

Ms. McConnell outlined that part of Submission No. 17, with regard to the neighbourhood centre site and excavated area in Oranhill Estate has been considered as part of Submission No. 16.

Ms. McConnell advised to refer to response to Submission No. 1, with regard to Objectives TI 24, Objective TI 25 and Objective TI 26 in the Draft Local Area Plan relating to a Distributor Route.

She further advised that Objective CF 8 referring to recreation and amenity facilities is also included in the current Oranmore Local Area Plan 2006-2012 and it should be noted the objectives on Map 2A Specific Objectives are indicative of location and highlight the general location only and text reflecting this will be added to Map 2A/2B Specific Objectives as per recommendations of Submission No.5 and No.8.

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. 18 – Anne Flynn, Department of Education & Skills

Ms. McConnell outlined submission Number 18 from the Department of Education and Skills and the Manager's response and recommendation.

In response to the Department's request that lands adjacent to existing schools should be protected where possible for future education use to allow for expansion, if required and a primary school site is required for Gaelscoil de hIde which is in temporary accommodation at present and where the process of acquiring a site for this school is at contract stage, Ms. McConnell states that the Plan has considered the requirements for the new Gaelscoil and relevant lands have been rezoned for community facility uses in the Draft Oranmore Local Area Plan 2012-2018.

In reply to the additional accommodation requirements of the other schools in the area (Scoil Mhuire Girls School, Scoil na nGasur, Calasanctius College), other than the school in Maree, which lies outside the plan boundary, Ms. McConnell advised that the Draft Plan provides for a range of policies and objectives to support the extension of existing education and improved facilities. There is also a specific objective in the Draft Plan to ensure that there are adequate lands zoned and serviced to cater for the establishment, improvement or expansion of educational/community, recreation and amenity facilities in the area. Furthermore, the zoning matrix of the plan also indicates that primary/secondary education uses are open for consideration or permitted on all zonings within the plan, save for Business and Technology, Environmental Management and Transport and Infrastructure land use zones, which also addresses the point made in the submission regarding protecting lands adjacent to existing schools, for future education use and to allow for expansion.

Regarding the reference to the document *Sustainable Residential Development in Urban Areas 2008*, Policy RD1 Residential Development in the Draft Plan indicates that it is the policy of the Council to support the development of sustainable communities and have regard to *The Sustainable Residential Development in Urban Areas 2008*.

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.

Cllr. Carroll commended Galway County Council and its Officials and his predecessors on their efforts to buy land for the Gael Scoil in Oranmore as Oranmore has now a unique semi-circle educational campus which is surrounded by amenity and recreational facilities and this is unique in the country and he welcomed that.

Submission No. 19 – Fintan & Fiona Finnerty

Ms. McConnell outlined submission Number 19 from Fintan & Fiona Finnerty and the Manager's response and recommendation.

Ms. McConnell advised that with regard to zonings in Oranhill, the zonings, in general, in the Draft Plan have been allocated based on a number of considerations including the Core Strategy of the County Development Plan 2009-2015, and in accordance with the principles of proper planning and sustainable development, including the sequential approach, smarter travel considerations, flood risk and environmental considerations, proximity to the town centre and the availability of services within the town. The Draft Local Area Plan also provides for a number of hectares of undeveloped community facility zoned lands and in addition there is a Specific Objective in the Draft Plan to ensure the provision of recreational and amenity facilities as an integral part of any development proposals for Oranhill.

In reply to the issues raised regarding footpath/lighting improvements, Ms. McConnell advised that the Draft Local Area Plan fully supports the improvement of the pedestrian environment, as displayed in a wide range of policies and objectives but in particular Objective TI 4 & TI 17, however, the carrying out of these improvement works is generally a matter for the Roads Section.

With regard to the speed bumps on the proposed route between Rocklands and the Maree Road, Ms. McConnell advised that the design of roads and traffic management issues are also matter at project level for the Roads Section of Galway County Council, however, the Draft Plan fully supports the provision of a safe and convenient road and street network under Policy TI 2, and Objective TI 18 facilitating the implementation of traffic management measures.

Ms. McConnell stated that the Environmental Management zone seeks to protect the integrity of European sites that form part of the Natura 2000 network, in particular SPAs and SACs, which is also a statutory obligation for Galway County Council and, in this regard, this zoning includes all areas that are European designated sites. She advised that notwithstanding the residential uses on the sites, some areas within Oran Glen are located within the designated sites and for this reason they have been included in the Environmental Management Zone.

Ms. McConnell outlined that part of Submission No. 19, with regard to the neighbourhood centre site and excavated area in Oranhill Estate has been considered as part of Submission No. 16.

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

Cllr. Carroll advised that at the recent Oranmore Local Electoral Area Committee meeting, the Director of Services had indicated that GCC had requested engagement with the National Parks and Wildlife Service in relation to screening. Cllr Carroll advised that a report had been completed to ensure improvements to footpath and roadway between Oranhill and Oranisland is undertaken and he was accepting the Manager's Report recommendation on this basis.

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

Submission No. 20 – Vincent Finn & James Traynor

Ms. McConnell outlined submission Number 20 from Vincent Finn & James Traynor and the Manager's response and recommendation.

Ms. McConnell stated that this Submission requested a change the zoning of parcels of lands in the SPA from EM to Residential Phase 2 on foot of decision from Designated Area Appeals Board.

Ms. McConnell advised that Galway County Council has received correspondence from the Designated Area Appeals Advisory Board stating that the National Parks and Wildlife confirms that the lands in question at present remain in the SPA and confirmed that the Galway County Council have not been notified about the Board's recommendation or Ministerial approval regarding the removal of lands from the designated SPA Creganna Marsh site, the subject lands of this submission and Galway County Council cannot amend the boundaries of the designated sites.

In reply to Cllr. Cuddy, Ms. McConnell advised that these lands could have been removed from the overall area of the Designated Site, if certain conditions were met but these conditions could not be met and as a result these lands remain within the SPA.

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. 21 – McCarthy, Keville O'Sullivan for Martin & Deirdre Burke

Ms. McConnell outlined submission Number 21 from McCarthy, Keville O'Sullivan for Martin & Deirdre Burke and the Manager's response and recommendation.

Ms. McConnell advised that this submission refers to two parcels of land in Garraun.

Ms. McConnell advised that regarding Parcel 1 (Garrans Lodge), this subject site is currently zoned Greenbelt in the Oranmore Local Area Plan 2006-2012 and has been zoned Agriculture in the Draft Oranmore Local Area Plan 2012-2018. The submission requests that Parcel 1 is zoned for R (Residential – Existing) to reflect the existing residential use on the site and this request is considered reasonable save for the south-eastern portion of these lands which lie within Indicative Flood Zone A & B which should be rezoned to Open Space/Recreation & Amenity.

Ms. McConnell advised that regarding Parcel 2, lands north of Garraun located south of the railway line, the Planning Authority is not in a position to zone additional R (Residential – Phase 1) as the Core Strategy allocation/target has been met. Zoning lands Strategic Reserve is not considered an appropriate option at present, as the Strategic Reserve zoned area in the Draft Oranmore Local Area Plan 2012-2018 is a large compact parcel of land on the opposite side of the local road which is being reserved for future development carried out in a plan led manner. There is no requirement at present to extend this parcel of land towards Oranmore.

Ms. McConnell recommended to Rezone Parcel 1 from A Agriculture to R (Residential-Existing), save for the south-eastern portion of this parcel of land which lies within Indicative Flood Zone A & B which shall be rezoned to Open Space/Recreation & Amenity.

Ms. McConnell recommended no change to the Draft Plan regarding Parcel 2 and it shall remain zoned Agriculture.

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

Submission No. 22 – McCarthy, Keville O'Sullivan for Dun Coillin Construction Ltd

Ms. McConnell outlined submission Number 22 from McCarthy, Keville O'Sullivan for Dun Coillin Construction Ltd and the Manager's response and recommendation.

Ms. McConnell advised that the subject lands are zoned Residential in the current Oranmore Local Area Plan 2006-2012 and are zoned R- Residential (Phase 2) in the Draft Oranmore

Local Area Plan 2012-2018. The Draft Plan provides for approximately 32.6ha of R-Residential (Phase 1) as per the Core Strategy of the County Development Plan and in this regard the Planning Authority is not in a position to provide additional lands on this zone.

She said that a substantial portion of the subject lands have been identified in an area of potential groundwater flood extents as per Map 3A/3B Flood Risk Management and that the site bounds a designated European site and pNHA (Creganna Marsh) and it has been noted that there is planning permission on the subject lands for 70 dwelling houses under PL Ref: 04/1973. This permission was subsequently extended under PL Ref: 09/2113 until 19th of January 2013. The zoning of the subject lands does not affect the validity of the live permission.

Having regard to the foregoing, 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. 23 – McCarthy, Keville O'Sullivan for Regina Cannon

Ms. McConnell outlined submission Number 23 from McCarthy, Keville O'Sullivan for Regina Cannon and the Manager's response and recommendation.

Ms. McConnell states that this submission seeks the extension of the Oranmore LAP boundary to cover the lands at Carton, the total area of the subject lands is 6.9ha, with 4.2ha excluded from the Draft Plan Area, and zoning from Open Space/Recreation & Amenity to Agriculture. She advises that the boundary of the plan to the west area of Oranmore was generally based on a 500m walk zone from the location of the proposed new railway station area and at this point in time, it is not proposed to alter same. Regarding the issue of zoning, she advised that a substantial area of the lands are located in an area identified on Map 3A/3B Flood Risk Management as Indicative Flood Zone A and with areas of Indicative Flood Zone B also. The Plan states that lands have been appropriately zoned to avoid flood risk, with designated land use zones considered appropriate to each Indicative Flood Zone.

In reference to the concerns raised regarding the special development levy that applies in Oranmore, Ms. McConnell states that this comes under a separate provision of the Planning and Development Act 2000-2010 and falls outside the scope of the Local Area Plan process.

With regard to changes to Section 2.2.4 and Objective LU 8 of the Draft Plan re the provision of clarity regarding flood risk and the open space/recreation and amenity zoning, Ms. McConnell states to refer to the response and recommendation to Submission No.3.

Having regard to the foregoing, Ms. McConnell recommends no change to the Draft Plan on foot of this submission.

In reply to Cllr. Carroll's query if this zoning could be changed to Agriculture (A) as it has been used for agriculture for years and to extend the boundary to include the full field, Ms. McConnell advised that these lands are in a Flood zone area and there is a certain difficulty zoning land as Agriculture in lands identified as in Flood Zone A as the Flood Risk Guidelines say this is an inappropriate land use for this type of zoning due to the likelihood of Gallic acid / pollution that could arise. She advised that consideration has to be given to the SEA report and identifying a change to that report could give rise to environmental consequences as under Flood Zone A, Agriculture is an inappropriate land use and also the site is incompatible due the site's proximity to an SAC. She advised that it might be an option to exclude all the land from the Draft Local Area Plan and revert these lands to unzoned/unrestricted uses, and they would fall under the County Development Plan.

Cllr. Carroll stated that only a small portion of the land is in Flood Zone A, and that the land is mainly in Flood Zone C and that there is sufficient land zoned Recreation/Open space in the Plan. Cllr. Cuddy advised that these lands have always been used for agriculture and there has never been a problem. In reply, C. McConnell advised that the problem has arisen in that the zoning of these lands agriculture is inconsistent with the Flood Risk Guidelines. This is not an appropriate land use for this zoning and Agriculture is not an applicable kind of activity being 'Open for Consideration' as it would raise particular problems when in a flood risk area.

Mr. Kelly advised that in order to gain the most practical use of the land is by bringing in the boundary as the zoning attributed to the Matrix theoretically might allow a house or other things within a flood risk area but a slatted house would not be allowed. He advised that there are three options:

1. To omit the piece of land from within the Local Area Plan and the land is then de-zoned and could be used for agriculture.
2. Zone the land Agriculture but this would require a change in the Matrix which would then have a knock on effect to the other areas of land zoned Agricultural.
3. Leave the land as it is.

Mr. Kelly advised that the preliminary advice from the Council's Environmental Consultants is that a re-zoning would create a difficulty. In an environmental and flood risk context, to

allow such activity to take place on that area, if approved, would require additional advice from the Council's Environmental Consultants and they may say this is not acceptable. The best option is to leave this piece of land outside the boundary and the land can be used as is.

Cllr. Cuddy stated that a precedent would be created that lands in a flood risk area near the foreshore cannot be zoned Agriculture. In reply, Mr. Kelly said there is no problem with Agriculture but the difficulty is what is allowable in a Flood Risk A zoning in the Land Use Matrix, the two need to be distinguished. The problem arises when the land is zoned agriculture which allows for a list of development inappropriate in a flood risk area.

In reply to Cllr. Carroll who advised that if the Plan boundary is not extended, then part of the field is zoned Open Space/Recreation & Amenity and part Agriculture, Mr. Kelly said that the best advice would be to remove the whole field entirely to outside the Plan and this would solve the issue.

In reply to Cllr. D. Connolly who requested clarification on whether this zoning would affect the 500m walk zone from the location of the proposed new railway station area, Mr. Kelly said it would have no negative effect.

Cllr. Seamus Walsh asked if this land was beside an SAC area and Ms. McConnell advised that the land was immediately adjoining it. Cllr. Walsh advised the meeting that if, for example, the landowner wished to build a shed with the exempted size for planning permission, if the land was left within the Local Area Plan zoning, this exemption would no longer apply and, therefore, by having the land within the Plan area would make planning more difficult to obtain.

It was agreed to defer further consideration of the Submission until later in the Meeting.

Submission No. 24 – McCarthy, Keville O'Sullivan for P. Kilraine

Ms. McConnell outlined submission Number 24 from McCarthy, Keville O'Sullivan for P.

Kilraine and the Manager's response and recommendation.

