105,841:

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

Oifigh: Ms. M. Moloney, County Manager, Messrs. J. Cullen, K. Kelly, F. Gilmore, E. Cummins, Directors of Services, Mr. G. Mullarkey, Head of Finance, Messrs. E. Molloy, L. Gavin, Senior Engineers, Mr. M. Owens, County Secretary & Meetings Administrator, M. O'Donnell, Director, West Regional Authority, P. O' Neachtain, Oifigh Gaelige and Ms. R. O'Boyle, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

CIRCULAR FIN 09/2012 DATED 18TH JULY, 2012 – LGF GENERAL PURPOSES

ALLOCATIONS 2012

1178

It was proposed by the Mayor, Cllr. Welby seconded by Cllr. M. Finnerty and agreed that Standing Order No. 13 of the Comhairle Chontae na Gaillimhe Standing Orders dealing with the Order of Business be suspended in order to allow consideration of Circular Fin 09/2012 dated 18th July, 2012 issued by the Department of the Environment, Community & Local Government and advising of the approach to payments in respect of the provisional General Purpose Grant allocation from the Local Government Fund for Galway County Council for the year 2012

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The Mayor invited the County Manager to brief the Members in relation to Circular Fin 09/2012 dated the 18th July 2012 as circulated at the meeting.

The County Manager confirmed that Circular Fin 09/2012 had been received by the Council on the 18th July 2012 and related to the LGF General Purpose Allocations and advised of a revised allocation for Galway County Council consisting of the following elements:

- the original allocation of €28,105,841;
- less €3,119,341 reflecting an adjustment based on the level of compliance achieved to date in relation to payment of Household charge of 56%.

The County Manager stated that the Council is advised to encourage members who She advised that 25% of the above deduction, that is €779,835, will be offset against the Quarter 3 payment of the Local Government Fund and that the final amount of General Purpose Grants available for 2012 will be revisited and reviewed in Quarter 4 to take account of the financial position including progress on securing an increased household charge yield.

The County Manager concluded by stating that the circular indicates the Council She referred to the requirement, as outlined in the Circular, for the Council to achieve a balanced budget, taking into account the reduced income and of the requirement for a reforecast of expenditure for the remainder of the year to achieve balance.

The County Manager outlined that the Circular suggests that, in considering the approach to the 3rd quarter General Purpose Grant payment, the Minister has taken the following into account:

- the overall level of funds available in the Local Government Fund;
- the level of household charge compliance achieved to date;
- the position of individual local authorities in terms of scale and financial resilience; and
- the objective of providing general purpose grants to authorities that enable them to provide a reasonable level of service to their communities.

The circular further suggests that the approach adopted in each case takes account of relative household charge compliance while not seeking to apply the full (current) level of shortfall.

The County Manager confirmed that the circular places the Council in a very difficult position, reminding Members that achieving a balanced budget for Galway County Council for the year 2012 was a major challenge last December and was based on the

Minutes of Monthly Meeting held on 20th July 2012

expectation of a LGF allocation of €28m. She outlined that any reduction in anticipated income leaves the Council with limited options.

The County Manager advised that as the Circular suggests that local authorities may progressively recoup their original GPG allocation through improved household charge compliance it was important to continue to place emphasis on raising additional income through improved compliance levels with the Household charge legislation. She outlined that it was also important for the Council to acknowledge that 56% of householders paid their household charge and that this was very much appreciated and has helped to maintain essential Council infrastructure and community services in 2012.

The County Manager stated that the Council is anxious to encourage householders who have not already paid to do so at this time and advised that the Council has already commenced follow-up of individual householders who have not already paid to ensure compliance with the legal obligation to pay the Household charge and that such action will continue in the coming weeks and months.

The County Manager concluded by stating that as the Circular indicates the Council is required to achieve a balanced budget and reforecast expenditure., it was necessary to immediately proceed to identify those items of expenditure which were provided for in the budget 2012 which have not yet been spent and which must now be set aside. She stated that to achieve savings of the amount indicated in the circular from the unexpended budget, with just five months remaining will be very challenging and that the cuts are likely to have serious implications for service recipients throughout county Galway.

The Mayor stated that it was a very serious matter for the Council and it was important for the Members to be afforded the opportunity to express their views on the matter before deciding on the course of action to be taken.

The Members expressed their disquiet at the reduction in funding, referring to the fact that the existing challenging budgetary position was now further compounded by the need to secure an immediate reduction of €779,835 in expenditure with the potential for further reductions in quarter 4 if the potential for the full saving of €3,119,341 was realised. A number of the Members referred to the circular being issued as the Dáil entered recess for the summer, the absence of notification at budget time of the potential for such a reduction to be imposed and the impact on service levels for the remainder of the year together with the reduction in funding being an indicator of the level of funding for 2013.

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The basis for the link between the non-compliance rate of 44% and the reduction in funding was questioned as was the reduction imposed on other local authorities relative to their compliance rate together with the absence of clarity in relation to any increase in the compliance rate being directly reflected in a correspondingly reduction in the cuts being imposed on the General Purpose Grant.

A view was expressed by a number of the Members that the reduction in funding represented a further attack on local government, they questioned the impact of the reduction in services on the 56% of households who had paid the charge and whether they were now entitled to a refund and a number of the Members stated that the local authorities were being penalised for an ineffective campaign by the Government in relation to the household charge, together with the inability of households to pay the charge.

It was highlighted by other Members that the reduction in funding, whilst regrettable, could not be viewed in isolation but must be considered in the wider context of the current financial and economic circumstances of the State together with the actions and/or lack of action that resulted in the State relying on external financial assistance and support. In addition, they highlighted the significant and unprecedented funding made available to the local authority in the previous 12 months for capital investment in water and waste water infrastructure. They highlighted the importance of distinguishing between those households who could not pay the household charge and those households who were in a position to pay and choose not to pay, reference was also made to the fact that a small number of the Members were associated with a call for households not to pay the charge and effectively break the law by not meeting their legal obligation to pay the household charge.

It was proposed by Cllr. McClearn, seconded by Cllr Feeney "that Galway County Council have a Roll Call of Councillors to establish who has paid their Household Charge and complied with the law."

In the course of an exchange between Cllr. T. Walsh and Cllr. S. Walsh, Cllr. S. Walsh stated that he wished to have recorded that while he attending meetings organised by those opposed to the registration of septic tanks, he did so as an invitee, and he did not agree with or support those opposed to the proposal for registration of septic tanks entering the Council Chamber and disrupting the Council Meeting. He further stated that he had advised constituents to pay the household charge.

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Comh. O'Tuairisg stated that he also advised constituents to pay the household charge and that he also expressed this view at meetings. Cllr. D. Connolly requested that it be noted that he did not encourage anyone not to pay the household charge. Comh. O'Cuaig stated that he had not paid the household charge, outlining the basis for his opposition to the charge and expressed concern in relation to the role to be played by the local authority in the collection of the charge. He further outlined that he was in favour of protests including the protest held in the Council Chamber.

Cllr. Broderick questioned the value of the roll call proposed by Cllr. McClearn stating that he had not paid the household charge pending legal clarification on his liability for the charge relating to premises already the subject of commercial rates. He stated that he played no role in encouraging others not to pay the charge.

Cllr. T. Mannion stated that the proposal for a roll call was not helpful and did not offer a solution. It was proposed by Cllr. T. Mannion, seconded by Cllr. G. Finnerty "that Galway County Council reject this €3 M cut by Minister Phil Hogan. It undermines local democracy and the compliant Budget already adopted by this local authority."

Cllr. McClearn stated that none of the contributions offered a means of resolving the issue and that it was not possible to separate the delivery of services from the need to raise revenue through taxes, including the household charge. Following further discussion it was proposed by Cllr. McClearn, seconded by Cllr. Feeney and unanimously agreed to withdraw the motion that "Galway County Council have a Roll Call of Councillors to establish who has paid their Household Charge and complied with the law."

The County Manager in reply to the contributions from the Members, stated that while she noted the comments by the Members, it was necessary to comply with the circular and reforecast expenditure in order to reach a balanced budget and that it was now necessary to take action to achieve this. The County Manager stated that she was not in a position to advise on the compliance rate in other local authorities, offer any further clarification on the methodology applied in calculating the actual reduction applied to Galway County, beyond that outlined in the circular, or comment on the equity of same. She stated that receiving notification of the reduction in July was really challenging for the Council in view of the extent of the contractual commitments entered into by the Council and the the level of discretionary spend remaining. The County Manager advised that the approach would be to honour all contracts signed to date but that all uncommitted expenditure including contracts not signed to date would be reviewed and

Minutes of Monthly Meeting held on 20th July 2012

may be deferred depending on the source of funding. She confirmed this may impact on recent approvals received to proceed with capital projects where a local contribution towards the costs was required.

She stated that the household charge is to support local authority services and that it was the responsibility of the Council to collect the maximum amount due to the Council and that the Council would proceed to do that. The County Manager referenced the savings and efficiencies achieved to date in the Local Government Sector and in Galway County Council. She confirmed that notification of the Local Government Fund allocation for 2012 did include reference to the allocation being provisional but made no reference to the collection rate for the household charge determining the final allocation.