Ms. McConnell states that the submission refers to an area of land (0.1ha /0.25acres) located in the town centre area of Oranmore adjacent to the library and a dental surgery and she states that parts of the subject site fall within Indicative Flood Zone A and B as identified within the OPW Preliminary Flood Risk Assessment (PFRA) and as confirmed by the Strategic Flood Risk Assessment for County Galway (SFRA) and these areas are accordingly zoned for Open Space/Recreation & Amenity within the Draft Plan. This zoning ensures that uses that are less vulnerable to flooding can be considered in this flood risk area.

She further advised that rezoning the lands to town centre/commercial could lead to an inappropriate risk of flooding on site and to an increased risk of flooding elsewhere. The proposed zoning and infilling of these lands would also set an undesirable precedent for the zoning of lands for inappropriate uses and the infilling of lands at risk of flooding, which is not advocated by the Flood Guidelines.

Ms. McConnell stated that the front area of the site within Flood Zone C retains its Community Facilities zoning, which is considered the most compatible with the adjacent zonings.

With regard to changes to Section 2.2.4 and Objective LU 8 of the Draft Plan re the provision of clarity regarding flood risk and the open space/recreation and amenity zoning, Ms. McConnell states to refer to the response and recommendation to Submission No.3.

Having regard to the foregoing, Ms. McConnell recommends no change to the Draft Plan on foot of this submission.

Cllr. Cuddy requested that the site be zoned town centre/commercial as previously this zoning was changed by third parties unknown to the landowner until it was too late to make a submission. This site consists of 1/3 of an acre beside the old church which is currently an eyesore.

Cllr. McDonagh advised the meeting this was an ongoing saga and with numerous meetings held with various promises given over the years and concurred with Cllr. Cuddy that it was an eyesore. In reply to Cllr. McDonagh's concern, Ms. McConnell advised that a methodology has been applied in relation to flood risk zones and that Open Space/Recreation & Amenity is the most appropriate land use for a flood zone area and under the Flood Risk Management Guidelines, the Planning Authority cannot advise it is not a flood risk issue, while not overstating it, but cannot advise otherwise.

In reply to Cllr. D. Connolly as to what watercourses are on this site, Ms. McConnell advised none but that there is a stream at the rear of the land and drainage works are being carried out on same upstream of same and the potential impact is unknown.

Cllr. Noone advised that half of Oranmore village is lower than this piece of land and there is no history of flooding and any improvement works to be carried out would only improve the drainage and until more accurate information came available on receipt of the OPW's *Catchment Flood Risk Management Plans*, there is no evidence of flooding and flooding is not evident on old Ordnance Survey maps. By rezoning this land town centre/commercial, it is not guaranteeing planning permission on the site but for the land to revert back to its original zoning.

Cllr. Carroll recommended that this site retain its Community Facilities zoning and advised that this site is bordering a cemetery and heritage facilities and requested that the Council buys this land and turn it into a park for the village. He said that there was a large amount of vacant commercial properties in the centre of Oranmore and there is a sufficient amount of commercial property. Mr. Kelly replied that the Council is not in a position to buy the land.

Cllr. Willers advised that this issue is going on for the past six years and a grave injustice was done to the landowner. She advised that an archeology assessment was undertaken and there is no evidence of any graves on site and she recommended that it zoned Town Centre/Commercial.

Cllr. Noone concurred with Cllr. Willers advising that the small area of graves is no longer part of this land.

Cllr. Hoade also relayed her support for the rezoning to Town Centre/Commercial as in 2006 the landowner was not made aware of the rezoning of the land and the zoning was changed by third parties unknown to the landowner until it was too late to make a submission and this needs to be examined so it does not happen ever again and Cllr. Cuddy concurred with this saying that an individual should be notified if their land is be rezoned.

In reply to Cllr. Walsh as to whether in the Council's opinion if this land was in a flood risk area and if there is a stream alongside the site, Mr. Kelly advised that it shows that parts of the subject site fall within Indicative Flood Zone A and B as identified within the OPW Preliminary Flood Risk maps and there is a stream alongside but its significance is not being overstated.

It was proposed by Cllr. Carroll and seconded by Cllr. Roche to accept the recommendations in the Manager's Report.

It was proposed by Cllr. Cuddy and seconded by Cllr McDonagh to zone the lands the subject of a submission made by McCarthy, Keville O'Sullivan for P. Kilrairie as Town Centre/Commercial.

A vote was taken on Cllr. Cuddy's proposal and the result was as follows;

AR SON: Cllrs. D. Connolly & Cuddy, Comh. Ó'Curraoin, Cllrs. Fahy, Feeney, G. Finnerty, M. Finnerty, Hoade & Hynes, Comh. O'Laai, Cllrs. Maher, E. Mannion, McClearn, McDonagh, McHugh, Noone & Ryan, Comh. Ó'Tuairisg, Cllrs. S. Walsh, T. Walsh, Welby & Willers [21]

AGHAIDH: Cllrs. Carroll & Roche [2]

GAN VOTÁIL: [0]

AS LÁTHAIR: She Cllrs. Broderick, Canney & M. Connolly, Comh. Ó'Cuaig, Cllrs. Cunniffe, T. Mannion & Comh. Ó Tuairisg [7]

The Mayor declared Cllr. Cuddy's proposal carried.

Submission No. 25 – Galway City Council, Cliona Clancy for Tom Connell, Director of Planning, Economic Development, Community, Culture & Corporate Services Directorate
Ms. McConnell outlined submission Number 25 from Tom Connell, Director of Planning, Economic Development, Community, Culture & Corporate Services Directorate Galway City Council and the Manager's response and recommendation.

Ms. McConnell stated the response provided for Submission No.26 from the Department of Environment, Community and Local Government deals with the substantive issue of the development of Ardaun and Oranmore/Garraun and some of the issues raised in this submission have already been dealt with in response to submission No.26.

Ms. McConnell states that the Galway County Development Plan 2009-2015 including the Core Strategy sets the strategic context for development, and the approach in the Local Area Plans is to avoid the repetition of matters dealt with in the County Plan. However a number of amendments have been considered to address the issues raised as per the recommendations below. It is agreed that Section 1.4.2 - Building on Oranmore's Strategic Location - should be amended to include reference to the proximity of the Galway Gateway.

With reference to the specific comments regarding apparent conflicting role of Garraun, the approach taken to Garraun in the Local Area Plan is that Garraun and Ardaun are two separate entities although very much linked in terms of public transport facilities. She advised that it is not considered unreasonable to plan for the development of Garraun with the benefit of time, and it is considered that the approach being taken accords with the Regional Planning Guidelines and the Core Strategy. She noted that the Core Strategy included separate population allocations for Ardaun and Oranmore/Garraun. Ms. McConnell advised that amendments to the context text, Preferred Development Option text and objectives including RD 9 and DS 7 should clarify this issue.

Ms. McConnell stated that with regard to the reference to the preparation of Local Area Plan for the Strategic Reserve area, this Local Area Plan provides for the preparation of a Master plan and/or a Local Area Plan for Garraun, while the County Development Plan provides for a Local Area Plan to be prepared for Ardaun. It is considered that a Masterplan would be the first step and in turn would inform any local area plan prepared and she asked that recommendations under Submission No.26 be noted in this regard.

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

Submission No. 27 – Lackagh Group Properties Ltd., Paul Dempsey

Ms. McConnell outlined submission Number 27 from Lackagh Group Properties Ltd., Paul Dempsey and the Manager's response and recommendation.

Ms. McConnell stated that this submission relates to lands bounding Frenchfort River/Stream. She advises that the subject lands have two zonings under the Draft Oranmore Local Area Plan 2012-2018, Residential and Open Space/Recreation and Amenity. The area zoned for Open Space/Recreation and Amenity is 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.

She states that the areas of the subject lands that are identified as Indicative Flood Zone C have generally retained their residential zoning but also include a specific objective in the plan to carry out a detailed flood risk assessment in accordance with 'The Planning System and Flood Risk Management' Guidelines for Planning Authorities November 2009, specifically taking account of climate change and potential impacts and issues in relation to access and egress to the site.

Having regard to the foregoing, 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. 28 - Yvonne Nolan for Department of the Arts, Heritage and the Gaeltacht

Ms. McConnell outlined submission Number 28 from Yvonne Nolan at the Department of the Arts, Heritage and the Gaeltacht and the Manager's response and recommendation.

Ms. McConnell advised that this submission raises a number of issues and recommends a number of text changes to policies and objectives within the Draft Plan.

Ms. McConnell advised that a number of comments in the submission relate to the Natura Impact Report and the exclusion of certain sites that require further attention, the potential impacts on designated sites, potential encroachment on European sites with the Maree road improvements, more detailed surveys may be required for coastal walk and road improvements.

She said that the Department notes that proposed NHA's are not legally protected but given an element of protection through recognition in land use plans, and may need further assessment and can act as stepping stones as per Article 10 of Habitats Directive. The submission recommends amendments to a number of Objectives including Objectives DS 3, NH 1, NH 2, NH 4, NH 12 and NH 13.

Ms. McConnell advised that the amendments to the text are noted. However, she advised that with regard to Objective DS 3 and NH 1 the wording in the Objective reflects that as per

the relevant EU Directive. She further advised that Objective NH 12 shall remain as is, as the issue is considered to be addressed. NH 4 has not been amended as a Habitats Directive Screening Report is synonymous with a Screening for Appropriate Assessment Report and reference is made in Objective NH4 to a Natura Impact Statement. The required changes for NH 13 are unclear and therefore the wording has not been amended.

Ms. McConnell advised that the matters raised in relation to the Natura Impact Report (NIR) and surveys are noted, and states that the NIR considered that the policy/objective responses in the plan provide adequate protection. In reference to encroachment on European sites this is considered addressed through Objectives DS 3 and NH 1.

Ms. McConnell recommends the amendment to text in Section 3.9.1 – Natural Heritage & Biodiversity – Natural Heritage Areas and Associated Legislation - as follows: “The national designation for wildlife are the Natural Heritage Areas(NHA)”, and to include “Oranmore also has a number of proposed natural heritage areas forming part of the Galway Bay Complex and Creganna Marsh”.

She also recommends to amend text of Objective NH2 – Protected Habitats and Species to include a line to support the protection of protected habitats and species listed in the annexes to the EU *Habitats Directive 1992 (92/43/EEC)* and the *Birds Directive (2009/147/EC)* “and regularly occurring-migratory birds and their habitats, and species protected under the Wildlife Acts”.

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

Submission No. 29 - Planning Consultancy Services for Paddy Sweeney & Tom Considine

Ms. McConnell outlined submission Number 29 from Planning Consultancy Services for Paddy Sweeney & Tom Considine and the Manager’s response and recommendation.

Ms. McConnell advised that this submission requests zoning changes to the Draft Oranmore Local Area Plan 2012-2018, for Parcel A (c.1.34ha) from proposed Agriculture to Residential Phase 1 and for Parcel B & C from proposed Agriculture to Residential Phase 2 as per the parcels of land identified on the maps included with the submission.

In reply, Ms. McConnell recommended no change to the Draft Plan as the Draft Local Area Plan provides for the maximum quantum of Residential lands and the Core Strategy has already provided a 50% overhead in terms of required hectares. In this regard, the Planning Authority does not have a requirement for additional lands at present and the current Core Strategy requirements will be reviewed as part of the review of the Galway County Development 2009-2015. The Natura Impact Report which accompanies the Draft Local Area Plan notes that the zoning approach taken in the Draft Plan ensures that potential impacts to the Natura 2000 sites that could arise as a result of a new development have been avoided through zoning changes.

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

Submission No. 30 - Planning Consultancy Services for Donnacha Finn

Ms. McConnell outlined submission Number 30 from Planning Consultancy Services for Donnacha Finn and the Manager's response and recommendation.

Ms. McConnell advised that this submission relates to lands at Catron, Coast Road in Oranmore.

Ms. McConnell recommends no change to the Draft Plan as the Strategic Reserve Area zoning has been applied to a compact area surrounding the proposed location of the new Oranmore railway station. Until such time as high level decisions are made regarding infrastructural investment necessary to open up the Ardaun and Garraun areas for joint Local Authority plan-led development, it is not envisaged that any short to medium term development would occur within the Strategic Reserve Area and therefore no changes to the objectives or Development Management Standards in the Draft Oranmore Local Area Plan are deemed necessary, in the interest of proper planning and sustainable development of the area. In addition, contrary to what is stated in the submission, it is also noted that part of the subject submission site lies within an area highlighted as Indicative Flood Zone A and B on Map 3A/3B Flood Risk Management.

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

In reply to Cllr. Cuddy's and Cllr. McDonagh's expression of their disagreement to this zoning and recommended residential zoning on the land, Ms. McConnell advised that this could have quite a substantial negative impact around the Garraun railway station as it is unknown where the strategic infrastructure is to go and this would have a very negative impact where critical infrastructure such as surface water, sewerage could or could not be located on this Strategic Reserve Area zoning. In reply, Cllr. Cuddy said these lands were not near the railway line at all and there were a number of houses in the vicinity. Ms. McConnell advised that this was a Policy change and not a site specific submission and any change to the Policy would be a very serious issued with regard to predetermining critical infrastructure. She said that the railway was one small element of a much greater plan for this area and the zoning gives space to look at masterplanning the area.

In reply to Cllr. D. Connolly's and Cllr. Cuddy's queries if this zoning meant that single houses cannot be built on these lands, Ms. McConnell said that that Garraun area has such a wide impact for Oranmore and the county and this recommendation needs to be considered very seriously as it is a change of Policy. She advised that this has always been a restricted road and any change could prejudice the servicing of the Garraun area and how the Council would progress development in the next 20 years due to limitations on the locations of infrastructure due to the proposal to allow development in the area by lifting the restrictions. She advised that while there is a small existing housing development, this would be a change of Policy and the site is facing onto the coast road and is in disagreement to a plan led approach for Garraun going forward and the need to protect the area from random development until a Masterplan is in place and which is also a Regional objective. In reply to Cllr. Cuddy, Ms. McConnell advised that the Land Use Zoning Matrix allows for very restricted development in a Strategic Reserve Area and until a Masterplan is adopted

and it is an objective of this LAP to undertake a Masterplan within the lifetime of this LAP, there would be a time delay before single houses would obtain planning permission.