Cllr. McClearn referred to the need for a meeting of the Corporate Policy Group to be held as soon as a full analysis of the financial position was available.

It was proposed by Cllr. Willers, seconded by Cllr. Carroll "that this Council would unanimously appeal to all householders to make every effort to pay their household charge. Without this funding from the household charge, services within the county will be dramatically reduced." As the motion was not agreed, following further discussion, it was proposed by Cllr. Willers, seconded by Cllr. Carroll and agreed to allow an amendment of the motion to remove the word "unanimously" and for the motion to read "that this Council would appeal to all householders to make every effort to pay their household charge. Without this funding from the household charge, services within the county will be dramatically reduced." A vote taken on the proposal resulted as follows:-

Ar a shon / For: Cllrs. Carroll, M. Connolly, Cuddy, Fahy, Feeney, G. Finnerty, M. Finnerty & Hoade, Comh. O'Laoi, Cllrs. Maher, E. Mannion, McClearn, Noone, Roche & Ryan, Comh. O'Tuairisg, Cllrs. S. Walsh, T. Walsh, Welby & Willers [20]

I naghaidh / Against Cllr. D. Connolly, Comh. O'Cuaig & Cllr. Hynes [3]

Gan Vótáil /Abstained Cllr. Canney [1]

The Mayor declared the motion carried.

It was proposed by Cllr. Noone, seconded by Cllr. Feeney and agreed "that a delegation from Galway County Council meet with the Minister for the Environment, Community and Local Government. in relation to the proposed cuts to the budget of Galway County Council".

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It was agreed that the Mayor and four Members would form the Deputation, representing the groups on the Council.

It was further proposed by Cllr. T. Mannion, seconded by Cllr. G. Finnerty and agreed to defer further consideration of the motion "that Galway County Council reject this €3 M cut by Minister Phil Hogan. It undermines local democracy and the compliant Budget already adopted by this local authority" pending the outcome of the meeting of the Corporate Policy Group.

RESOLUTIONS OF SYMPATHY

1179

A resolution of sympathy was extended to the following:

Mr. Martin Flaherty, Furnish, Lettermullen, Co. Galway.

Ms. Ann Cosgrove & Family, Windfield, Menlough, Ballinasloe, Co. Galway.

CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS

1180

The Minutes of the Monthly Meeting held on 25th June, 2012 were approved by the Council and signed by the Mayor on the proposal of Cllr. Hoade, seconded by Cllr. Maher.

Matters arising

In reply to queries raised by Cllr. G. Finnerty, in relation to the Control of Horses and the presentation provided by the Department of Agriculture and Food at the June Monthly Meeting, Mr. Cummins stated that a number of the issues raised in the course of the presentation and question and answer session were to be considered at greater length by the Housing & Emergency Services Strategic Policy Committee and that the Council had held meetings with other local authorities who had dealt with similar issues.

Mr. Cummins in reply to Cllr. Cuddy confirmed that the issue of traceability following the sale of a horse was a legislative matter outside the control of the Council.

Cllr. Willers referred to actions taken by the Department in relation to addressing the issue of abandoned horses on the Sliabh Aughty including issuing notification to those with an interest in the commonage in relation to their responsibilities in this area and the implications of cross compliance for the payment of grants.

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Cllr. Carroll referred to Page 16 of the Minutes of the Special Meeting held on the 13th July, 2012 – Paragraph 4 – second last line and stated that the word “inadequately” should read “adequately”

The Minutes of the Special Meeting held on the 13th July, 2012, as amended, were approved by the Council and signed by the Mayor on the proposal of Cllr. Maher, seconded by Cllr. E. Mannion.

Matters arising.

Cllr. Hynes referred to the 2nd Paragraph of the Minutes – Page 48 where he raised a particular issue in relation to an applicant for housing and requested an update on the matter. Mr. Cummins stated that he had addressed the issue at the previous meeting and that it was not appropriate to discuss the matter further given that it related to the personal circumstances of a particular housing applicant. The County Manager advised Cllr. Hynes that a Council Meeting was not an appropriate forum to discuss the individual circumstances of a housing applicant. The Mayor indicated his intention to proceed to the next item of business on the Clár.

REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION 1181

The Report of the Environment & Water Services SPC Meeting held on 7th March 2012 was approved by the Council on the proposal of Cllr. Broderick, seconded by Cllr. Cuddy
In reply to Cllr. Cuddy, Mr. Cullen confirmed that the requirement to register domestic wastewater treatments systems is now in operation, he stated that the fee to register is €5 for the first 3 months from the launch of the registration system but thereafter it will be €50 with a legal requirement for registration by the 1st February 2013. He confirmed that a supply of the Registration Forms would be circulated to the Elected Members and that no inspections of domestic wastewater treatment systems would be undertaken in 2012. The Environmental Protection Agency was preparing a National Inspection Plan and it was anticipated that the Plan would be available in early 2013. Mr. Cullen stated that he would revert to the Members on receipt of the Plan but that in the interim the priority was to encourage citizens to comply with their legal obligation to register their domestic wastewater treatment systems by the 1st February 2013 and in order to avail of the reduced registration fee, to do so by the 28th September 2012.

The Report of the Loughrea Area Committee Meeting held on 21st March 2012 was approved by the Council on the proposal of Cllr. Maher, seconded by Cllr. Willers

The Report of the Tuam Area Committee Meeting held on the 17th June, 2011 was approved by the Council on the proposal of Cllr. Hoade, seconded by Cllr. Canney.

The Report of the Tuam Area Committee Meeting held on the 27th June, 2012 was approved by the Council on the proposal of Cllr. T. Walsh, seconded by Cllr. Hoade.

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The Report of the Tuam Area Committee Meeting held on the 26th September, 2012 was approved by the Council on the proposal of Cllr. M. Connolly, seconded by Cllr. T. Walsh.

The Report of the Tuam Area Committee Meeting held on the 12th January, 2012 was approved by the Council on the proposal of Cllr. T. Walsh, seconded by Cllr. Hoade.

The Report of the Tuam Area Committee Meeting held on the 16th February, 2012 was approved by the Council on the proposal of Cllr. Hoade, seconded by Cllr. Canney.

The Report of the Tuam Area Committee Meeting held on the 30th March, 2012 was approved by the Council on the proposal of Cllr. Canney, seconded by Cllr. Hoade.

TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – THE CONSTRUCTION OF A PASSENGER SHELTER 15M LONG X 3M WIDE X 3M HIGH SIMILAR IN DESIGN TO A BUS SHELTER UNIT AT CILL RÓNÁIN HARBOUR IN THE TOWNLAND OF CILL RÓNÁIN, INIS MÓR, ÁRAINN, CO. NA GAILLIMHE

1182

Report was already circulated to each Member.

On the proposal of Cllr. E. Mannion, seconded by An Comh. O'Tuairisg, it was agreed that the proposed construction of a Passenger Shelter to a Bus Shelter Unit at Cill Ronain Harbour, in the Townland of Cill Ronain, Inis Mor, Arainn, Co. na Gaillimhe, be approved in accordance with the Manager's Report as previously circulated.

Mr. Molloy in reply to Comh. O'Cuaig advised that the proposal did not provide for the provision of toilets and that same would be the subject of a further proposal relating to the redevelopment of the warehouse building subject to funding and appropriate approvals and consents. He further confirmed that the offer to meet with bus operators to address issues relating to traffic management remained and that the final costing for the redevelopment of the harbour was yet to be finalized.

AGREEMENT WITH ROSCOMMON COUNTY COUNCIL PURSUANT TO SECTION 85 OF THE LOCAL GOVERNMENT ACT 2001 – CLOONADARRAGH BRIDGE, BALLYMOE 1183

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

On the proposal of Cllr. D. Connolly, seconded by Cllr. Canney, the making of an Agreement with Roscommon County Council pursuant to Section 85 of the Local Government Act 2001 in order to enable Galway County Council to undertake the repair and refurbishment of Cloondarragh (Largan) Bridge, Ballymoe and to exercise all the

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functions necessary for this purpose in the area administered by Roscommon County Council, which authority will also have to be party to the Agreement, was agreed.

Cllr. D. Connolly said he welcomed this development, but also referred to the Ballyforan Bridge, particularly the Galway side where he offered his opinion that works were required and requested that the Council liaise with Roscommon County Council in relation to same.

Mr. Gilmore confirmed that it would be considered together with other such projects in the context of formulating a Programme of Works but that all such works must be undertaken on a priority basis based on the level of funding available.

TO APPROVE A CONTRIBUTION TOWARDS THE OPERATION OF IRISH WATER SAFETY

1184

Report dated 17th July, 2011 was circulated to each Member.

On the proposal of Cllr. Carroll, seconded by Cllr. G. Finnerty it was agreed by the Members to approve a contribution of €6,000 towards the operation of the Irish Water Safety.