In reply to Cllr. Broderick's query that the Masterplan is impacting on decisions and if was expected that there would be a flurry of planning applications along that road if a precedent was set to allowed residential zoning on these lands or if the zoning could be applied to this particular site only and freeze the rest of the lands on the road in anticipation of the Masterplan for the area, Ms. McConnell replied that if such a change were made to the general Policy affecting this route, there could be a larger number of such applications.

It was agreed to defer further consideration of the Submission until later in the Meeting

Submission No. 31 - Planning Consultancy Services for Mike Finn

Ms. McConnell outlined submission Number 31 from Planning Consultancy Services for Mike Finn and the Manager's response and recommendation.

Ms. McConnell stated that this submission requests the re zoning of lands located in the townland of Garraun as follows:

- Parcel A (c.0.14ha) from proposed Recreation, Amenity and Open Space to Commercial C2.
- Parcel B and C from proposed Recreation, Amenity & Open Space to Agriculture.

Ms. McConnell advised that the current Oranmore Local Area Plan 2006-2012 provides a Town Centre/Mixed Uses zoning for Parcel C, A and both Town Centre/Mixed Uses and Amenity Environment for Parcel B. 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. This zoning ensures that uses less vulnerable to flooding can be considered in this indicative flood risk area. She advised that Zoning the lands C2 Commercial/Mixed Use and Agriculture would allow for uses that are not considered appropriate to Flood Zone A or B and would not satisfy the Justification Test as set out under the *Flood Risk Guidelines*, as there are suitable alternative lands available for such uses in areas at lower risk of flooding within or adjoining the core of the urban settlement. It is therefore considered that such a proposal would not be in accordance with 'The Planning System and Flood Risk Management' Guidelines.

Ms. McConnell asked to note response and recommendation to Submission No.3 regarding changes to Section 2.2.4 and Objective LU 8 of the Draft Plan to provide clarity regarding flood risk and the open space/recreation and amenity zoning.

She also advised that in relation to Parcel A, notwithstanding the existing town centre/mixed use zoning on these lands or any valid permission on site, the subject lands are located a considerable distance from the established commercial areas of Oranmore. A C2 zoning provides for a wide range of uses under the zoning matrix of the Draft Local Area

Plan 2012-2018, which would not generally be considered compatible with the existing surrounding land uses, would not be in accordance with the sequential approach of the Retail Planning Guidelines 2012, would not meet the requirements of the justification test as set out in the Flood Risk Guidelines and therefore not considered an appropriate zoning at this location or in the interest of proper planning and development of the area.

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

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

Submission No. 32 – Phillip Smith

Ms. McConnell outlined submission Number 32 from Phillip Smith and the Manager's response and recommendation.

Ms. McConnell stated that the Vision Statement for Oranmore specifically references tourism and there is a specific objective in the Draft Local Area Plan under Objective ED 5 which encourages and assists the development of the tourism potential within Oranmore.

Ms. McConnell advised in terms of land use zoning and phasing approach, lands with environmental/flood risk issues have been rezoned, lands without these identified constraints and were phased in recognition of their possible residential potential and environmental/flood constraints and their previous residential zoning. She further advised that comments regarding changes to listed objectives and Development Management standards, DM Guideline ED2 and ED3, and specific objectives, RD 11, CF 10, CF 11, are noted but no changes are deemed necessary. In respect on concerns raised regarding the Oranhill Distributor Route under Objective TI 24 and the Objective TI 26 which relates to junction arrangements at the Maree Road, she advised that this is addressed in response to Submission No. 1 and No. 5.

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

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

Minor Text Amendments

Ms. McConnell outlined a number of minor textual amendments which are proposed to the Draft Local Area Plan, primarily to reflect the stage of the process in the documents and to update the references to the 'Guidelines for Planning Authorities Retail Planning April 2012' and the *Retail Design Manual – A Goof Practice Guide Companion Document to the Guidelines for Planning Authorities*.

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

It was proposed by the Mayor, seconded by Cllr. Noone and agreed to adjourn the Meeting for 10 Minutes.

On the resumption of the Meeting it was agreed to revisit and consider further Submission 23 and Submission 30.

Submission No. 23 – McCarthy, Keville O’Sullivan for Regina Cannon

On the proposal of Cllr. Carroll and seconded by Cllr. Cuddy, it was agreed to amend the Boundary of the Local Area Plan to remove the lands at Carton, the subject of the submission, from the Local Area Plan. It was agreed that the boundary wall run along the road edge at this point.

Submission No. 30 - Planning Consultancy Services for Donnacha Finn

On the proposal of Cllr. Carroll and seconded by Cllr. Cuddy, it was agreed to allow a house be open for consideration in the Matrix for the Strategic Reserve Area, subject to:

Consideration will 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 the area.

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

Cllr. Carroll as Chairman of the Oranmore Electoral Area Committee, thanked the Officials for their excellent work in the development of this Plan and to his fellow Councillors with regard to the comments on the submissions made. Cllrs. Noone, Cuddy & McDonagh concurred with the sentiments expressed by Cllr. Carroll.

It was proposed by Cllr. Feeney, seconded by Cllr. Maher and agreed to receive a presentation from E-Net at a future Meeting of Council.

Cllr. McHugh made reference to the DH Burke group recently entering receivership and in particular the recent regrettable actions of the receiver in relation to the operation of the DH Burke store in Tuam, in terms of the manner of engaging with customers on their arrival in the store, the manner and means by which staff were notified of the receivers intention to make them redundant and the holding of a receivers sale. He requested that the Council remain vigilant in terms of ensuring the the premises was not allowed to become derelict. Cllr. Broderick concured with the views expressed by Cllr. McHugh outlining that a similiar issues arose in relation to the DH Burke outlet in Ballinasloe.

Comh. O'Laoi referred to his intention to propose a resolution at the July Monthly Meeting of Council to extend the deadline for submissions on the R336 Route Selection Process until the 30th September 2012 in order to allow sufficient time for the preparation of submissions taking into consideration the summer holiday period.

1. Stage II Flood Risk Assessment

Ms. McConnell advised that the Development Plan Location Test is not necessary.

Cllr. D. Connolly referred to his intention to raise the issue of a recent reference by Minister Deenihan to the potential for an impact on the single farm payment for those identified as being in breach of the ban on turf cutting on certain designated bogs. Cllr. M. Connolly stated that he understood that there was resistance at official level to such a proposal.

Ms. McConnell advised that 2 in section 3.6.2 specifically requires all new developments to be in accordance with the Flood Risk Assessment.

TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS/OBSERVATIONS RECEIVED ON THE LOUGHREA DRAFT LOCAL AREA PLAN AS PER SECTION 20 (3) (C) (I) OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED 1176

2. Quantified Schedule of All Zoning Objectives

The Report was provided to the Elected Members on the 6th July 2012.

The Mayor, invited Ms. McConnell to present the Manager's Report on the submissions received on the Loughrea 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 Manager's Report considers 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 Loughrea Draft Local Area Plan 2012-2018 was provided to the members on 6th July 2012, and she confirmed that the Area Councillors has met and each submission was gone through in detail at the recent Loughrea Electoral Area Committee Meeting. She said she would briefly go through each of the 14 submissions received and the Manager's response and recommendation.

Ms. McConnell began by examining the main issues in the submissions received from the prescribed bodies.

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

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

Ms. McConnell outlined the main issues of Submission No. 3 raised by the Department of the Environment Community and Local Government under the following headings and the Manager's response and recommendation:

1. Stage II Flood Risk Assessment

2. Water Services for New Developments
3. Quantified Schedule of All Zoning Objectives
4. Retail Planning Guidelines 2012

1. Stage II Flood Risk Assessment

Ms. McConnell advised that 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.

2. Water Services for New Developments

Ms. McConnell advised that UL 2 in Section 3.6.2 specifically requires all new developments to be adequately serviced with water supply, wastewater disposal and surface water drainage.

3. Quantified Schedule of All Zoning Objectives

A schedule of zonings including the relevant quantum of land in each zoning, shall be included just before the Land Use Zoning Matrix. These figures to be finalised after the decisions taken by the Elected Members at this Council Meeting.

She recommended no change to the Draft Plan on foot of the above

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

4. Retail Planning Guidelines 2012

Ms. McConnell recommended the amendment of wording Objective ED3 in Section 3.4.2 to include the following "Comply with the provisions of the *Retail Planning Guidelines 2012*, including the application of a sequential approach to retail development, the policies and objectives of any future Retail Strategy for Galway that may be adopted in the lifetime of the Local Area Plan and the guidance in the *Retail Design Manual 2012* (and any updated/superseding documents)" and the addition of some text also in this Objective that the Planning Authority will require "where considered necessary, Transport Impact Assessments and/or" Design Statements, where appropriate, for retail developments in accordance with the Retail Planning Guidelines, "the Retail Design Manual" and DM Guideline ED1 and ED2.

She also recommended updates to reference the recently published Retail Planning Guidelines 2012 in Section 1.4.1, Strategic Planning Context and in Section 3.1.3 and in the Development Management (DM) Guideline ED2 – Design Statements of Section 3.4.3.

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

Submission No. 1 – Michael McCormack, National Roads Authority

Ms. McConnell outlined the main issues of submission Number 1 from the National Roads Authority under the following headings, and the Manager's response and recommendation.

1. Strategic National Road Network

2. Transportation Infrastructure
3. Economic Development
4. Noise

1. Strategic National Road Network

Ms. McConnell said that no change was necessary to the Draft Plan in relation to the Strategic National Road Network but noted the NRA's welcomed reference to Spatial Planning and National Roads Guidelines in Policy TI2 and protection afforded to the N65 and N66 by Objective TI13.

2. Transportation Infrastructure

Ms. McConnell advised that the NRA's comments in relation to some of the specific road improvements in Objective TI14 have implications for the national road network in and adjoining the Plan area were noted. She said that Objective TI15 of the Draft LAP deals with transport network improvements and this will be dealt with at project stage and she recommended no change to the Draft Plan.

3. Economic Development

In relation to a Traffic and Transport Assessment (TTA) be undertaken in relation to development proposals on Industrial zoned lands, Ms. Mc Connell advised that Objective TI13 requires proposals for large scale developments, where appropriate, to submit Traffic and Transport Assessments to assess the impact of the proposed development and associated traffic movements on the efficiency, safety and capacity of the national road network and she said that this is considered adequate to deal with the requirement for TTA in relation to industrial and other large scale developments.

Ms. McConnell recommended no change to the Draft Plan.

4. Noise

Ms. McConnell said that no change was necessary to the Draft Plan in relation to the Strategic National Road Network but noted the NRA's welcomed reference to the provision of Objective TI18 relating to Noise having regard to the Residential Phase 2 zoning objective designated alongside the N6 Loughrea Bypass Route. She recommended no change to the Draft Plan on foot of the submission above.

She 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 – Cian O'Mahony, EPA

Ms. McConnell advised that submission Number 2 from Cian O'Mahony, Senior Scientific Advisor, SEA Section, Office of Environmental Assessment was a very long, technical submission and she outlined briefly the main issues and the Manager's response and any recommendations.

In reply to the EPA's request that consideration should be given to ensuring the Galway Wind Energy Strategy is incorporated as appropriate, Ms. McConnell stated that the Loughrea LAP and any proposed renewable/wind energy development within the Plan area is subject to the provisions in the Galway County Development Plan, including the Galway Wind Energy Strategy.

In reply to the EPA's submission that the sewer collection system requires upgrading, Ms. McConnell stated that Objective UI1 of the LAP provides for the upgrading of the sewer network but it is not appropriate to specify a timeframe within the LAP as this is dependent on the Water Services Investment Programme and funding approval from the Department.

Ms. McConnell advised that the EU's Common Implementation Strategy for the Water Framework Directive (2000/60/EC) – Guidance Document No. 20, in particular Section 3.5 Key Issues for Article 4.7 have been noted and considered. She stated that Objective NH6 of the LAP provides for the protection of water resources in the Plan Area in accordance with the requirements in the Water Framework Directive, which would apply to new developments, as appropriate. She stated that while specific reference to the Guidance Document No. 20 would not be considered appropriate in Objective NH6, she recommended that Objective NH6 be amended to include additional wording regarding other relevant legislation policy "and other relevant EU Directives, including associated national legislation and policy guidance (and any updated/superseding documents)". This, together with the existing provisions in the LAP and requirements for compliance with the Water Framework Directive and Objective NH6 at project stage, is considered to adequately address this issue and, therefore, she recommended no change to the Draft Plan.

Ms. McConnell advised that proposals for increasing the amount of abstraction of drinking water from Loughrea will be subject to the requirements of Objective NH1 of the LAP, which is in accordance with the requirements of the Habitats Directive. In addition, Objective UI2 of the LAP requires all new developments to be adequately serviced with water supply. The existing objectives in the LAP are accordingly considered to adequately address the issues raised.

Ms. McConnell advised that the Urban Waste Water Treatment Regulations 2001 and 2004, and the recent Focus on Urban Waste Water Discharges in Ireland report (EPA, 2012) are noted and said that Objective UI2 of the LAP is considered to adequately address the issue raised for the purposes of the LAP.

In relation to the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses, she advised that the Galway County Development Plan makes reference to the EPA manuals for wastewater treatment and Objective UI4 of the LAP includes provisions in respect of wastewater disposal. These existing provisions are considered to be adequate and appropriate for the purposes of the LAP.

In relation to trade effluent and discharge licenses, she advised that this is an issue for the relevant discharge license, the EPA and the Environment Section of Galway County Council. In addition, Policy HL75 of the Galway County Development Plan is to ensure that industrial

facilities and commercial premises discharging wastewater are operating within the parameters of an IPC license or a wastewater discharge license. Ms. McConnell said it is considered that this issue could be further addressed and recommended the inclusion of the following text at the end of the Objective UI4 – Wastewater Disposal, “Ensure that any trade effluent from new development is managed properly and discharged to sewer in accordance with relevant discharge licenses, where appropriate”.

In relation to infrastructure, Ms. McConnell advised that Objective UI2 of the LAP requires all new developments to be adequately serviced with water supply, wastewater disposal and surface water drainage. She said that in relation to community services and amenities, Policy CF2 of the LAP is to support the provision of an adequate level and equitable distribution of community facilities and amenities in the Plan Area to meet the needs of the community and to be provided in appropriate locations. In relation to traffic management, she advised that there is a Traffic Management Plan for Loughrea that deals with issues of traffic and parking management in the town. The above are considered to adequately address the issues raised for the purposes of the LAP and, therefore, she recommended no change to the Draft Plan.

With regard to the EPA’s advice that it is a matter for Galway County Council to determine whether or not the implementation of the proposed Amendments would be likely to have significant effects on the environment, to take account of the SEA Regulations Schedule 2A Criteria (SI 436 of 2004), Ms. McConnell advised that this advice is noted and this will be addressed at the appropriate stage in the process and recommended no change to the Draft Plan.

She 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. 10 – Archaeology and Architectural Heritage & Submission No. 12 – Nature Conservation from the Development Applications Unit, Wexford

Ms. McConnell outlined that the Development Applications Unit’s submission was received in two parts, Submission No. 10 contains comments in relation to Archaeology and Architectural Heritage and Submission No. 12 relates to Nature Conservation.

In relation to Submission No. 10 in respect of Archaeology, Ms. McConnell recommended the amendment of Section 3.8.1 – Archaeological Heritage by adding new sentence to the end of 1st paragraph as follows:

“The Department of Arts, Heritage and the Gaeltacht’s full database of archaeological monuments can be accessed at www.archaeology.ie”.

Ms. McConnell recommended no change to the Draft Plan in respect of Architectural Heritage as the Department is supportive of the policies and objectives of the Draft Local Area Plan that provide for the conservation of architectural heritage.

In relation to Submission No. 12 in respect of Nature Conservation, Ms. McConnell recommended that the Loughrea cSAC/SPA can be referred to in the Introductory Section, in Section 1.3.2, of the LAP to include the sentence "In the case of Loughrea, this includes the Lough Rea candidate Special Area of Conservation (cSAC) and Special Protection Area (SPA) and other European sites within 15km of the Local Area Plan area", and in Section 1.4.2 - Heritage and Environment of the LAP. The reasons for the designation of these sites is outlined in the Natura Impact Report accompanying the Draft LAP and it is not considered appropriate to outline the reasons for the designation of these sites within the LAP.

She further recommended that references to Natura 2000 sites should also be amended to "European sites that form part of the Natura 2000 network" in Objective LU15, Objective LU16, Objective UI7, Policy NH1, Objective NH1 (title) and Objective NH11.

In respect of European Sites, Ms. McConnell advised that in line with current national legislation, the term 'European site' will be used rather than 'Natura 2000 site' throughout the Plan. She recommended the amendment of Section 1.3.2 to include the word 'adverse' effect and to include the sentence "In the case of Loughrea, this includes the Lough Rea candidate Special Area of Conservation (cSAC) and Special Protection Area (SPA) and other European sites within 15km of the Local Area Plan area".

Ms. McConnell advised that, in the case of Lough Rea, the proposed Natural Heritage Area (pNHA) is superseded by other nature conservation designations; pNHAs have no statutory legal protection but should be taken into account in land use plans and when planning development or undertaking impact assessments. She recommended the amendment of Section 3.9.1 – Natural Heritage Areas and Associated Legislation, to read as follows: "The national designation for wildlife and nature conservation is the Natural Heritage Area (NHA), and established Natural Heritage Areas are protected under the Wildlife Acts, 1976-2000. These areas are considered important for the habitats present or hold species of plants and animals whose habitat need protection under national legislation. NHAs and proposed NHAs may also be regarded as stepping stones or ecological corridors in the context of Article 10 of the EU Habitats Directive. Lough Rea is designated as a proposed NHA and the Local Area Plan includes policies and objectives to protect the site in accordance with applicable legislation and policy".

Ms. McConnell recommended the amendment of text under Section 1.3.2 – Statutory Process, to include that Environmental assessment be undertaken to assess the potential impacts of the Local Area Plan on the environment "and on European sites that form part of the Natura 2000 network", including a Strategic Environmental Assessment (SEA) and a Habitats Directive Assessment (HDA).

With regard to the amendment of text in Objectives DS3- Natura 2000 Network and Habitats Directives Assessment and NH1 – Natura 2000 Sites, Ms. McConnell advised that the proposed change in relation to screening is accepted, however, the removal of the word 'significant' is not considered appropriate as this wording forms part of the EU Habitats Directive and the European Communities (Birds and Natural Habitats) Regulations 2011 and the removal of the words 'direct, indirect or secondary impacts' is not considered

appropriate as this wording is referred to in the Appropriate Assessment Guidelines 2009. Ms. McConnell recommended, however, that it is considered that sub-point 1 of the Objectives DS3 and NH1 should refer to 'effects' rather than 'impacts' and that sub-points 2 and 3 of the Objectives should include reference to the word 'significant' and 'effects' to be consistent with the wording used in the Directive and the Regulations.

She also recommended an inclusion re screening for appropriate assessment in Objectives DS3 and NH1 stating that a plan or project (e.g. proposed development) within the Plan Area will only be authorised after the competent authority (Galway County Council) has ascertained, based on scientific evidence, "screening for appropriate assessment", and a Habitats Directive Assessment where necessary, ..."

With regard to Objective NH5 – Biodiversity & Ecological Networks - Ms McConnell recommended the amendment of Objective NH5 to support the protection and enhancement of biodiversity and ecological connectivity within the Plan Area, including other landscape features and associated wildlife where these form part of the ecological network "and/or may be considered as ecological corridors or stepping stones in the context of Article 10 of the Habitats Directive:..."

Ms. McConnell recommended the amendment of text in the third paragraph of Section 3.9.1 – Natural Heritage Areas and Associated Legislation - as follows: "The national designation for wildlife and nature conservation is the Natural Heritage Area (NHA), and Natural Heritage Areas are protected under the *Wildlife Acts, 1976-2000*. She also recommended the inclusion of the sentence "NHAs and proposed NHAs may also be regarded as stepping stones or ecological corridors in the context of Article 10 of the EU Habitats Directive".

Ms. McConnell recommended the amendment of Objective NH2 – Protected Habitats and Species to read as follows: "Support the protection of habitats and species listed in the annexes to and/or covered by the *EU Habitats Directive (92/43/EEC, as amended)* and *Birds Directive (2009/147/EC)*, and species that are protected under the *Wildlife Acts, 1976-2000*".

Ms. McConnell recommended the amendment of Objective NH11 - Consultation with the Environmental Authorities to read as follows: "Ensure that all development proposals are screened to determine whether they are likely to have a significant direct, indirect or cumulative effect on any European site in view of its conservation objectives and, where significant effects are likely or uncertain, there will be a requirement to prepare and submit a Natura Impact Statement, including prior consultation with the relevant environmental authorities".

Ms. McConnell advised that this submission raised a number of issues in relation to omissions and deficiencies in the NIR, particularly in relation to the conservation interests of the Lough Rea SPA/cSAC and potential impacts that may arise from the LAP. She recommended that the issues raised should be addressed in the revised NIR, as appropriate, and any consequent changes required incorporated into the LAP prior to adoption.

She 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.

Ms. McConnell advised that the remaining submissions were from the General Public and Other Persons/Bodies include submissions from the general public, communities, other stakeholders and are dealt with in order they were received, or grouped by similar issues raised where appropriate.

Submission No. 4 – McCarthy Keville O'Sullivan Ltd. on behalf of Castleside Properties Ltd.

Ms. McConnell outlined submission Number 4 from McCarthy Keville O'Sullivan Ltd. on behalf of Castleside Properties Ltd and the Manager's response and recommendation.

Ms. McConnell advised that this submission requests that lands in the ownership of Castleside Properties Ltd. at Cottage Hill, in the townland of Gorteenabohogy, be rezoned from A – Agriculture to I – Industrial. Ms. McConnell stated that the issues raised in relation to the location, accessibility, adjacent uses and previous zoning of the lands are acknowledged and said that the primary reason for the zoning of the lands as Agriculture in the Draft LAP was the availability of undeveloped industrial zoned lands elsewhere in the Plan area and in locations that were not as visually prominent or sensitive as the subject lands. She said that recent developments along the Loughrea Bypass have significantly altered the appearance and character of the northern edges of town and the western and eastern approaches to the town and the subject lands represent a strategic site in a highly visible location that could provide opportunities for future high quality development.

In light of the issues raised in the submission, Ms. McConnell advised that it is considered that the subject lands may be considered for an industrial zoning provided that a specific objective is included within the LAP to ensure that appropriate, high quality development is developed on the lands with suitable layout and design, buildings heights, materials, landscaping, etc. and that an Action Area Plan is submitted for the development of the subject lands and surrounds.

Ms. McConnell recommended that the subject lands be rezoned as I – Industrial and that Objective LU16 – Action Area Plans be amended to include a new point c) as follows to address the above: "c) An Action Area Plan for the sensitive and appropriate development of industrial zoned lands at the western approach to the town with high quality building frontages and/or landscaping treatments along all public roads".

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

Submission No. 5 – Anne Flynn, Department of Education & Skills

Ms. McConnell outlined submission Number 5 from the Department of Education and Skills and the Manager's response and recommendation.

Ms. McConnell advised that the Departments calculation of educational infrastructure requirements and their general points about approaches that can have the effect of

reducing the land take for school development have been noted. She stated that the Draft LAP has zoned additional lands for community facilities that would allow for school expansion, clustering of school facilities and/or location of community facilities in close proximity to schools. There are several locations within the Draft LAP where a new school site and/or expanded school facilities could be accommodated based on zoning objectives and the Land Use Zoning Matrix included in the Draft LAP.

Ms. McConnell advised that the Department's submission is noted with regard to a primary school site being required for Gaelscoil Riabhach in Loughrea (RN 20123E), which is currently in temporary accommodation, and the Department is working closely with the Local Authority in relation to the identification and acquisition of a suitable site. She also advised that it is noted that applications are with the Department for additional accommodation at St. Brendan's National School, St. Bridget's Vocational School and St. Raphael's College.

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. 6 – James Skehill

Ms. McConnell outlined submission Number 6 from the James Skehill and the Manager's response and recommendation.

Ms. McConnell advised that the submission refers to a change in zoning status of owner's lands in west of Plan area at Caherlavine, south of the N6, and requests that these lands retain their full existing residential zoning. She stated that the subject lands were zoned as Residential in the previous Loughrea LAP 2005-2011 and under the current Draft LAP, the residential zoning of the lands has been retained but the subject lands have been included in Residential (Phase 2) in order to comply with the residential zoned land allocation for Loughrea in the Core Strategy and in recognition of the peripheral location of the subject lands relative to other, more centrally located lands, which have been included in Residential (Phase 1).

She advised that the inclusion of all or part of the subject lands within Residential (Phase 1) will require other lands currently proposed in more central locations for Residential (Phase 1) to be altered to Residential (Phase 2) to comply with the Core Strategy allocation but this would not be in accordance with the principles of sequential or orderly development.

She outlined that there appears to be two existing residential properties on the subject lands, but the proposed zoning and phasing within the Draft LAP will not affect these existing uses. She stated that under Objective RD1 of the Draft LAP, Residential (Phase 2) lands can be considered for single house developments for family members on family owned lands and appropriate non-residential developments, subject to the provisions in the LAP and the principles of proper planning and sustainable development.

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. 7 – E. Spellman & Associates, Engineers

Ms. McConnell outlined submission Number 7 from E. Spellman & Associates, Engineers and the Manager's response and recommendation.

In reply to this submission which raises concerns regarding the proposed change in zoning from recreational and amenity zoned lands (under Loughrea LAP 2005-2011) on the Lake Road and Gort Road to Environmental Management zoning and requests that previous recreation zoning be retained, Ms. McConnell advised that the subject lands lie within the Lough Rea Special Area of Conservation (SAC)/Special Protection Area (SPA)/Natural Heritage Area (NHA) boundary and the Environmental Management zoning reflects this. She further advised that irrespective of the zoning of these areas, they require protection under the EU directives and national legislation and any proposed recreation, amenity or tourism development on these lands would be subject to the requirements of National and European legislation, including the need for screening or full Appropriate Assessment. She said that the zoning of these lands for Recreation and Amenity would not be consistent with the methodology adopted in the LAP to comply with national and European legislation and would also raise the possibility of significant effects on Natura 2000 sites, which would require further assessment under the Appropriate Assessment and may prevent the LAP from being adopted in accordance with the requirements of the Habitats Directive.

In reply to this submission which raises concerns that no specific objectives have been included in the Draft Plan to develop passive recreation (walking/running/cycling) along the edge of the lake, Ms. McConnell advises that the Draft LAP includes specific objectives for the lake shore, including Objective CF9 and TI12 supporting the establishment of a network of amenity corridors for pedestrians and cyclists and Objective CF6 to protect existing open spaces and maintain their role in providing places for active and passive recreation and to facilitate the development of open spaces, including local parks, civic spaces and amenity areas, at suitable locations. This is considered adequate for the purposes supporting recreation, cycling and pedestrian use along the lake edge.