TO RECEIVE PRESENTATION FROM CLIFDEN AND CONNEMARA HERITAGE AND HISTORICAL SOCIETY REGARDING THE MARCONI SITE.

1185

The Mayor welcomed Mr. Shane Joyce and Mr. Michael Gibbons to the Chamber.

Mr. Gibbons provided a presentation on the potential offered by the Marconi/Alcock & Brown site and the minimal work required for the site to serve as a strategic site to promote tourism. He outlined that the site provided a means to establish a wonderful link to the modern communication age, wireless technology and the internet. He acknowledged the support provided to date through LEADER funding and acknowledged the support provided by the Council and in particular Ms. Marie Mannion, Heritage Officer for her advice, assistance and good will in supporting the community on this worthwhile project. He advised that it was important to avail of the opportunity to highlight to the Elected Members the potential offered by the site and its global appeal. He outlined efforts to date to secure funding for the development of the site and referenced the 100th anniversary in 7 years time as a milestone in its development. He referenced the current challenging financial environment and the demands placed on the Council and acknowledged that the potential for the Council to offer financial support was limited but that the Clifden and Connemara Heritage and Historical Society would welcome the support of the Council in their ongoing efforts to further develop the site.

SUSPENSION OF STANDING ORDERS

1186

On the proposal of Cllr. Canney and Cllr. D. Connolly it was agreed that the Standing Orders be suspended in order to allow the Meeting continue after 6 p.m.

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The Elected Members warmly welcomed the presentation and complimented the Clifden & Connemara Heritage & Historical Society on their wonderful work and commitment to the project. They acknowledged the importance of the project to the County and in particular to Connemara as a further contribution to expanding the offering available in the region to ensure tourism and in particular increase bednights in the region. It was acknowledged that the site would have a wide appeal and compliment both Kylemore Abbey & the Connemara National Park. It was suggested that the Society approach Jameson for corporate support due to the links between Marconi & Jameson as acknowledged in the Jameson Visitors Centre in Middleton, Co. Cork. The Members assured the Society of their ongoing support for the project and acknowledged their positive attitude, they commented that they provided an excellent example of the effort needed to make times good rather than waiting for times to be made good by the efforts of others.

The Manager said she would like to be associated with the compliments conveyed by the Members and referred to the potential offered by the Wild Atlantic Way Project to support and enhance the Marconi/Alcock and Brown site, together with the wider offering in Connemara and pledged the Council's ongoing support for project through the Heritage Office.

TO RECEIVE PRESENTATION FROM E-NET

1187

The Mayor welcomed Mr. Niall Beirne, Head of Marketing, enet.

Mr. Beirne provided a presentation on the role undertaken by enet in managing Ireland's regional fibre network with particular emphasis on the metropolitan area network (MANs). He outlined that over 1,000 km of ducting and fibre optic cable existed across 94 cities and towns offering virtually limitless bandwidth. He stated that MANs were deployed in towns where there was market failure due to private telcos not investing. He stressed that the outcome for every MAN town will depend on population, local economic activity and the business plans of the various telecoms operators in the relevant area and critically the availability of backhaul. He stated that the obligation placed on enet was to facilitate open access on a carrier neutral basis and to manage, maintain and market the MANs on a wholesale only basis. He outlined the status and potential pipeline for relevant towns in County Galway including Athenry, Clifden, Loughrea, Ballinasloe & Gort.

The Members thanked Mr. Beirne for his informative presentation with Cllr. Canney outlining the need for a MAN fibre optic service to be provided in Tuam, Comh. O'Tuairisg queried whether it was possible to provide the network availing of poles and referenced the 'chicken and egg' scenario that may arise that without demand there is no infrastructure and without infrastructure there is no demand whilst referring to the demand for a fibre optic supply in Connemara.

Cllr. Feeney welcomed the fact that the networks were now operational and being availed of and questioned the cost to small business of availing of the MAN.

Mr. Beirne acknowledged the case being made for Tuam and stressed the importance of demonstrating 'market failure' in order to support the case. He confirmed that fibre could be provided by availing of poles and wrapping it around electric wires etc, although to date the network was all underground. He referenced approx costs for small business to avail of the benefits of the MAN but stressed that enet dealt with the wholesale element.

The County Manager thanked Niall for facilitating the Council with the presentation, she referenced the importance of the Galway City MAN for the County highlighting that it served to support the CISCO operations in Oranmore. The County Manager confirmed that efforts were ongoing to secure a fibre optic service for Tuam and that it was essential to demonstrate to the Department that there is live demand for the service in Tuam.

FLOODING UPDATE

1188

Mr. Gavin presented the Programme of Works & Funding for OPW approved Schemes as circulated to each Member.

In reply to Cllr. Willers, Mr. Gavin confirmed that the Dunkellin Scheme was being progressed but that issues remain to be addressed in relation to the turlough in order to advance the scheme for submission to An Bord Pleanála by September. He confirmed that the current cost benefit ratio on the scheme was 1.3:1 whereas the minimum requirement of the OPW is 1.5:1 and this presents a concern for the scheme.

Cllr. Willers stated that it would be a disaster for South Galway if the scheme did not progress and that it was inevitable that the area would flood again if the necessary works were not undertaken. She outlined that the cost benefit analysis was previously used as a reason why works were not undertaken.

Mr. Gavin in reply to Cllr. Feeney confirmed that it remained the intention to progress the scheme for submission to the and thereafter the issue of the cost benefit of the scheme would be a matter to be determined by the OPW.

Cllr. G. Finnerty referred to the drainage channel in Kiltartan, Gort and the concerns expressed by residents in relation to the potential for the M18/17 to impact on same. It was proposed by Cllr. G. Finnerty, seconded by Cllr. Willers and agreed "that Galway County Council contact the NRA in relation to the design of the M18 Gort to Tuam Motorway with a view to having a proper drainage channel installed under the Motorway

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at Kiltartan, Gort. This will help to eliminate flooding on the southern end of the proposed motorway”

In reply to Cllr. Feeney, Mr. Gavin confirmed that the work at Ballydavid, Athenry would be completed by Autumn.

Cllr. D. Connolly requested that the Members be provided with a map of the areas that flooded accompanied by a programme of works to maintain the drainage channels across the various drainage districts.

A) TO CONSIDER AND IF DEEMED APPROPRIATE TO AUTHORISE THE ATTENDANCE AT CONFERENCES 1189

On the proposal of An Comh O’Tuairisg, seconded by Cllr. Feeney, the attendance at Conferences as circulated was agreed.

Esperanza Enterprises – Draft performance standards for Domestic Wastewater Treatment Systems – 1st – 2nd June – Westport Plaza Hotel, Westport, Co. Mayo

Cllr. M Hoade, T Ó Curráoin, P Roche

Irish Red Cross – Children in War – 20th June – McGrattan’s Bar, Fitzwilliam Lane, Dublin 2

Cllr. P Hynes

Esperanza Enterprises – Building Control (Amendment) Regulations 2012 Draft – 29th – 30th June – Westport Plaza Hotel, Westport, Co. Mayo

Cllr. P Roche

Galway Co. Council – The Irish American Link – 12th – 16th July – Ard Ri Hotel, Tuam, Co. Galway

Galway

Cllr. M Hoade, M Connolly, J McClearn, T Welby, T McHugh, P Roche

Fondúireacht Na Gaeilge Teo. – Nurturing the Future: Developing the Country & The

Irish Language – 13th – 14th July – Seven Oaks Hotel, Carlow

Comh. S Ó Tuairisg

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**Superior Training – Local Media & the Councillor – 20th – 21st July – West Cork Hotel,
Skibbereen, Co. Cork**

Cllr. M Connolly

**2012 MacGill Summer School & Arts Week – Reforming & Rebuilding our State – 22nd –
27th July – Glenties, Co. Donegal**

Cllr. T Broderick, M Maher, P Hynes, P Feeney, J McClearn, M Hoade, M Connolly, T
Mannion

**Esperanza Enterprises – Improving the Social Housing Stock – 27th – 28th July – Westport
Plaza Hotel, Westport, Co. Mayo**

Cllr. P Roche

**Celtic Conferences – Creating Employment Opportunities in Local Food Production –
10th – 12th August – Celtic Ross Hotel, Rosscarbery, Co. Cork**

Cllr. K Ryan

**Parnell Summer School 2012 – Sovereignty & Society – 12th – 17th August – Avondale
House, Rathdrum, Co. Wicklow**

Cllr. T Mannion, M Connolly

(B) TO NOTE THE SUMMARY OF PROCEEDINGS OF CONFERENCES ATTENDED 1190

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

TJK Conferences – Local Government Seminar for Councillors – 27th – 29th January –

Patrick Punch Hotel, Limerick

Cllr. P Roche, T Ó Curráoin

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Association of County & City Councils – Annual Conference 2012 – On the Verge of Change – 10th – 11th May – Newpark Hotel, Kilkenny

Cllr. P Roche

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

Cllr. T Walsh, K Ryan

Galway County Council – Living Landscape Conference – Maximising our outdoor resources – 17th – 18th May – Clifden Station House Hotel, Clifden, Co. Galway

Cllr. M Connolly, T Ó Curráoin, K Ryan, P Roche

TJK Conferences – Planning Seminar for Councillors – 7th – 9th June – Patrick Punch Hotel, Limerick

Cllr. P Roche, K Ryan

Institute for British-Irish Studies (IBIS) – Should Ambulances stop at the Border? The Challenge of Co-operation in Healthcare Provision – 13th June – Royal Irish Academy, 19 Dawson St., Dublin 2

Cllr. D Connolly

Irish Red Cross – Children in War – 20th June – McGrattan's Bar, Fitzwilliam Lane, Dublin 2

Cllr. Pat Hynes

Carlow Tourism – 10th National Tourism Conference: Pride in our County – Pride in our Place – 21st – 23rd June – Dolmen Hotel, Kilkenny Rd., Carlow

Cllr. J McClearn, M Connolly, T Mannion

Synge Summer School 2012 – Irish Drama: Making it New – 28th June – 1st July –
Avondale House, Rathdrum, Co. Wicklow

Cllr. T Mannion

MANAGERS BUSINESS & CORRESPONDENCE

1191

The County Manager briefed the Members on the recent announcement in relation to the Galway City Outer Bypass and the M17/M18 Gort to North of Tuam Scheme and stated that the inclusion of both schemes in the capital programme was to be welcomed.