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. 8 – Evelyn & Mark Callanan

Ms. McConnell outlined submission Number 8 from Evelyn & Mark Callanan and the Manager's response and recommendation.

Ms. McConnell advised that majority of the subject lands were zoned as Residential in the previous Loughrea LAP 2005-2011, with a small portion in the northwest corner zoned as Agriculture. She said that under the current Draft LAP, the residential and agricultural zoning of the lands has been retained but the residential portion of the subject lands have been included in Residential (Phase 2) in order to comply with the residential zoned land allocation for Loughrea in the Core Strategy and in recognition of the peripheral location of

the subject lands relative to other, more centrally located lands, which have been included in Residential (Phase 1). She advised that the inclusion of all or part of the subject lands within Residential (Phase 1) will require other lands currently proposed in more central locations for Residential (Phase 1) to be altered to Residential (Phase 2) to comply with the Core Strategy allocation but this would not be in accordance with the principles of sequential or orderly development. She advised that these lands are somewhat removed from the town.

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 – George Fahey, c/o Ignatius T. Greaney & Associates, Chartered Engineers

Ms. McConnell outlined submission Number 9 from George Fahey, c/o Ignatius T. Greaney & Associates, Chartered Engineers and the Manager's response and recommendation.

Ms. McConnell advised that this submission refers to lands in Farranalynch which is comprised of 3 parts and these were identified on the Site-Specific Map in Appendix 2 of the Manager's report as follows:

- 9A – 0.19ha zoned as Residential (Existing) in the Draft LAP
- 9B – 0.7ha zoned as Community Facilities in the Draft LAP
- 9C – 2.4ha zoned as Residential (Phase 1) in the Draft LAP

Ms. McConnell states that the subject lands (i.e. 9A, 9B and 9C) were zoned as Residential in the previous Loughrea LAP 2005-2011. She said that under the current Draft LAP, residential lands have been phased in order to comply with the Core Strategy and 9A has been zoned Residential (Existing) due to its small size and location adjoining an existing residential estate and 9C has been zoned Residential (Phase 1) due to its location in relatively proximity to the town centre and on the east side of the town, which the preferred Development Strategy in the Draft LAP has identified as the main focus for expansion. The majority of the landowner's lands accordingly continue to be zoned for Residential development.

She further advised that as part of the preparation of the Draft LAP, an assessment was undertaken of suitable sites for new and expanding school facilities and a number of potentially suitable sites were identified, including two options indicated on Map 2 – Specific Objectives by Objective CF4. Portion 9B of the subject lands and additional lands to the west of these lands were identified as one of the potential sites given their location adjacent to existing schools, their proximity to the town centre, residential areas and public

transport services and the availability of access and services. The combination of these lands also created a site of reasonable size and more regular shape that could more easily accommodate future school facilities. The lands were accordingly proposed for Community Facilities zoning in the Draft LAP to provide suitable zoned lands for the development of school or other community facilities, potentially including the relocation of Gaelscoil Riabhach (refer to Submission No. 5 from the Department of Education and Skills), the development of future schools, the expansion of existing schools, the provision of support facilities for schools and/or the clustering of other appropriate community facilities in the vicinity of the existing schools.

In relation to the issues raised in the submission, Ms. McConnell acknowledged that the lands in question (i.e. 9B) are steeply sloping and significantly elevated above the lands to the west. The proposal to develop a line of residential units on this long, narrow site with steeply sloping ground and at a significant elevation above the adjoining lands accordingly raises significant concerns in relation to the visual obtrusiveness and landscape impact of such a proposal. She acknowledged, however, that the lands may provide an opportunity for a road and footpath linkage from the public road to the Residential (Existing) and Residential (Phase 1) lands that form part of the landowner's landholding, although there may also be other opportunities for providing such linkage/s from the access roads within the adjoining estate to the east.

Ms. McConnell has, therefore, considered that the subject lands (i.e. 9B) could be zoned as Residential (Phase 2), which would retain the previous zoning of these lands for residential uses. This would also allow the possibility for these lands to be utilised to provide a linkage to the landowner's Residential (Phase 1) zoned lands at 9A and 9C and/or for the 9B lands to be utilised to provide open space/landscaping to serve/screen the existing or proposed residential estates. It would also recognise that these lands are steeply sloping and elevated and that the existing lands zoned as Residential (Phase 1) in the Draft LAP are generally more suitable for residential development. It should also be noted that this will avoid the requirement to alter other lands currently zoned Residential (Phase 1) to Residential (Phase 2), which would be necessary in order to comply with the residential zoned land allocation for Loughrea under the Core Strategy in the event that the subject lands (9B) were to be zoned Residential (Phase 1). There are additional lands to the west of the subject lands that are zoned for Community Facilities that would still be available for the development of school or other community facilities.

Ms. McConnell recommended that portion 9B of the subject lands be zoned from Community Facilities to Residential (Phase 2).

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

Submission No. 11 – Pharaway Properties Ltd c/o Tony Bamford Planning

Ms. McConnell outlined submission Number 11 from Pharaway Properties Ltd and the Manager's response and recommendation.

Ms. McConnell advised that she noted the submission's support for the preferred Development Strategy - Option 2 - set out in the Core Strategy and the submission's support for the revised zoning of the subject site, live planning application (ref. no. 11/1315) for the development of industrial units and a community sports centre on a site to the east of the town zoned Town Centre in the previous Loughrea LAP 2005-2011, and now zoned for Business and Enterprise and its request that this zoning be retained in the LAP.

Ms. McConnell advised that the reference to 'street-oriented development' is an important requirement within Objective TI15a given the extension of this future route through residential areas to the south, the location of the route within the future built fabric of the town and the importance attached to the creation of streets in national policy and guidelines, for example in the Smarter Travel Policy 2009. She further advised that the requirement for 'street-oriented development' does not necessarily imply that all development must be orientated towards the new route and in some cases it may be appropriate to utilise landscape treatments to create a positive edge to the new route. Each proposal will be considered on its own merits and the nature of 'street-oriented development' considered appropriate will be related to the site context, land use types and layout and design proposed. As set out under Objective UD5, the main elements of 'street-oriented development' will be the provision of adequate facilities for pedestrians, cyclists and public transport and the promotion of high quality building or landscaping edges.

She stated that Map 2A – Specific Objectives clearly indicates that the route of Eastern Relief Road/Street (Objective TI15a) is 'Indicative Only' and there is no need for this to be repeated within the text of the Plan.

She 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. 13 – Gaeilge Locha Riach c/o Ruth Ni Shiadhail, Oifigeach Forbartha Gailge Locha Riach, 3 Seanbhóthar na Gaillimhe, Baile Locha Riach.

Ms. McConnell outlined submission Number 13 from Gaeilge Locha Riach, and the Manager's response and recommendation.

In reply to this submission which requests that a bilingual policy be central in the planning process from the start, Ms. McConnell advised that the LAP is primarily a land use plan and would not control the type of marketing material produced. Ms. McConnell advised that the Draft LAP includes Objective BH13, which supports the use of appropriate names for new developments that reflect the character and heritage of the area. Further provisions in relation to cultural heritage and the Irish language are included in the Galway County Development Plan.

In reply to this submission which requests that if an Officer is to be recruited, ability in Irish should be included in the essential skills in the recruitment process and Gaeilge Locha Riach would like to be included in this process, Ms. McConnell advised that the issue of recruitment is outside the scope of a LAP.

Cllr. D. Connolly advised the meeting that in Loughrea, this is a very active organisation and this organisation and others in that area do try and promote the Irish language and he said that the Council should look at what work they are doing and support them in their role.

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

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

Submission No. 14 – Jarlath O'Connor

Ms. McConnell outlined submission Number 14 from Jarlath O'Connor, and the Manager's response and recommendation.

Ms. McConnell advised that this submission refers to Objective TI11 – Bus Facilities and Services, in particular TI11a regarding bus shelters and TI11c regarding a public transport node, and highlights the importance of bus stops to the town centre in terms of activity, vitality, viability and security. She stated that the LAP does not envisage or propose the removal of existing bus stops in the town centre and supports smart travel arrangements and the improvement and enhancement of public transport, including bus facilities and services in the town centre. She recommended no change to the Draft Plan on foot of this submission.

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

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

Minor Text Amendments

Ms. McConnell outlined a number of minor textual amendments which are proposed to the Draft Local Area Plan, primarily to reflect the stage of the process in the documents and minor corrections.

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

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

The Elected Members expressed their appreciation to the Planning Staff for their work, support, assistance and guidance in the preparation and consideration of the Loughrea Draft Local Area Plan.

TO RECEIVE AN UPDATE ON THE SOCIAL HOUSING & CAPITAL ASSISTANCE SCHEME 2012 PROGRAMMES 1177

Report dated 22th June 2012 was already circulated to each Member.

Mr. Cummins summarized the Report as follows;

He said that the Department of the Environment, Community & Local Government (DOEC&LG) Circular Housing 20/2012 – Capital Assistance Scheme - 2012 Work Programme dated 21st May, 2012 advised that the Department intends to progress a limited programme of new projects to be funded from within the overall 2012 capital funding provision for the Capital Assistance Scheme (CAS).

He also referred to the correspondence received from the (DOEC&LG) dated 7th June, 2012 entitled 2012-2014 Programme to deliver new Permanent Social Housing, which indicated that the Minister for Housing & Planning intends to announce, a new programme of funding for delivery of permanent social housing units up to end 2014.

The report of 22/6/12 indicated that the Council had submitted a number of proposals under both calls for submissions and anticipated that the Minister for Housing would make an announcement in the near future with regard to the successful proposals.

He said that further to a recent meeting with the Department regarding both circulars he was in a position to provide greater clarity on the content of same. Regarding proposals under the Capital Assistance Scheme, he advised that funding is available nationally for projects that can be delivered in the current year, in the first instance, based on a partnership approach with the voluntary sector. He confirmed that two proposals were submitted on that basis and that further schemes were highlighted by the Council, based on projects currently on the books, that could be delivered between 2012 and 2014.

Regarding the 2012 – 2014 Programme to Deliver new Permanent Social Housing, he said that the Department called for proposals for construction and proposals for acquisition.

The Council submitted a proposal to construct 6 – 7 one-off rural houses for the 2012 – 2014 period on the basis of special need, disability, overcrowding or unique circumstances. Mr. Cummins confirmed that at best the Council would be in a position to build a maximum of 7 one-off rural houses during this period, with 2 such houses to be built in the current year, with the intention to proceed to construction of same by Q4 2012. Mr. Cummins advised that going forward the level of capital funding would be reduced significantly with funding available for leasing and other revenue category projects. He advised that going forward capital funding from central government will be reducing significantly and is anticipated may be reduced to almost zero by 2014.

Mr. Cummins confirmed that the Circulars did not change the position as previously advised to the Elected Members and that it remained the position that the option to build or buy would only apply in cases of special need.

Cllr. D. Connolly said that commitments were given to people that single rural houses would be built for them, trial holes were dug and planning approval had been received leading to the expectation that houses would be built. He stated that there was a limited number of applicants in this position, probably a maximum of 12 in the County.

Cllr. Hynes referred to a specific applicant for one-off housing who is living in very poor conditions with no sanitary facilities. He stated that in this case planning permission had been granted, the ownership of the site had been transferred to the Council, that the unit for waste water was delivered to the site but that the house remained to be constructed. He advised that there was no alternative social housing in Derrybrien that would become available in the lifetime of the applicant. In stated that these were unquie and special circumstances and that the house should be built for this applicant.

Comh. Ó Tuairisg referred to the amount of housing currently in state ownership through NAMA and referred to the need to identify a mechanism to facilitate the transfer of some of this housing to Local Authorities to address soical housing whilst addressing the issue of unfinished estates.

am that it's a pity that the huge number of vacant private houses in the county cannot be used for social housing. He referred to the Tenant Purchase Scheme and asked if there was an appeals mechanism available to applicants if they feel that the valuation secured by the Council is too high.

Cllr. E. Mannion enquired at to the number of housing applicants on the housing waiting list for Connemara, as to the turnaround period for vacant Council houses and regarding the RAS Scheme, if there is a certain period a person has to be on the housing waiting list before they can apply for this scheme or is there an automatic entitlement following a certain period.

Cllr. M. Finnerty requested an update regarding proposals for provision of social housing in Ahascragh and specifically if the two units referred to as proceeding to construction in quarter 4 2012 were intended for Ahascragh.

Cllr. Hoade enquired as to how many one-off social housing units had been built over the previons four years based on special need/unique circumstances of the applicant.

Cllr. Broderick referred to applicants for one-off houses who had an expectation that houses would be built for them, but who are not considered to be in special need by the Council, and asked if these applications will be struck off now.

Cllr. Cuddy asked how many are on the Affordable Housing waiting list and how many are on the Social Housing list. He also asked if the Council will purchase houses for sale which are at a very reasonable price at the moment.

Mr. Cummins replied to the Members queries as follows;

He said that clearly there is a huge demand for housing due to the recession and demand far exceeds supply. The Council will not be in a position to construct more than six or seven one-off houses up to 2014 and central funding will not be available in future for housing construction. The Council has made proposals for house acquisitions and hopefully will be successful in this regard.

At any time, there is approximately 5% of the housing stock vacant, however it takes time to re-allocate these houses as in some cases they may be in need of repair. During 2011, the turnaround period for re-allocating vacant houses was increased by 140% on the previous year.

The RAS is a means of meeting housing need and therefore applicants on the housing list are welcome to apply for this scheme.

In relation to Ahascragh, he said that the planning process will be commenced shortly for the construction of two one-off houses near the graveyard in Ahascragh and that the two units to proceed to construction in quarter 4 of 2012 were not located in Ahascragh.

In reply to Comh. O'Tuairisg in relation to the valuation of houses under the Tenant Purchase Scheme, Mr. Cummins said that there is an appeals mechanism available, however he said that independent valuers were procured by the Council and the valuations received will be the genuine market value of the houses in question.