Mr. Owens referred to previous correspondence from the Knockalough Community Group, Moycullen requesting an opportunity to present to the Elected Members in relation a Wind Turbine Bill being advanced by Senator John Kelly as considered at the June Monthly Meeting of Council. He confirmed that further correspondence had been received from the Group providing some additional background information and reiterating their request to be afforded the opportunity to give a presentation on the matter at the next Council Meeting.

Following discussion, it was proposed by Cllr. Broderick, seconded by Comh. O’Laoi and agreed for the matter to be considered by the Planning Strategic Policy Committee.

MAYOR’S BUSINESS

1192

It was proposed by Cllr. D. Connolly, seconded by Cllr. Broderick and agreed “That Galway County Council take back in charge the Lowpark road in the Ballinasloe Electoral Area”

It was proposed by Cllr. Willers, seconded by Cllr. Maher, and agreed “the Department of Agriculture Officials start to inspect and spot check horses at fairs around the Country. This inspection takes place at Marts and Shows.”

It was proposed by An Comh O’Laoi seconded by Cllr. S. Walsh “that the deadline for submissions on the R336 Route Selection be extended until 30th September, 2012.”

It was proposed by Cllr. D. Connolly, seconded by Cllr. Canney, and agreed “Galway County Council oppose the Fine Gael/Labour Government stopping Single Farm Payment monies due to famers/turf cutters, and this proposal be forwarded to the Department of An Taoiseach, Minister Jimmy Deenihan, Minister Simon Coveney, Minister for Agriculture and Food and Minister Phil Hogan.”

It was proposed by Cllr. D. Connolly, seconded by Cllr. M. Connolly and agreed “that Galway County Council place on the upcoming Clár the recent Oireachtas Select

Committee Report on the Flooding Situation relating to the River Shannon and its tributaries.”

It was proposed by Cllr. M. Connolly, seconded by Comh. Tuairisg “that we invite Mr. Declan Waugh BSC to make a presentation to Galway County Council on the issue of fluoridation. There is an urgent need for informed debate on this issue.”

Mr. Cullen advised that prior to inviting anyone with a particular view to present on a matter of such importance it was appropriate to consider the broad range of information and research available on the matter, including national scientific data together with peer reviewed studies and research. Following discussion on the motion, it was agreed that the matter be considered by the Environment & Water Services Strategic Policy Committee and that all of the Elected Members would be provided with notification of the relevant meeting of the Strategic Policy Committee and that all Members would be facilitated in attending the meeting if they so wished.

In reply to Cllr. D. Connolly in relation to the water supply in Kilconnell, Mr. Cullen confirmed that whilst the colour of the water may give rise to some understandable concerns it was important to emphasize that the water supply is perfectly safe. He confirmed that the issue with the colour of the water arose due to an issue of infiltration that exists with the current well and that subject to funding it may be possible to drill an additional well to reduce such infiltration. Mr. Cullen concluded by emphasizing that the water supply is perfectly safe.

Cllr. Willers compliment the Council staff involved in the Volvo Ocean Race and in particular the staff in the Environment and Heritage Sections of the Council for the wonderful and informative exhibitions hosted in the Global Village. The Mayor and Members joined Cllr. Willers in conveying their appreciation.

Cllr. Broderick enquired in relation to the resources available through the Council and An Garda Síochána to address the issue of noise pollution and other concerns arising from an event hosted in the Woodlawn area the previous weekend, where he estimated up to 300 people attended a private function that lasted over a period of 48 hours. In reply, the County Manager suggested that the matter be raised through the Joint Policing Committee for consideration, whilst noting that an option for an individual to pursue a complaint in relation to noise pollution directly through the Courts was also available. Mr. Cullen stated that in the event that the Community Warden Service was called upon in this instance, they would require the support of An Garda Síochána to respond in such circumstances as those outlined by Cllr. Broderick.

NOTICE OF MOTIONS

NOTICE OF MOTION NO 12 – CLLR. B. WILLERS

1193

The following reply was given:-

“This land is in private ownership and Galway County Council has no resources to purchase the property.”

NOTICE OF MOTION NO 13 – CLLR. B. WILLERS

1194

The following reply was given:-

“The Jennings O’Donovan & Partners Report, Final Issue January 2011 which was a review of the South Galway Flood Study Report made a number of recommendations to mitigate flooding between Kiltartan, Coole and Kinvarra. The flood mitigation works recommended in the report were broken down into three schemes, for the purposes of Minor Works Application to the OPW for undertaking these works, as follows;

1. Drainage restoration works at Kiltartan which included a new culvert under the N18 and the local road to Rusheen at Corker, clearing out and around and existing masonry arch culvert at Raheen and regarding of lands to improve overland flows.
2. Drainage restoration works between Coole and Kinvarra which included the installation of some new culverts under local road, localised regarding of lands and removal of hedgerows and fences to improve overland flows.
3. Clearing and cleaning around 16 No. swallow holes between Kiltartan and Kinvarra.

All of the above works were likely to impact on SAC’s, SPA’s etc. and therefore environmental assessments had to be carried out. This required procurement of environmental consultants, field surveys, liaison with the NPWS and other stakeholders and developing appropriate mitigation measures so that there would be no negative impacts on the environment. The Environmental Report was finalised in November 2011 and agreed with the NPWS.

Funding for the works outlined at Item 1 above was approved by the OPW in August 2011 and works commenced on the construction of the new culvert at Corker in December 2011 when approval was given by the NPWS. All other works described in Item 1 have been completed with the exception of clearing out the masonry arch culvert which will be completed very soon.

The OPW have approved funding for the construction of a new culvert at Caherawoneen which is a part of the overall scheme outlined in Item 2 above. This culvert will be constructed this summer. Other works are dependent on funding being made available.

The NPWS have advised that they have major concerns with regard to carrying out any works at or near the existing swallow holes for the scheme outlined in Item 3 above. Further consideration will be given to this proposal in consultation with the OPW and the NPWS."

The following reply was given:-
NOTICE OF MOTION NO 14 – CLLR. B. WILLERS

1195

The following reply was given:-

"The Developer normally has 5 years from the date of grant of permission to complete the development. Under the Planning and Development (Amendment) Act 2010, a provision was introduced to allow for an extension of duration of up to a further 5 years. Galway County Council can only take enforcement action to have developments satisfactorily completed after the expiry of the permission.

In cases that remain incomplete after that period has elapsed the Council will pursue the Developer or a Receiver as appropriate. We are also currently working with NAMA, Health and Safety Authority, Dept. of Environment, Community & Local Government to address safety issues identified in the Departments own survey which was carried out in 2010 and is being reviewed by the Department over the next 3 months."

NOTICE OF MOTION NO 15 – CLLR. G. FINNERTY

1196

The following reply was given:-

"These roads will be considered for pavement overlay in the context of the preparation of the 2013 Roads Programme."

NOTICE OF MOTION NO 16 – CLLR. G. FINNERTY

1197

The following reply was given:-

"Signage is funded from the Road Maintenance Allocation which is severely depleted. Signage is replaced and upgraded if required on a priority basis."

NOTICE OF MOTION NO 17 – CLLR. G. FINNERTY

1198

The following reply was given:-

“This matter will be investigated and it may be possible to initiate a programme of works on a priority basis.”

NOTICE OF MOTION NO 18 – COMH. S. Ó TUAIRISG

1199

The following reply was given:-

“Leenane Playground is not in operation. There is a legal issue with regard to the site and until legal matters are resolved the playground will remain closed. The play area has been insured to date by the Council and this is being reviewed in light of the above legal issues.”

CHRIOCHNAIGH AN CRUINIÚ ANSIN.

Submitted, Approved + Signed

Clr

le Weir

24th September 2012

DATE

EXPRESSIONS OF SYMPATHY

1174

The Mayor proposed a resolution of sympathy to the wife and family of the late John Diviney, Former Retained Fire Fighter which was seconded by Cllr. Cuddy and agreed. Cllr. Hoade joined in the expression of sympathy. The County Manager, both on her own behalf and on behalf of the Management and Staff of the Council also conveyed her sympathy on the sad passing of Mr. Diviney.

A resolution of sympathy was extended to the following:

CHOMHAIRLE CHONTAE NA GAILLIMHE

MINUTES OF SPECIAL MEETING OF GALWAY COUNTY COUNCIL HELD AT ÁRAS AN CHONTAE, PROSPECT HILL ON FRIDAY 13TH JULY, 2012 AT 11.30 AM

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

I LATHAIR FREISIN:

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

Oifigigh: Ms. M. Moloney, County Manager; Messrs. K. Kelly, & E. Cummins, Directors of Service; M. Owens, County Secretary & Meetings Administrator; C. McConnell, Senior Planner; E. O'Doherty & A. Martens, Executive Planners; M. Donoghue, Senior Staff Officer; P. O'Neachtain, Oifigeach Gaeilge; G. Healy, Staff Officer.

Thosnaigh an cruinniú leis an paidir.

The Mayor referred to the Irish American Link Conference being held in Tuam from the 12th – 15th July 2012 and specifically to the reduced rates available to the Elected Members of both Galway County Council and the County's Town Councils, details of which were circulated at the Meeting, and encouraged the Elected Members to support the Conference.

RESOLUTIONS OF SYMPATHY

1174

The Mayor proposed a resolution of sympathy to the wife and family of the late John Diviney, Former Retained Fire Fighter which was seconded by Cllr. Cuddy and agreed. Cllr. Hoade joined in the expression of sympathy. The County Manager, both on her own behalf and on behalf of the Management and Staff of the Council also conveyed her sympathy on the sad passing of Mr. Diviney.

A resolution of sympathy was extended to the following:

Mrs. Elsie Glynn, Scott Hill, Kilconnell, Ballinasloe, Co. Galway
The Martin Family, Cromagh, Lissard, Kilconnell, Ballinasloe, Co. Galway
Ms. Mary Kearney, Atherny Road, Loughrea, Co. Galway
Mr. Frank O' Donnell, Assaroe, Donnellan Drive, Loughrea, Co. Galway
Ms. Marie Lyons, Masonbrook, Loughrea, Co. Galway
Mrs. Páraic Ó Cúláin, Teach Mór, Indreabhan, Co. Galway
Mrs. Evelyn Hughes & Family, Moylough, Ballinasloe, Co. Galway
The Costello Family, Costello's Pub, Skehana, Menlough, Ballinasloe, Co. Galway.

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

1175

The Report was provided to the Elected Members on the 7th June 2012.

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

Ms. McConnell advised the Meeting of Section 177 of the Local Government Act 2011 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.

Ms. McConnell further advised that under Section 20 of the Planning & Development Act 2000, the Members shall only 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.

Ms. McConnell advised that the Manager's Report on the Oranmore Draft Local Area Plan 2012-2018 was circulated to the members on 7th June 2012, which she understood had been read and considered by the Members. She said she would go through each of the 32 submissions received and the Manager's response and recommendation.

Ms. McConnell advised that the issues raised by the Department of the Environment, Community and Local Government has been dealt with separately first.

Submission No. 26 - Department of the Environment Community and Local Government

Ms. McConnell outlined the three main issues of Submission No. 26 raised by the Department of the Environment Community and Local Government under the following headings:

1. Strategic settlement context of Oranmore/Garraun and the inclusion of an objective to prepare a Local Area Plan (LAP) for the Ardaun/Garraun area in co-ordination with Galway City Council.

Ms. McConnell advised that Garraun and Ardaun are not a single entity and would not be covered by any one Local Area Plan, although the development of Garraun and in particular the rail station is central to the development of Ardaun. Garraun has therefore been included within the Local Area Plan boundary of Oranmore and while it will clearly be aligned to the development of Oranmore as a town this does not detract from the wider role it will play in the development of Ardaun and the County as a whole.

Garraun, she advised, is defined as a 'Strategic Reserve Area' for the period of the Plan, or until more details decisions are made. In due course, a Masterplan for the Garraun area will be developed and given a statutory footing through the Local Area Plan (LAP) process but in the absence of a Masterplan it is not possible to assign particular zonings to Garraun or to assign a population allocation.

To provide clarity she recommended that Objective DS 7 Strategic Reserve Area & Objective and RD 9 Strategic Reserve Area be amended to reflect that the planning of this strategic area will not have to wait until the next review of the Oranmore LAP.

The area of Ardaun is outside the Oranmore Local Area Plan boundary and is therefore considered under the County Development Plan 2009-2015 which contains relevant objectives and policies including an objective for the preparation of Masterplans and/ or Local Area Plans for Briarhill, Ardaun and Garraun. In the current economic environment, it is not considered that development of any significant level will be forthcoming for the Garraun area and therefore it is considered prudent to take the time necessary to plan for the role of this strategic site including its role in the development of Ardaun, the Gateway and the region as a whole.

Ms. McConnell also recommended that additional text, clarifying this position, be included in Section 2.2.3 Preferred Development Option, as follows: "This option would also recognise the important role that the Garraun area has in providing public transport access to the Ardaun area and in supporting the development of Ardaun which has been identified at regional level as a new growth centre for the Galway Metropolitan Area" and in Section 2.2.2 Development Strategy No. 3 to read as follows: "This option also takes cognisance of the planned railway station at Garraun. It protects the associated surrounding lands through identifying a Strategic Reserve Area subject to future master planning and/or a Local Area Plan, when high level decisions are made regarding the infrastructural investment necessary to open up the Ardaun and Garraun areas for joint Local Authority Development and so as to ensure that the opportunities associated with the development of same are planned in a sustainable and coordinated manner".

2. Clarification on how the Development Plan Justification Test as per the Flood Risk Guidelines was applied to lands at risk of flooding, including historically zoned lands, when considering future development.

Ms. McConnell advised that with regard to the Justification Test, Section 3.6.1 of the Plan sets out the approach taken in relation to Flood Risk Management. The application of the Development Plan Justification Test as recommended in the Flood Risk Management Guidelines, is applicable only where it is proposed to zone lands for vulnerable land uses (such as housing, town centre, etc) which are within the identified flood risk zones A and B. The Development Plan Justification Test is not necessary as lands have not been zoned for vulnerable land uses in the Draft Local Area Plan as presented.

3. Suggests the inclusion of a full schedule of the areas (including zonings) in the document – similar to that found in the Natural Impact Report (NIR).

Ms. McConnell advised that with regard to the zonings, a schedule of zonings including the relevant quantum of land in each zoning, shall be included in Section 3.1.3 just before the Land Use Zoning Matrix. These figures to be finalised after the decisions taken by the Elected Members at this Council Meeting.

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

The remaining submissions from Other Persons and Bodies include submissions from the general public, communities, other stakeholders and the prescribed authorities that are statutorily required to be notified regarding the making of a Local Area Plan. The submissions are dealt with primarily in the order in which they were received, or grouped by similar issues raised where appropriate.

Submission No. 1 – Monica Igoe & James Fallon

Submission No. 4 – Carol O'Connor

Submission No. 6 – Geraldine McNulty

Submission No. 11 – Celine & Tom Graham

Ms. McConnell outlined Submission No. 1, No. 4, No. 6, and No. 11 and the Manager's response and recommendation.

She explained that Submission No. 1, No. 4, No. 6, and No. 11 were all in objection to the distributor road proposed to go through Oranhill. These submissions expressed concern regarding increased traffic, speed, endangering the lives of children and compromising the lives of those people living in the estate and that the proposal is not a sufficient solution to the traffic problem in Oranmore.

Ms McConnell advised that the Draft Oranmore Plan provides a number of specific objectives (TI 24, TI 25 & TI 26) relating to future links in Oranhill. The provision of a service road/link road(s) through Oranhill has been a long standing objective enshrined in numerous adopted plans over recent years, including the Galway County Development Plan 2003-2009, the current Oranmore Local Area Plan 2006-2012 and is also referenced in the non-statutory Oranhill Action Area Plan 2000. Notably, the inclusion of Objectives TI 24, TI 25 & TI 26 is consistent with objective RT28 of the current Galway County Development Plan

2009-2015, which also seeks to complete the Oranhill link roads and Bealnabradan roundabout.

She explained that, at present, the provision of the route/link referred to in the Draft Plan is generally dependent on the delivery of development and has been permitted and developed incrementally to date. Planning Reference: 09/1925 provides for a road referred to as the North-South distributor road, previously agreed to under Pl. Ref: 04/305. This proposes to connect the Coill Clocha housing estate to the distributor road currently serving the existing housing estates in Oranhill, and proposes a connection to the existing roundabout on the N18 at Rocklands. In this regard, elements of a road from Rocklands and Coill Clocha housing estate to the existing residential estates in Oranhill, designed to a distributor road standard, have already been determined through objectives in previous/current statutory plans and planning permissions to date.