He said that he will revert to the Members in relation to statistics sought and as he could not discuss individual cases at the Meeting, he would speak separately to any Member in this regard.

Cllr. M. Finnerty said the DOEC&LG should consider the idea of using the opportunity which exists at present whereby there is a good demand from people wishing to buy out their Council houses and the Council should be allowed to use the proceeds of these sales to purchase houses at a good price.

In reply to the Mayor, Mr. Cummins confirmed that revised application forms for the housing grant schemes would be available during w/c 16th July 2012 and in reply to Cllr. Hoade undertook to update the website to reflect the changes in the schemes as agreed by Council.

It was agreed that at the July Monthly Meeting of Council Cllr. M. Connolly could raise the issue of fluoridation of drinking water and a proposal that someone qualified in this area be invited to give a talk to the Members at a forthcoming Meeting of the Council.

It was proposed by Cllr. McDonagh, seconded by Cllr. Cuddy and agreed that the July Monthly Meeting of the Council take place on Friday 20th July, 2012 commencing at 3pm. It was noted that due to the timeframe involved and in order to provide the necessary 3 clear days notice, the Agenda for the Meeting would be sent by email on Monday 16th July, 2012.

CHOMHAIRLE CHONTAE NA GAILLIMHE

Criochnaigh an Cruinniú Ansin

MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD AT ARAS AN CHONTAE, PROSPECT HILL, GALWAY, ON 13th July 2012 at 2.00 pm.

Submitted, Approved + Signed

le Uilleann

CATHAQRILEACH:

LATHAIR FREISIN:

20th July 2012

DATE

Baili:

Cllrs. T. W. ... Cuddy, S. ... Clis J. ... M. Hoare, P. ... Maher, T. ... Mc ... Ryan, ... B. ...

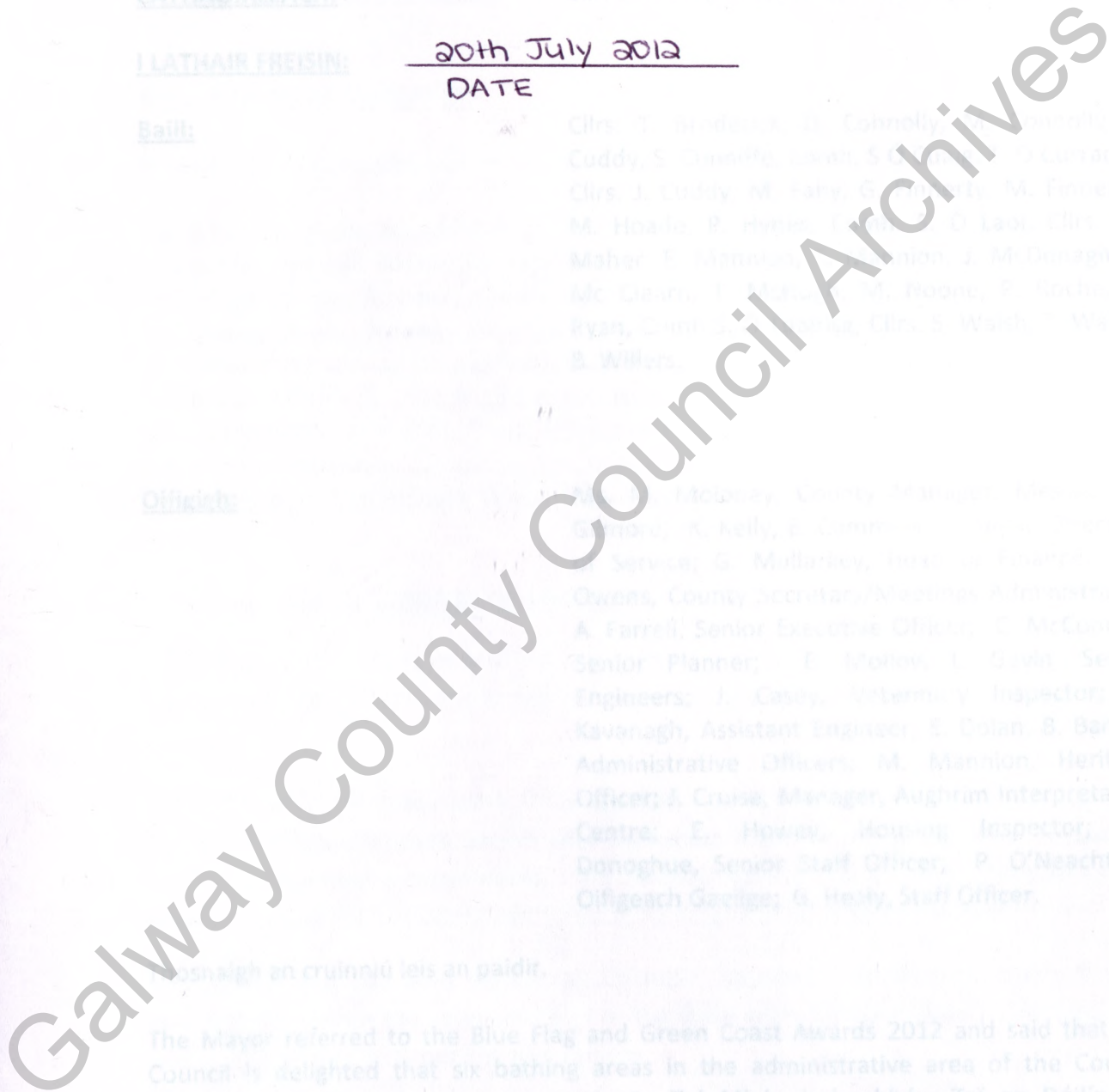
Officiúil:

Galway County Manager, ... A. Kelly, ... Service, G. ... Owens, County Secretary/Administrative ... A. Farrell, Senior Executive Officer, C. ... Senior Planner, E. ... Senior Engineers: J. ... G. ... Assistant Engineer, E. ... Administrative Officers, M. ... Heritage Officer, J. ... Manager, Aughrim Interpretative Centre, E. ... Inspector, M. ... Senior Staff Officer, P. ... O'Neachtain, Dífgeach Gaeilge; G. ... Staff Officer.

Criochnaigh an cruinniú leis an paidir.

The Mayor referred to the Blue Flag and Green Coast Awards 2012 and said that the Council is delighted that six bathing areas in the administrative area of the Council retained their Blue Flag status, namely An Trá Mhór, Indreabhán; Trá an Dóilín, An Cheathrú Bóar, The Long Point, Loughrea Lake, Loughrea; Trá Cill Mhuirbhígh, Inis Mór, Céibh an Spideil, An Spideil, and Traught, Kinvara.

He also said that Dogs Bay, Cloch na Ron (Roundstone); Trá Inis Dorr, Inis Dorr, East End, Inishbofin; Duanich, Inishbofin and Alliebrack, Ballyconneely retained their Green Coast



CHOMHAIRLE CHONTAE NA GAILLIMHE

MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL HELD AT ÁRAS AN CHONTAE, PROSPECT HILL ON MONDAY 25th June, 2012 at 2.00 pm.

CATHAOIRLEACH:

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

I LATHAIR FREISIN:

RESOLUTIONS OF SYMPATHY

Baill:

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

Oifigigh:

Ms. M. Moloney, County Manager; Messrs. F. Gilmore, K. Kelly, E. Cummins, J. Cullen, Directors of Service; G. Mullarkey, Head of Finance; M. Owens, County Secretary/Meetings Administrator; A. Farrell, Senior Executive Officer; C. McConnell, Senior Planner; E. Molloy, L. Gavin, Senior Engineers; J. Casey, Veterinary Inspector; G. Kavanagh, Assistant Engineer; E. Dolan, B. Barrett Administrative Officers; M. Mannion, Heritage Officer; J. Cruise, Manager, Aughrim Interpretative Centre; E. Howey, Housing Inspector; 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 Blue Flag and Green Coast Awards 2012 and said that the Council is delighted that six bathing areas in the administrative area of the Council retained their Blue Flag status, namely An Trá Mhór, Indreabhán; Trá an Dóilín, An Cheathrú Rua; The Long Point, Loughrea Lake, Loughrea; Trá Cill Mhuirbhígh, Inis Mór; Céibh an Spidéil, An Spidéil; and Traught, Kinvara.

He also said that Dogs Bay, Cloch na Rón (Roundstone); Trá Inis Oirr, Inis Oirr; East End, Inishbofin; Duamch, Inishbofin and Aillebrack, Ballyconneely retained their Green Coast

status for 2012 and that Rinvyle Beach, Tully received a Green Coast Award for the first time.

The Manager commended the staff of the Environment Section on promoting the ecological and archaeological importance of beaches in the county and on winning the Blue Flag and Green Coast Awards 2012 and she also stated that the local communities should be commended in this regard. She said that these awards are very important for a tourism county such as Galway.

RESOLUTIONS OF SYMPATHY

1153

A resolution of sympathy was extended to the following:

Brídín Ní Chonghaile, Inis Méain, Oileáin Arainn, Co. na Gaillimhe.
Muiris Mac Gearailt, Bóthar Buí, Indreabhán, Co. na Gaillimhe.
Mrs. Peggy Lynskey & Family, Cregclare, Ardrahan, Co. Galway.
Mrs. Aideen Rynne, Newline, Athenry, Co. Galway.
Mrs. Elizabeth Maloney, Farnablake, Athenry, Co. Galway.
Mr. Andy Mc Donagh, Caladh Golam, Lettermullen, Co. Galway.
Mr. Kenneth Coyne, Nutfield Cross, Knocknagreine, Ballinasloe, Co. Galway.
Mr. Stephen Killmartin, Cill Ronáin, Inis Mór, Oileáin Árainn, Co. na Gaillimhe.
Mrs. Mary Ryan, Cloonminda, Williamstown, Co. Galway.

CONFIRMATION OF MINUTES OF MEETING

1154

The Minutes of Minutes of Monthly Meeting held on 28th May 2012 were approved by the Council and signed by the Mayor on the proposal of Cllr. M. Finnerty seconded by Cllr. Hoade.

Arising from the Minutes, Comh. Ó Cuaig asked if a meeting had taken place between the Council and bus operators on Inis Mór to discuss their concerns regarding the current traffic management arrangements. Mr. Molloy replied that although the Council has offered to meet the bus operators, to date, no meeting had been requested.

Also arising from the Minutes, Cllr. D. Connolly proposed "that Galway County Council take back in charge the Lowpark Road in the Ballinasloe Electoral Area". This proposal was seconded by Cllr. Broderick and agreed.

In reply, Mr. Molloy stated that there is a statutory process to facilitate the declaration of the road to be a public road and that there was a requirement that the road be brought to a reasonable standard. He confirmed that the necessary funding to bring the road to the required standard was not currently available.

In reply to a query from Cllr. Cunniffe regarding communicating with tenants in relation to progress on the valuation process on Council housing to facilitate expressions of interest under the Tenant Purchase Scheme, Mr. Cummins stated that the first tranche of valuations has been received and these will be progressed as soon as possible. He clarified that the Council has until the end of June 2013 to finalise the sale of houses under the current Tenant Purchase Scheme.

The Minutes of the Annual Meeting held on 11th June 2012 were approved by the Council and signed by the Mayor on the proposal of Cllr. McHugh seconded by Cllr. McClearn.

REPORTS OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION 1155

The Report of the Housing SPC Meeting held on 29th March, 2012 was approved by the Council on the proposal of Cllr. Willers and seconded by Cllr. McDonagh.

In reply to Comh. O'Tuairisg, Mr. Cummins undertook to revert to the Members with a timeline for the availability of revised application forms, to reflect the changes in the grant schemes, as agreed at the May Monthly Meeting of Council.

The Report of the Loughrea Area Committee Meeting held on 17th February 2012 was approved by the Council on the proposal of Cllr. McClearn and seconded by Cllr. Feeney.

TO CONSIDER THE MANAGER'S REPORT ON THE SUBMISSIONS RECEIVED ON THE ORANMORE DRAFT LOCAL AREA PLAN AS PER SECTION 20 (3) (C) (I) OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED) 1156

Report already circulated.

On the proposal of Cllr. McDonagh, seconded by Cllr. Hoade, it was agreed that this item be deferred to a forthcoming Meeting of the Council.

On the proposal of Mayor Welby, seconded by Cllr. Maher, it was agreed that a Special Meeting of the Council be held on Friday 13th July, 2012 at 11.30 am in Áras an Chontae to consider this Item and the Loughrea Draft Local Area Plan.

TO CONSIDER THE MANAGER'S REPORT IN RELATION TO SUBMISSIONS RECEIVED ON PROPOSED AMENDMENTS AND MATERIAL ALTERATIONS TO THE ATHENRY DRAFT LOCAL AREA PLAN AS PER SECTION 13 (K) (I) OF THE PLANNING & DEVELOPMENT (AMENDMENT) ACT 2010 1157

The Mayor invited Ms. McConnell to present the Manager's Report in relation to the submissions received on the proposed Amendments and Material Alterations to the Athenry Draft Local Area Plan.

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 Manager's Report considers 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 stated that the Draft Local Area Plan for Athenry was considered by the Members at the County Council meeting of the 23rd April 2012 and a number of Material Alterations was made to the Draft. These Alterations, together with addendum reports on the SEA and HDA were put on public display for a further period of 4 weeks and the public were invited to make submissions on the Material Amendments only. A total of 6 submissions were received. She stated that as required under the Planning and Development (Amendment) Act 2010, the issues raised by Statutory Bodies, Ministerial bodies and any other National Authority have been dealt with first in the Manager's Report and the remaining submissions are then dealt with in order in which they were received.

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

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

In relation to the Department's observation to review all material alterations to residential zoning objectives (either Phase 1 or Phase 2) so as to ensure that they are consistent with the housing land allocation for Athenry as set out in the Core Strategy in the Galway County Development Plan (GCDP), Ms. McConnell advised that all Residential lands are generally in accordance with the Core Strategy as per the Galway County Development Plan.