Ms. McConnell recommended no change to the Draft plan as with regard to the foregoing considerations, it is considered that the relevant objectives should still remain in place to ensure future flexibility in terms of providing connectivity, linkages and traffic management within the plan area, while the design/details of any future link/route will likely be the subject of, or incorporated into, any future planning applications.

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

Submission No. 2 – Brendan Keigher

Ms. McConnell outlined submission Number 2 from Brendan Keigher and the Manager's response and recommendation.

On foot of the submission which highlights that a green landscaped verge at the entrance to Cloonarkin Drive is not coloured green for open space, Ms. McConnell recommends that the subject lands should be zoned Open Space/Recreation & Amenity to reflect their existing use.

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

Submission No. 3 – J P McHugh & Co on behalf of Gerry and Margaret McNulty

Ms. McConnell outlined the main issues of submission Number 3 from J P McHugh & Co on behalf of Gerry and Margaret McNulty and the Manager's response and recommendation.

Ms. Mc Connell advised that the subject lands have a residential zoning in the current Oranmore Local Area Plan 2006-2012 and the submission states that the proposed zoning is incompatible as the plot is not accessible to the local community or public and the use is not required by either. Ms. McConnell advised that Planning Permission granted for two dwelling houses is due to expire on 18/11/12 and an extension to this planning was refused on 01/05/12. She said that in the Draft Oranmore Local Area Plan 2012-2018, the subject lands are identified on Map 3A/3B Flood Risk Management as being substantially located within Indicative Flood Zone A with some areas in Indicative Flood Zone B and the site has

been accordingly zoned Open Space/Recreation & Amenity. This zoning ensures that uses less vulnerable to flooding can be considered in this indicative flood risk area.

Ms. McConnell recommended no change to zoning of the subject site, and the lands to remain zoned as Recreation/Amenity and Open Space, as a residential zoning is incompatible in a flood risk area,

Ms. McConnell advised that, in order to provide some level of clarity as to why these lands are zoned Recreation/Amenity and Open Space, Section 2.2.4 'Land Use Management and Zoning' and Objective LU 8 the land use zoning objective for Open Space/Recreation & Amenity can be amended to clearly highlight the reference to zoning flood risk areas as Open Space (OS) lands.

Ms. McConnell advised of a text change to Section 2.2.4 Land Use Management and Zoning, 4th paragraph to read as follows: "In general, greenfield/undeveloped lands not included within designated sites and located within identified flood risk areas (in particular Indicative Flood Zone A and B) have generally been rezoned as Open Space in accordance with the *Flood Risk Management Guidelines 2009* in order to avoid inappropriate development in high to moderate flood risk areas and to address the potential impacts of climate change. The Plan also includes policies and objectives to ensure that the sensitivities of the various environmental and flood risk areas are adequately considered, protected and managed, as appropriate, in the development management process. Large scale employment.....".

Ms. McConnell further advised of additional wording in Objective LU 8 – Open Spaces/Recreation & Amenity (OS) to include in the development of open spaces and recreational activities that it can be clearly demonstrated to the satisfaction of Galway County Council that these uses are no longer required by the community "and ensure that any flood risk areas within the OS zone are appropriately managed to avoid, reduce and/or mitigate, as appropriate, the risk and potential impact of flooding".

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

Submission No. 5 – Oliver Higgins on behalf of Gerry Walshe

Ms. McConnell outlined submission Number 5 from Oliver Higgins on behalf of Gerry Walshe and the Manager's response and recommendation.

Ms. McConnell advised that this submission expresses concerns regarding Objective TI 26 of the Draft Local Area Plan 2012-2018 and refers to the decision of An Bord Pleanála (Bord Reference 07.CH3086) on 24th June 2009 to annul the CPO for the proposed roundabout adjacent to Gerry Walshe's property. The submission states that this decision was specifically made in order to protect the McNulty's property and to ensure that adequate access and egress was maintained to same. It further states that the Draft Plan's inclusion of Objective TI 26 aims to complete the junction with the Oranhill and Maree road and it is requested that Objective TI 26 is improved upon and re-worded to take account the Board's

decision. It is also requested that the original roundabout proposed under the CPO should be moved in a northerly direction to protect the McNulty's property.

Ms. McConnell explained that in reply to concern raised in this submission with regard to Objective TI 26, this Objective refers to the provision of junction arrangements between the Oranhill Distributor Route and the Maree Road, and it follows on from a similar Objective (T11) included in the current Oranmore Local Area Plan 2006-2012 and is supported by Objective RT28 of the current Galway County Development Plan 2009-2015, which seeks to complete the Bealnabradan roundabout.

Ms. Mc Connell recommended no change to Objective TI 26 of the Draft Oranmore Local Area Plan 2012-2018 which refers to the provision of junction arrangements between the Oranhill Distributor Route and the Maree Road as it is considered that Objective TI 26 should remain in place to ensure future flexibility with regard to traffic management/safety provision within the Plan Area, however, the An Bord Pleanala decision is noted.

Ms. McConnell further recommended that in the interest of clarity, the location of specific objectives on Map 2A/2B Specific Objectives are indicative of location only and the following text be included on this map to highlight same "Refer to more detailed wording of the Specific Objectives in Section 3 of the Plan. Locations of objectives shown on Map 2A/2B are indicative only and objectives may also apply in other locations".

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

Submission No. 7 – Nicola Foley for Tadhg O'Mahony, EPA

Ms. McConnell outlined submission Number 7 from Nicola Foley for Tadhg O'Mahony, SEA Section, Office of Environmental Assessment and the Manager's response and recommendation. Ms. McConnell advised that this was a very long and detailed submission and was divided into two parts.

She advised that the first part references the Plan and, in this regard, Ms. McConnell advised that with regard to the suggestion for an Environmental Management (EM) Plan, the EM zone includes designated sites and other areas and the preparation of Conservation Management Plans for the designated sites is the role of the National Parks Wildlife Service (NPWS) which would be necessary before an Environmental Management Plan could be prepared.

She stated that in reference to the possible required surveys, the area where a Summer Botanical Survey is referenced is not a European designated site or a natural heritage area and the Natural Impact Report (NIR) did consider this area and concluded that a specific objective for any development of these lands would suffice.

She advised that with regard to the rezoning/rezoning of lands which relate to Objective UI 16, the Plan and associated zonings have been informed by information available from the OPW Preliminary Flood Risk Assessment (PFRA) and as verified by the Strategic Flood Risk

Assessment (SFRA) for County Galway and the guidance contained within the 'The Planning System and Flood Risk Management' Guidelines for Planning Authorities November 2009 and climate change has been addressed through using Indicative Flood Zone B as a climate change surrogate for Indicative Flood Zone A and the provision of a specific objective UI 16 for these lands and Objective UI 12 of the Draft Plan.

She stated that Objective CF 11 clearly references that any such development will only be facilitated where it will not result in a likely significant effect to the integrity of the Special Areas Conservation (SAC)/Special Protection Areas (SPA). In addition Objective DS 3 and Objective NH 1 would also apply and it is considered that the existing policies and objectives in the plan e.g. Policy UI 2 and Objective NH 6 seek to protect and improve all waters.

She recommended the amendment of Policy UI 2 – Water Quality and Objective NH 6 – Water Resources so as to reference all waters, all relevant EU Directives, and associated legislation/policy guidance and the Environmental Sensitivity Map and details of same are included in the Environmental report and considered to suffice.

Ms. McConnell advised that the second part of the submission specifically references the Environmental Report and the Draft Plan and divides the submission into three further Sections and she outlined the broad response to the comments/suggestions for each Section.

She advised in relation to Section 1, which commented on the integration of environmental considerations in the Oranmore Local Area Plan in relation to issues such as Water, Wastewater, Biodiversity, and Environmental Impact Assessment, Strategic Environmental Assessment and Obligation with Respect to National Plans and Policies and EU Environmental Legislation, as follows:

- The amendments to Policy UI 2 address the reference to all waters, all directives, legislation, regulations and policy guidance in relation to Water Quality.
- All effluent including trade effluent is considered to be addressed through Objective UI 3.
- Groundwater issues and water issues raised are considered to be addressed through existing Objectives UI 1, amended Policy UI 2, Objective UI 8, NH 6 and the County Plan. Objective UI 4 is considered to adequately address the issue of proliferation of septic tanks. Enforcement of planning conditions is outside scope of Local Area Plan.
- Protection of designated shellfish waters is addressed through amended Policy UI 2 and amended Objective NH 6. Reference can be made to the Water Framework Directive Register of Protected Areas in Section 3.6.1. Water Quality and Section 3.9.1 European Directives, the Natura 2000 Network and Environmental Assessments with amended Objective NH 6 and Policy UI 2 and Objective UI 7 comprehensively addressing water quality issues.