She stated that in respect of MA15A (with a site area of 0.977Ha) and the proposed re-zoning, these lands were zoned as Residential under the 2005-2011 Local Area Plan (LAP) for Athenry but were shown as Agriculture in the Draft Plan as published. The Material Alteration proposes to reinstate the previous LAP zoning and this will not affect the quantum of R- Residential (Phase 1) lands and as such will not contradict the provisions of the Core Strategy.

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

1. Accept MA15A and zone the lands as R – Residential (Phase 2).

2. Insert a Table with a schedule of Land Use Zoning Areas (including areas of developed and undeveloped lands in each zone) in Section 3.1.3 after the Land Use Zoning Matrix. The figures in this table shall take account of the Elected Members decisions after consideration of this Managers Report.

The Members agreed to accept the recommendation in the Manager's Report in relation to MA 15A and zone these lands, part of Submission numbered 5, as Residential (Phase 2).

The Members agreed to accept the recommendation in the Manager's Report to insert a Table with a schedule of Land Use Zoning Areas in Section 3.1.3 after the Land Use Zoning Matrix, part of Submission numbered 5.

In relation to the Department's observation to reconsider the proposed material alteration to the Development Boundary to accommodate additional Industrial Zoning Objectives, Ms. McConnell advised that these lands were amongst a number of zoning proposals which were not recommended in the Managers Report on the Draft Submissions and were approved by the Members at Council on 23/04/2012. She advised that they involve the following proposed Material Alterations/Amendments - MA1, MA13, MA28, MA15B, MA8 and are reconsidered as follows:

MA1 and MA13 and proposed Industrial Zoning:

Ms. McConnell stated that both of these Material Alterations/Amendments have been reconsidered under Submission No. 1 (NRA) of this Managers Report which includes the response and recommendations.

MA28 and MA 15B and proposed Industrial Zoning:

Ms. McConnell recommended that

1. The inclusion and the zoning of land to Industrial use under Material Alteration/Amendment 28(MA28) and Material Alteration/Amendment 15 B (MA15B) should be removed and the lands revert to the original un-zoned Agricultural land as there are adequate lands zoned for Industrial purposes with the LAP area and that the proposed inclusion within the Development Boundary and the zoning of land to Industrial would constitute haphazard piecemeal development.
2. The Draft LAP boundary should also revert to the original boundary as published under the Draft Plan.

She explained that it is noted by the Planning Authority that these lands are not serviced with essential infrastructure including wastewater services under either Phase 1 (due for completion by 2014) or by Phase 2 (post 2021 depending on demand) of the proposed extensions of the wastewater collection systems. The potential impact on surface and ground water quality should also be considered.

Cllr. Feeney advised that there the industrial land zoned in the old Plan was inaccessible so in effect there was no land zoned for industrial purposes and proposed that the zoning for this land remain as was in the amended Draft Plan and zoned Industrial.

On the proposal of Cllr. Feeney and seconded by Cllr. Maher, it was agreed to extend the Plan boundary and zone the lands MA28 and MA15B the subject of Submission numbered 5, as Industrial.

MA8 (site area: 4.032Ha) and proposed Industrial Zoning:

Ms. McConnell advised that with regard to Material Alteration/Amendment 8 (MA8), these lands fall within the line of the proposed Athenry Relief Road and are serviceable and recommended to include and zone the lands at MA 8 as Industrial (I).

The Members agreed to accept the recommendation in the Manager's Report in relation to MA 8 and zone these lands, part of Submission numbered 5, as Industrial.

In reply to the Departments advice that a Stage 2 Flood Risk Assessment be carried out for both new and historically zoned areas, Ms. McConnell stated that the issue of flooding and Flood Risk Assessments have been re-considered under Submission No. 4 (OPW) of this Managers Report.

In reply to the Departments request to review the re-zoning of the lands north of the town to proposed Commercial/Mixed Use (C2), Ms. McConnell said this site and its zoning status have been re-considered under Submission No. 6 of this Managers Report.

Submission No. 1 - National Roads Authority

Ms. McConnell outlined the observations from the National Roads Authority under the following headings:

1. Objective ED2 –Business and Technology Park Development
2. Proposed Map Amendments MA1 and MA13

Ms. McConnell advised that the contents of the NRA's submission in relation to Business and Technology Zoning were considered under Submission No. 20 (DECLG) within the Manager's Report on the Draft Plan and included SEA/HDA mitigation measures.

Ms. McConnell proposed a text change in Objective ED2 – Business and Technology Park Development to include that the Council will require a "Transport Assessment", in addition to an overarching Master Plan, to integrate with transport and mobility plans and in addition "to identify and co-ordinate essential infrastructure requirements" for all large scale or sensitively located development proposals within BT zoned lands.

The Members agreed to accept the recommendation in the Manager's Report in relation to change of text, part of Submission numbered 1.

Ms. McConnell outlined the contents of the NRA's submission in relation to Proposed Map Amendments MA1 and MA13 and advised that the Planning Authority in drafting the new Plan have had regard to the provisions of the NRA document 'Spatial Planning and National Roads Guidelines for Local Authorities 2012' and the Planning Authority's position remains that the strategic investments made in the national road network will not be undermined by proposed zoning objectives or by the Plan's policies. She explained that access to the subject lands is via a roundabout on a non national route and where a reduced speed limit applies. The SEA and NIR Addendum Reports including screening

document of proposed amendments that, subject to specific mitigation measures, there are unlikely to be any significant adverse impacts on the environment. However it should be noted that individual projects may be subject to further NRA comment and standards.

Ms. McConnell recommended acceptance of Material Alterations MA1 and MA13 to include and zone as Industrial (I) and to amend Objective LU4 – Industrial (I) to include additional wording as follows “Proposals on Industrial lands will be subject to requirements in the Plan in relation to avoiding unacceptable transport, environmental and water quality impacts and where necessary shall be required to submit a Traffic Impact Assessment and/or a Transport Assessment”.

The Members agreed to accept the recommendation in the Manager’s Report in relation to proposed Map Amendments MA1 and MA13 and zone these lands, part of Submission numbered 1, as Industrial.

The Members agreed to accept the recommendation in the Manager’s Report in relation to addition of text to Objective LU4 – Industrial (I), part of Submission numbered 1.

Submission No. 3 - Department of Education and Skills

Ms. McConnell advised that the Department of Education and Skills noted the contents of the Amendments/Material Alterations in relation to the Athenry Draft Local Area Plan and had no further comment to make and Ms. Mc. Connell recommended no change to the Draft Plan as amended.

In reply to Cllr. Feeney’s query in relation to the Land Zoning Matrix and land zoned CF (Community Facilities), Ms. McConnell explained that there is a great deal of flexibility within the Zoning Matrix for school provision which allows the local authority to consider a wide range of land use zones as areas for school sites. She further advised that there is a substantial amount of land zoned CF (Community Facilities) and stated that if the site is right, the Local Area Plan will not be a hindrance to the provision of a School.

The Members agreed to accept the recommendation in the Manager’s Report in relation to this submission.

Submission No. 4 – Office of Public Works (OPW)

Ms. McConnell outlined submission Number 4 from the Department Office of Public Works and the Manager’s response.

Ms. McConnell advised that the Council, is obliged to adhere to the Flood Risk Management Guidelines 2009 and in general undeveloped lands have been appropriately zoned to avoid flood risk. The Draft Plan also requests the application of strong justification tests and detailed site specific flood risk assessments where developments/land uses are proposed in identified or potential flood risk areas in accordance with the criteria set out under the Flood Risk Management Guidelines 2009.

In relation to the inclusion of Maps 3A/3B Indicative Flood Risk Management Areas and the OPW PFRA mapping datasets, Ms. McConnell advised that the Planning Authority acknowledges, in the User Note attached to Maps 3A/3B, that the extents on the OPW Preliminary Flood Risk Assessment (PFRA) are based on a broad scale simple analysis and may not be accurate for a specific location or use. Maps 3A/3B should also be read in conjunction with Maps 1A/1B Land Use Zoning Maps, Maps 2A/2B Specific Objectives Maps, and with the policies/objectives and development management guidelines contained within S.2 and S.3 of the Draft Plan as amended. She explained that the Planning Authority cannot ignore the OPW's Preliminary Flood Risk Assessment (PFRA) but that at an individual site, specific detailed Flood Risk Assessment may allow a development to be favourably considered.

In reply to Cllr. Feeney's query on the future of serviced sites that now may be excluded for residential development due to the PFRA despite that these sites did not flood in 2009, Ms. McConnell advised that Galway County Council has prepared this Plan in the absence of a Catchment Flood Risk Management Plan (CFRM) for the County from the OPW and the Preliminary Flood Risk Assessment (PFRA) map has to be used cautiously in conjunction with the *2009 Flood Risk Management Guidelines* issued from the Department. She stated that the cautionary principle must apply until a more detailed CFRM Plan for the County became available. She advised that it is not practical in terms of cost and time for Galway County Council to undertake a detailed Flood Risk Assessment when the OPW are already undertaking this work. Ms. McConnell further advised that if a planning application was received and a site specific flood risk assessment clearly showed that flooding was not an issue, the proposal could be considered.

However, the filling of a site is not, in itself, an appropriate response to flood risk.

The Members agreed to accept the recommendation in the Manager's Report and also accepted no change to the Indicative Flood Risk Assessment Maps 3A/3B, part of Submission numbered 4.

Submission No. 2 – Cian O'Mahony, EPA

Ms. McConnell outlined submission Number 2 from Cian O'Mahoney, Scientific Officer, SEA Section, Office of Environmental Assessment, EPA, under the following headings:

1. Objective TI 12 – Goods Transportation Hub
2. Transport Infrastructure (TI) and crossings over the River Clarin
3. Rezoning of Greenfield lands to Industrial Zoned Land
4. National Plans and Policies and EU Environmental Legislation
5. SEA Statement

1. Objective TI 12 – Goods Transportation Hub

Ms. McConnell advised that the EPA noted in Objective TI12 that a Goods Transportation Hub is proposed to be developed within the Plan area. The EPA submission requests that it is developed at an appropriate location and take into account the particular

vulnerabilities identified within the Plan/SEA Screening, including provision of appropriate and adequate critical service infrastructure in advance of permission being permitted and the development of such a goods transportation hub should not conflict with the Objectives/Policies of the County Development Plan and Regional Planning Guidelines in particular.

In this regard, Ms. McConnell recommended amending Objective TI12 to include additional text so that any engagement with relevant stakeholders to identify demand and identify potential locations for a Goods Transportation Hub within the Plan area is undertaken "in accordance with proper planning and sustainable development including the provision of appropriate and adequate critical service infrastructure".

The Members agreed to accept the recommendation in the Manager's Report in relation to addition of text to Objective TI12 – Goods Transportation Hub, part of Submission numbered 2.

2. Transport Infrastructure (TI) and crossings over the River Clarin

Ms. McConnell advised that, in reply to the EPA's submission where they note that in the Habitats Directive Assessment Addendum that 'Zoning of Transport Infrastructure' will require a minimum of 4 watercourse crossings over the River Clarin and it should be ensured that the requirements of the EIA and Habitats and Flood Directives in particular are taken into account in this regard including the potential for cumulative/in-combination effects, the Draft Plan as amended contains a range of mitigatory measures including amended Objective DS3 – Natura 2000 Network and Habitats Directive Assessment and Objective DS7 – Flood Risk Management and Assessment to ensure that no project, either alone or in combination with other plans or projects, will be supported by the Plan where such a project presents a risk of likely significant effects to European Sites. At project level an Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) may be required as appropriate. Ms. Mc. Connell recommended no change to the Draft Plan as amended.

3. Re-zoning of Greenfield lands to Industrial Zoned Land

Ms. McConnell advised that these lands involve the following proposed Material Alterations/Amendments - MA28, MA15B, and MA8 and they have been already reconsidered under Submission No 5 (DECLG) of this Managers Report.

The following proposed Material Alterations/Amendments, MA1 and MA13, have been re-considered under Submission No. 1 (NRA) of this Managers Report.

4. Obligations with respect to National Plans and Policies and EU Environmental Legislation

Ms. McConnell advised that that the EPA's comment to be at all times compliant with the requirements of national and EU Environmental Legislation has been adequately noted by the Council in the Draft Plan.

5. SEA Statement

Ms. McConnell advised that the EPA's comment to prepare an SEA Statement outlining 'Information on the Decision' as required by Article 141 of the Planning and Development Regulations as amended by Article 8 of the SEA Regulations is noted and will be provided.

The Members agreed to accept the recommendations Numbered 3, 4 and 5 in the Manager's Report in relation to Submission numbered 2.

Submission No. 6 – The Athenry Retailers c/o James O'Donnell, Planning Consultancy Services

Ms. McConnell outlined submission Number 6 from The Athenry Retailers c/o James O'Donnell, Planning Consultancy Services.

Ms. Mc Connell advised that these lands were proposed to be re-zoned under Material Alterations/Amendments (MA12) from R - Residential to Commercial/Mixed Use (C2). She stated that these lands are approximately 160m from the Town Centre (C1) and this is considered by the Retail Planning Guidelines (RPG's) to be within walking distance of town centre. She explained that a Commercial/Mixed Use (C2) is a mixed use and includes retail amongst other non-retail uses. Any proposals for retail development would be required to carry out a Retail Impact Assessment (RIA) under the 2012 Retail Planning Guidelines including assessment on existing retail and on the vitality and viability of the existing town centre and she proposed Commercial/Mixed Use (C2) zoning does not pre-empt the outcome of such assessment.

Ms. McConnell recommended as follows:

1. Accept MA12 and zone lands to Commercial/Mixed Use (C2).
2. Amend S. 3.4.2 – Objective ED4 regarding reference to the Retail Planning Guidelines and update any other reference to the Draft Guidelines 2011 within the Plan as required.