- Available habitat mapping was utilised as part of HDA & SEA, and Objective NH4 refers to best practice methodologies which reference baseline assessments. Sub-threshold developments are considered to be addressed under Objective NH4 also as they are referenced in the EIA Directive and relevant associated regulations, Objective NH4 shall be amended to include reference to the amendment to the EIA Directive (8/337/EEC).
- Regarding comments on referencing SEA regulations and procedures, Objective NH 4 addresses this issue and Section 1.3.2 can include reference to PSSP 6/2011.

She advised that the majority of the issues raised in Section 2 related specifically to the Environmental Report and not the Draft Plan and the bringing up to date of information in line with recent Directives.

In response to Section 3 of Submission, which relates to the Development Plan and the key stages and outputs of the SEA Process, she outlined the following:

- In relation to the EPA's Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (EPA 2009) this is not referenced as Oranmore is predominantly an urban area and this reference is provided in the County Development Plan 2009-2015 policy.
- In relation to Habitats Directive Assessment (HDA), Flood Risk Assessment (FRA) and Environmental Impact Assessment (EIA) Directives for road projects, this issue is satisfactorily covered by the Draft Plan and in particular by Objectives DS 3, DS 8, NH 4, and Policy UI 4, while Objective NH 12 refers to invasive species.
- Comments to referring to "sustainable" in ED1 and ED 5 noted and accepted.
- Regarding impact of Objective TI 7 on designated sites, all development is subject to Objective DS 3 and NH 1.

In relation to the above submission, Ms. McConnell recommended the inclusion of additional context text in relation to Water Quality in Section 3.6.1 and Section 3.9.1 in reference to the Water Framework Register of Protected Areas.

Ms. McConnell also recommended the amendment of Objective NH4 – Impact Assessments – to reference the EIA Directive "2011/92/EU and associated legislation/regulations" and amend Section 1.3.2 Statutory Process to include having regard to "Circular PSSP 6/2011 'Further Transposition of the EU Directive 2001/42/EC on Strategic Environmental Assessment (SEA)'".

She recommended that Section 1.2 Profile is to include "and Oranmore had one of the highest education levels in any Irish town at that time. Recent 2011 Census figures highlight

an increasing population and record the population of Oranmore as 4,799 persons a 36.6% increase from 2006".

Ms. McConnell also recommended the amendment of Policy ED1 – Economic Development to include that it is the policy of Galway County Council to support "sustainable" economic development and employment creation in Oranmore" and she also recommended the amendment of Objective ED5 – Tourism Development, to Encourage and assist the "sustainable" development of the tourism potential within Oranmore in a manner that respects the architectural, archaeological and cultural significance of the town and its environs.

On the proposal of Cllr. Carroll and seconded by Cllr. Cuddy, it was agreed to remove the sentence in Section 1.2 Profile which outlined the recent 2011 Census figures which highlight an increasing population and record the population of Oranmore as 4,799 persons a 36.6% increase from 2006, as there was no definition of the area where these figures reflected upon.

Submission No. 8 – Cathal Killeen

Ms. McConnell outlined submission Number 8 from Cathal Killeen and the Manager's response and recommendation.

Ms. McConnell advised that this submission refers to Objective TI 24, 25 & 26 providing a link from the N18 to the Maree Road and comments that the lands are being preserved to accommodate such road developments through/in close proximity to a Special Area Conservation (SAC) or Creganna Marsh and that the Natura Impact Report (NIR) states that any development associated with TI 24 and TI 26 will have a negative impact on the SAC.

Ms. Mc Connell recommended no change to the Draft Plan and advised that The NIR concluded that the adoption of the Draft Plan will not result in likely significant effects to the conservation management or integrity of Natura 2000 sites, either individually or in combination with other plans or projects.

Ms. McConnell advised that in reference to the issues raised regarding the Neighbourhood Centre under Objective RD 11, it makes no reference as to the specific location of where it should happen and planning permission Pl. Ref: 05/4805 which was extended under Pl. Ref: 11/407, it should be noted that the original permission would have been assessed under the Oranmore Town Plan 2000 or the County Development Plan 2003-2009, as appropriate. The extension of duration would have been assessed in accordance with the Planning & Development Act 2000-2010 and is valid until 15/05/2016. The decision to extend the appropriate period of Pl. Ref 05/4805 was issued a year ago, and in this regard, a development cannot be retrospectively assessed in accordance with a Draft Plan which has not yet been adopted by the elected members. She further advised that any new permission on the site in question would be subject to the policies/objectives of the adopted Oranmore Local Area Plan in place at the time the decision is taken.

She advised that with regard to the footpath improvements, the Draft Plan is a land use plan and fully supports the improvement of the pedestrian environment as per Objective TI 4 and Policy TI 2, Objective TI 17 & Objective TI 23, however, notwithstanding this; the upgrade/improvement to the pedestrian infrastructure is a matter for Roads Section, the requirements/standards of a specific project and their work programme.

In terms of the reference to Specific Objective TI 27 indicated in the wrong location on the Specific Objective Map, Ms. McConnell stated that it should be noted that Objective TI 27 is a much broader and general objective to preserve and improve the Maree Road, rather than just at the specific location marked TI 27 on Map 2A. The Specific Objectives on Map 2A are generally considered to be indicative of location and not necessarily location specific as this would require a more detailed assessment which is well beyond the scope of this LAP.

Ms. McConnell recommended no change to the Draft Plan on foot of this submission.

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

Submission No. 9 – Michael McCormack, National Roads Authority

Ms. McConnell outlined the main issues of submission Number 9 from the National Roads Authority and the Manager's response and recommendation.

In reply to the NRA's suggestion, Ms. McConnell advised of a minor amendment to the wording of Objective TI 16 – Transport - to reference the Guidelines "having regard to the *Spatial Planning and National Roads Guidelines for Planning Authorities 2012*" and to reference "Intensification of direct access" and the use of the word 'shall' instead of 'should' to be consistent with Guidelines.

Ms. McConnell also advised that comments regarding the Transport Objectives in the Draft Plan potentially having a negative impact on the Strategic role of the N18 are noted. She stated that with regard to the comments from the Road Section in relation to the NRA submission on the Draft Plan, it is important to note that, in time, traffic from the N18 will be diverted from the existing N18 to the planned Gort to Tuam motorway route. She advised that there are also ongoing efforts to improve the access points on the N18, and work on upgrading and improving the N18 has also been ongoing with commitments entered into, planning and land acquisition has also proceeded on the basis of the objectives included in the previous plan, commitments have also been provided to the IDA with regard to the development of a roundabout for the provision of access to a technology park and the NRA is aware of and was consulted with regard to same.

Ms McConnell recommended no change to the Draft Plan.

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

Submission No. 10 – Leonie Finn

Ms. McConnell outlined submission Number 10 from Leonie Finn and the Manager's response and recommendation.

Ms. McConnell stated that the submission requests that the subject lands which are located to the south of Oranmore Castle and are zoned Recreation and Amenity in the current Oranmore Local Area Plan 2006-2012 are rezoned to Residential, however, Ms. McConnell advises that the maximum allocation of Residential land as per the Core Strategy of the County Development Plan 2009-2015 has already been allocated within the Plan area.

She further advised that the site is also partially located in Indicative Flood Zone A and B as indicated on Map 3A/3B Flood Risk Management included as part of the Draft Plan and adjoins a candidate Special Area Conservation (cSAC), Special Protection Area (SPA) & Natural Heritage Area (NHA).

Ms. McConnell recommended no change to the Draft Plan on foot of this submission.

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

Submission No. 10B – Leonie Finn

Ms. McConnell outlined submission Number 10B which was a postscript from the previous submission from Leonie Finn and the Manager's response and recommendation.

Ms. McConnell advised that the submission reiterates that the project would be a huge cultural asset and tourist wise a new aspect to the area. Ms. McConnell advised that this has already been dealt with in Submission No. 10 and recommends no change to the Draft Plan.

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

Submission No. 12 – Cllr. Jim Cuddy

Ms. McConnell outlined submission Number 12 from Cllr. Jim Cuddy and the Manager's response and recommendation.

Ms. McConnell advised that this Submission requests that provision is made in the Oranmore Local Area Plan 2012-2018 for sufficient lands to be zoned that could be used for a retirement village and a day care centre near all the amenities. Ms. McConnell states that a Day Care Centre can be considered a community facility use, while a retirement village would generally come under consideration as a residential use. She further advises that the Draft Local Area Plan provides for substantial areas of undeveloped Community Facility lands, R (Residential Phase 1) and undeveloped R (Residential Phase 2) lands. Furthermore, the matrix in the Draft Plan identifies a Community facility as a land use that is 'Permitted in Principle' on C1(Town Centre/Commercial), C2 (Commercial/Mixed Use), CF(Community Facilities) lands and 'Open for Consideration' on R (Residential) lands, B&E (Business and Enterprise) lands, OS (Open Space/Recreation/Amenity) and A (Agriculture) lands. The matrix also indicates that residential uses, which would include a retirement village, are 'Open for Consideration' in C1, C2 lands and 'Permitted in Principle' on residential lands. A retirement home is also a land use that is 'Open for Consideration' on C1 and C2 lands and 'Permitted in Principle' on residential lands.

Ms. McConnell also outlines that Objective RD 8 'Other Residential Development' also provides for a positive presumption in favour of the development of nursing homes, retirement homes, community/day care centres on residential zoned lands or adjacent to the established town centre or as a suitable reuse for protected structures or other buildings (e.g. institutional or educational buildings) that would have limited redevelopment potential given their size and architectural character, subject to normal planning, access and servicing requirements.

Ms. McConnell recommends no change to the Draft Plan

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

Submission No. 13 – Lily Considine (On Behalf of Some Maree Rd, Beech Park & Beech Grove Estate Residents)

Ms. McConnell outlined submission Number 13 from Lily Considine (On Behalf of Some Maree Rd, Beech Park & Beech Grove Estate Residents) and the Manager's response and recommendation.

Ms. McConnell stated that this submission refers to lands at Moneyduff in Oranmore, which are zoned Residential in the current Oranmore Local Area Plan 2006-2012, which the submission states were zoned agriculture prior to the adoption of that Plan.

Ms. McConnell advised that Planning Ref: 09/2055 a development for demolition of a house, the construction of 38 dwelling units and associated site works was granted planning permission by Galway County Council on 27/07/2010, was appealed to An Bord Pleanala and has recently been granted planning permission and these subject lands are primarily located within Indicative Flood Zone A and also within Indicative Flood Zone B as indicated on Map 3A/3B Flood Risk Management included as part of the Draft Oranmore Local Area Plan 2012-2018.

Ms. McConnell advised that under the Draft Local Area Plan, the lands have been rezoned from Residential to Open Space/Recreation and Amenity, which in accordance with the proposed amended Objective LU8 is to promote the development of open spaces and recreational activities, in accordance with best practice, on suitable lands with adequate access to the local community and retain existing open space and recreational facilities, unless it can be clearly demonstrated to the satisfaction of Galway County Council that these uses are no longer required by the community and ensure that any flood risk areas within the OS zone are appropriately managed to avoid, reduce and/or mitigate, as appropriate, the risk and potential impact of flooding.

Ms. McConnell recommends no change to the Draft Plan on foot of this submission.

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

• A bike track which could be used by all ages (it is suggested that it could form part of)

Submission No. 14 – Lily Considine (On Behalf of Active in Age Oranmore Committee)

Ms. McConnell outlined submission Number 14 from Lily Considine (On Behalf of Active in Age Oranmore Committee) and the Manager's response and recommendation.

Ms. McConnell advised that this submission included a requirement for a local health centre with associated health services for older people, a purpose built day care centre for older people and a communal space/drop-in centre, on foot of a meeting of older people in an active listening workshop recently held in Oranmore. In this regard, Ms. McConnell recommended no change to the Draft Plan as it is considered that there are sufficient undeveloped, appropriately zoned lands that could facilitate a Day Care Centre, medical centre and community hall and that the matrix as presented in the Draft Plan also provides sufficient flexibility to cater for such uses on other zonings, and that such uses are also satisfactorily supported by the policies and objectives in the Plan.

She further advised that a number of policies and objectives in the Draft Plan support the development of these uses, including Objectives LU 7, CF 6 & Policy CF 1. She stated that Objective CF 12 also supports the development/provision of a social/youth/multi-purpose centre which makes specific reference to senior citizen facilities.

Ms. McConnell advised that with regard to the provision of a walkway to Renville, she highlighted that this area is located outside of the Draft Local Area Plan boundary; however a coastal walkway is supported in the Plan by Objective CF11 and the Draft Plan also supports the establishment of a network of greenway linkages and the improvement to the pedestrian environment under Objective CF 7 and TI 4.

She further advised that the points raised regarding parking, bus bay provision and speed limits are outside the remit of a Local Area Plan, which is a land use plan providing the planning framework to support the development of appropriate uses at the right location and recommends no change to the Draft Plan on foot of this submission.

Ms. McConnell recommends no change to the Draft Plan on foot of this submission.

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

Submission No. 15 – Isabel Daly (On Behalf of Oranmore Comhairle na nOg)

Ms. McConnell outlined submission Number 15 from Isabel Daly (On Behalf of Oranmore Comhairle na nOg) and the Manager's response and recommendation.

Ms. McConnell outlined that this submission states that Comhairle na Nog in Oranmore has an active group of young people between the ages of 12 and 18 who meet regularly to discuss issues that matter to them in their area and this submission highlighted the following issues/proposals for the Plan:

- A skate/park youth recreation space for older teenager group.
- A bike track which could be used by all ages. (It is suggested that it could form part of a skate park).

- A youth cafe/young people's hang out which could form part of skate park.
- Better use of the existing community centre to facilitate the needs of younger people.

Ms. McConnell advised that the Plan itself cannot provide the specific requirements as outlined in the submission however, as a land use Plan the Local Area Plan provides a framework to support the development of appropriate uses in accordance with the proper planning and development of the area. She advised that the Plan currently has included a specific objective, Objective CF 12 which is "to facilitate the development/provision of a social/cultural/youth multi-purpose centre in the town centre of Oranmore, or other appropriate location, which can provide a range of facilities for the local community, including meeting rooms, youth facilities, games room, senior citizen facilities and indoor sports and exercise". This objective would support a youth cafe/safe meeting place area proposal within the Draft Plan area. This objective could also be broadened to include reference to outdoor sports/recreational facilities such as a skate park/bike track.

In addition, to the objectives, the Draft Plan provides for a number of hectares of undeveloped community facility zoned lands and a substantial area of undeveloped Open Space/Recreation & Amenity lands also. The zoning matrix in the Draft Plan provides flexibility and indicates that a youth cafe meeting place as a community facility would be 'Open for Consideration' or 'Permitted in Principle' on Community Facility zoned lands. The matrix also indicates that the bike park proposal and skate park as a recreational activity would be 'Open for Consideration' on Open Space/Recreation and Amenity zoned lands.

Ms. McConnell advised that in reference to better use of the existing community centre, this is an issue outside the scope of a Local Area Plan.

Ms. McConnell recommended the amendment of the Title CF 12 - Social/Cultural/Youth Centre in Section 3.3.1 to include '& Facilities' and to amend the specific objective to include outdoor sports, exercise and recreational facilities.

Cllr. Carroll commended the Oranmore Comhairle na nOg group as a very forward looking group of people and have good ideas and he would hope that the Council would be able to assist them in fulfilling some of their aspirations in the future.

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

Submission No. 16 – Darren Joyce

Ms. McConnell outlined submission Number 16 from Darren Joyce and the Manager's response and recommendation.

Ms. McConnell advised the site referred to in this submission has been derelict for six years and the submission states that there is no prospect of this site being developed anytime in the near future given the economic climate and the submission requests that the site should

be made safe and returned to a green area as soon as possible. She stated that in relation to the site of Objective RD 11, the subject of this submission, the intention of the plan is to provide a completed neighbourhood centre to serve the existing surrounding and future neighbourhoods in the area and the intention of Objective RD 11 in the Draft Local Area plan is still considered to be valid. She stated that presently, there is a live permission on this site until 15th of May 2016 for a medical centre, crèche, office space, 5 retail units, 5 apartments, 5 townhouses and car parking as originally granted under Pl. Ref: 05/4805, therefore enforcement action is not an option. The issue of the unfinished element of the development cannot be addressed through the Local Area Plan process.

She advised that with regard to reference to Objective TI 25, please see response to Submission No.1.

She recommended no change to the Draft Plan on foot of this submission.

In reply to Cllr. D. Connolly as to the level of development there and its completion, Ms. McConnell advised that there is some site preparatory works carried out and the site is fenced off but there does not appear to be active development on site. In reply to Cllr. D. Connolly's statement if Galway County Council as an Enforcement Authority was satisfied that the site was secured, Mr. Kelly advised that the site is fenced and contact has been made with the Developer who is of the view that the site is adequately fenced and that the site is secured in accordance with specific Health & Safety Authority requirements.

Cllr. Carroll advised that there is a serious risk at this site and that he as a Councillor and the community of Oranhill is very conscious of the issue especially with the recent unfortunate fatality in Athlone. He said he doesn't believe the site is secured and water is now lodged on the site. He said that in his view, the Developer has taken away the footpath and that needs to be addressed and the full rigours of the law must be used to make the site secure. In reply, Mr. Kelly said that the Council has issued a Warning Letter on the Developer with regard to an obstruction of the footpath.

Cllr. Cuddy said this is an ongoing problem and it is difficult when there is a live planning permission on site which has been extended. He said it appears that the Developer is not replying to correspondence by the Council and a meeting is required. The Estate, he said, is in pristine condition and this site is an eyesore, with a big hole and the fence falling down and it cannot continue as it is very dangerous. In reply, Mr. Kelly clarified that the owner/Developer is engaging with the Council and an exchange of communication is ongoing and active.

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

Submission No. 17 – Carol Gaynor/Carol Joyce

Ms. McConnell outlined submission Number 17 from Carol Gaynor and Carol Joyce and the Manager's response and recommendation.