She outlined that Objective ED4 be amended to remove reference to the Retail Planning Guidelines 2005 and update the text Draft Retail Planning Guidelines to read "Retail Planning Guidelines 2012".

The Members agreed to accept the recommendations Numbered 1 and 2 in the Manager's Report in relation to Submission numbered 6.

Cllr. Feeney raised concern with regard to the BE Zoning on the Land Zoning Matrix being over prescriptive and the Matrix not allowing for 'normally permitted' development, which he feels is suitable for the centre of town. In reply, Ms. McConnell advised that any such amendment to the Plan, including the Matrix could not be made at this stage.

She advised that if it can be shown at planning application stage that such a development can positively contribute to the retail economy of Athenry, and subject to all other planning considerations, including traffic management, it would not be precluded only on

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the basis of the Matrix. She advised that the planning application would be treated on its own merits contiguous to the zoning with the exception of the strip of green space which is necessary to protect the Town Walls.

Ms. McConnell concluded by advising the meeting that the Planning Authority shall publish notice of the Athenry Local Area Plan being in effect one month from today.

On the proposal of Cllr. Maher and seconded by Cllr. McClearn, it was agreed to adopt the Athenry 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, with the following members in attendance at the Meeting, Cllr. McDonagh, Cllr. T. Walsh, Cllr. Mc Hugh, Cllr. Feeney, Cllr. McClearn, Cllr. Maher Cllr. Willers, Cllr. Roche, Cllr. Ryan, Cllr. M. Finnerty, Cllr. Cunniffe, Cllr. Cuddy, Cllr. D. Connolly, Cllr. Fahy, Cllr. M. Connolly, Comh. O'Tuairisg, Cllr. G. Finnerty, Cllr. Hoade and Cllr. Welby.

TO NOMINATE 2 MEMBERS TO THE JOINT POLICING COMMITTEE 1158

Report dated 19th June, 2012 was circulated to each Member.

Mr. Owens read out the Report to the Members stating that there are currently two vacancies to be filled on the Joint Policing Committee and that in accordance with the Standing Order 28 (JPC), nominations were requested for the filling of the vacancy from the Oranmore Electoral Area and the Ballinasloe Electoral Area, as outlined in the Report.

Cllr. McDonagh proposed that Cllr. J. Cuddy be nominated for the filling of the vacancy for the Oranmore Electoral Area, and this proposal was seconded by Cllr. T. Walsh.

Cllr. McDonagh proposed that Cllr. K. Ryan be nominated for the filling of the vacancy for the Ballinasloe Electoral Area, and this proposal was seconded by Cllr. M. Finnerty.

As there was no other proposal, it was agreed that Cllr. J. Cuddy and Cllr. K. Ryan be nominated to fill the casual vacancies on the Joint Policing Committee.

TO CONSIDER A PROHIBITION ON TEMPORARY DWELLINGS AT KINVARA PIER 1159

Report already circulated.

On the proposal of Cllr. Willers, seconded by Cllr. Maher, it was agreed that this item be deferred to a forthcoming Meeting of the Council.

In reply to Cllr. Fahy, The Mayor agreed that Cllr. Fahy could raise the issue of parking and toilet facilities in Kinvara under Mayor's Business.

TO NOTE THE STUDENT GRANT SCHEME 2012 1160

Report dated 19th June, 2012 was already circulated to each Member.

Mr. Owens referred to the Report stating that the Student Grant Scheme for the 2012/13 academic year has been published with the Student Support Regulations for 2012/13. He said the new central online application system for Student Grants was now live and that Student Universal Support Ireland (SUSI) will be accepting all new student grant applications, including applications from existing students changing their courses or progressing to new courses, be they add-on courses or otherwise, in the 2012/2013 academic year. SUSI will also be paying student grants to all new applicants who are awarded grants in 2012/2013 subject to confirmation and verification of attendance.

He said that Galway County Council will continue to process renewal applications for students currently in receipt of a student grant via the Council and who continue on their existing courses until such time as those students have completed their current courses. The Council will also continue to pay these renewal students in the normal manner subject to confirmation and verification of attendance.

In relation to grant applicants who have deferred a year of their course and are applying for a student grant in the 2012/13 academic year, the position is that if the student was in receipt of a grant from the Council in respect of any year of their current course, then this constitutes a renewal application which would be proper to the Council. However, where a student deferred but was never actually in receipt of a grant for any year of their current course, this application would be considered a new application and the student should apply on-line to SUSI.

He informed the Members of the main changes in the Student Grant Scheme broadly categorised as follows:

- Changes implemented arising from decisions announced in Budget 2012
- Changes arising from the annual review of reckonable income limits
- Changes proposed by the Student Grants Appeals Board
- Changes required by the move to a single grant awarding authority in 2012
- Changes proposed to address scheme anomalies or unintended consequences arising from the unification of previous schemes in 2011

He confirmed that the rates of grant effective from January 2012 are:

Standard rate of Grant	Non-Adjacent Rate	Adjacent Rate
Full Maintenance	€3,025	€1,215
Part Maintenance (75%)	€2,270	€910
Part Maintenance (50%)	€1,515	€605
Part Maintenance (25%)	€755	€305
Special Rate of Grant	€5,915	€2,375

He emphasised that whilst, as in previous years, the closing date for applications is 31st August, 2012 it is essential that students submit a fully completed application

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accompanied by all necessary supporting documentation to facilitate the renewal of provisional grants awarded in 2011 at the earliest possible date.

He confirmed that the Council shall continue to avail of a number of communication channels to ensure that students in receipt of Student Grants via Galway County Council can avail of information and assistance, as necessary, to facilitate the renewal of their Students Grants by the Council including email, phone, website, text and twitter and advised that it was intended to host two information workshop for existing students to provide a structured forum for one-to-one guidance and assistance on the 2012 Student Grant Scheme.

Some Members expressed the view that the centralizing of the Students Grants Scheme is a retrograde step and is another example of reducing the role of local government. They said that it is a great pity that the wealth of knowledge and experience gained by the staff of the Council in dealing with student grants over the years will be lost to the new system. They also said that the staff provided an excellent service to the public and the humane aspect of customer service will be a thing of the past in the new system.

Mr. Owens in reply to Cllr. D. Connolly confirmed that an application was assessed based on income from the previous tax year, but that an application could also be assessed if appropriate based on a change of circumstances at any point during the academic year. He also advised that, to date, no issue had arisen in transferring the payment of student grants from cheque to electronic fund transfer (eft) due to a student not having a bank account.

In reply to Cllr. McDonagh who asked if the Members could make representations on behalf of the constituents to the new awarding authority through Galway County Council, Mr. Owens said contact details for SUSI have been circulated to the Members, but these can be circulated again if required.

In reply to Cllr. T. Mannion, Mr. Owens said there was a procurement process for the Student Grants Scheme and City of Dublin V.E.C. was the successful tenderer in this process.

In reply to Comh. Ó Tuairisg, Mr. Owens said that the Council did raise the question of whether the scheme will be made available through Irish and a reply is awaited. Cllr. Hoade referred to the experience of centralizing the processing of medial cards and expressed the view that she hoped that similar difficulties would not be associated with the centralizing of student grants.

Mr. Cummins acknowledged the great work carried out by the Council staff, however he said that the existing system was cumbersome and labour intensive and the reduction in staff levels over the last number of years means that sharing of services is the only way to survive into the future. He said that the new system is well designed and informs the user regarding every step in the application.

The Manager acknowledged the comments of the Members regarding the expertise of the staff dealing with Student Grants and especially the improved efficiency brought to the process in recent times. She said that the efficiency agenda has overtaken the issue of quality. She said that although the amount paid out on grants was always recoupable from the Department of Education, staff costs were not.

TO RECEIVE PRESENTATIONS FROM THE DEPARTMENT OF AGRICULTURE, FOOD AND THE MARINE ON THE CONTROL OF HORSES & EQUINE ID.

TO CONSIDER REPORT ON THE CONTROL OF HORSES – *Report already circulated.*

TO CONSIDER ANIMAL WELFARE

1161

The Mayor introduced Ms. Brid Farrell, Assistant Principal Officer, Animal Health & Welfare Division, Department of Agriculture, Food & Marine to the Meeting. He also welcomed Mr. Martin Farrell, Principal Officer, National Beef Assurance Division of the Department of Agriculture, Food & Marine to the Meeting (DAFM) and Mr. Michael O'Brien, Superintendent Veterinary Inspector with the DAFM.

Ms. Farrell addressed the Members and gave an overview of the Control of Horses Act 1996 as follows:

She commenced by saying that Ireland has a long established tradition of horse ownership and the majority of horses in Ireland are well looked after by knowledgeable and caring horse men and women

She said that traditionally there has been a culture of horse ownership in urban areas by individuals who do not always have sufficient facilities/financial resources and education in the fundamentals of horse welfare

Regarding the Control of Horses Act 1996 she confirmed that the Act was introduced to address problems caused by stray and wandering horses particularly in urban areas and gives Local Authorities the means of dealing with these problems. She confirmed that the Department of Agriculture, Food & Marine (DAFM) fund Local Authorities for expenses incurred in operation of the Act

She advised that Section 17 of the Act states that a Local Authority may by bye-laws declare all or part of its functional area to be a control area where horses kept in the area must be licensed having regard to the need to control the keeping of horses, the need to prevent annoyance or injury to persons or damage to property by horses. She outlined in detailed the process for the making of such bye-laws.

In relation to exclusion areas, she confirmed that Section 47 provides for exclusion areas to be applied and allows bye-laws to prohibit a horse being kept in an exclusion area except for bona fide reasons

It was noted that Section 37 of the Act allows an authorised person or An Garda Síochána to seize/detain any horse straying, causing a nuisance, not under adequate control, posing a danger to persons/property, posing a threat to the health/welfare of other animals, being kept in a control area without a horse licence and that Section 45 of the Act, imposes criminal liability for injury or damage caused by horses, where - an owner/keeper in charge recklessly permits a horse to pose a danger to a person/property or to cause injury to a person or damage to any property, with penalties for same including a fine not exceeding €1,500 or to imprisonment for a term not exceeding 6 months or to both.

Ms. Farrell advised that from 1997 – 2011 the Department contributed in excess of €32 million to Local Authorities in respect of the Control of Horses. She further stated that in light of the current budgetary situation savings must be identified and efficiencies achieved and that the Department has met with representatives of Local Authorities to discuss how the Control of Horses Act can be implemented more efficiently.

She confirmed that arising from same a protocol has been agreed between Local Authorities and the Department of Agriculture, Food & Marine and that it makes a number of recommendations including:

- All Local Authorities should commence a process to introduce bye-laws in their respective areas, with a maximum holding period of horses of 5 working days
- LAs who currently implement bye-laws should commence a process to amend the current detention period to 5 working days
- All costs associated with horses reclaimed by owner, including micro chipping, passporting, seizure, maintenance, are the responsibility of the owner
- Reclaiming requirements should be standardised across local authorities
- Owners reclaiming must demonstrate that they have land/rental agreement etc on which to maintain the horse
- LAs should be vigilant when re-homing horses
- New owners must satisfy the LA that they have land and premises to maintain the horse
- Persons re-homing should ideally be responsible for the costs incurred in respect of the equine being re-homed
- If they are not in a position to do this, a standard fee of €200 is recommended
- Advise that stallions be castrated prior to re-homing
- Local authorities who do not have their own pound facilities are encouraged to engage contractors
- Short term tenders e.g. 2 years
- Collective tendering across regions should be considered
- Horses found on private property without owners consent can be considered stray and wandering

- landowner should be asked to sign a declaration stating that he does not know the owner of the horses
- Notice must be placed on land where the horse is seized giving details of date and seizure etc.

Ms. Farrell concluded the presentation by stating that the Department of Agriculture, Food and the Marine has legislative responsibility for the welfare of farm animals only.

Mr. Martin Farrell then addressed the Members and made a presentation on Equine Identification.

He said that all Equines (which include horses, ponies and donkeys) are required to be identified in accordance with EU and national legislation and that possession of an unidentified equine is an offence under the legislation, which is as follows:

- Commission Regulation (EC) No 504/2008 of 6 June 2008 implementing Council Directives 90/426/EEC and 90/427/EEC as regards methods for the identification of equidae
- The European Communities (Equine) Regulations 2011 (S.I. 357 of 2011).

He identified the key elements of the Equine Identification System as including a passport, marking chart, a microchip for all equines issued with a passport after 1 July 2009 to create a link between the passport and the animal and the assignment of a unique equine life number to the equine which is recorded in the database of the approved passport issuing organization and on the passport.

He confirmed the obligations of a keeper of an equine as having the equine registered with a Passport Issuing Organisation, to hold a passport issued in accordance with EU and national legislation, to comply with the provisions of the legislation and not to trade an equine without a passport

In relation to the passport he confirmed that all equines must have a passport issued within the calendar year of birth [by 31 December in the year of birth] or within six months of birth [whichever is later] and that all equines issued with a passport after 1 July 2009, for the first time, must have a corresponding microchip, with the micro chip implanted in the equine by a veterinary surgeon. He stated that the microchip number is recorded in the passport to provide a link between the animal and the passport.

He confirmed that only equines identified properly, with a valid passport, may be moved and traded legally and that a passport must accompany the equine whenever it is moved to events such as shows, sales and to slaughter plants, etc with an exception in the case of a "foal at foot" accompanied by the mare [or foster mare].

He outlined that a passport is valid for the lifetime of the equine and that a keeper can apply to an approved passport issuing organisation to replace a lost passport. He identified the passport as an essential tool in the control and prevention of disease in the equine sector and as an integral part of the controls in place to protect consumers of equine meat.

In relation to slaughter for human consumption, he advised that only equines with a valid passport will enable the animal to be considered for slaughter for human consumption and that an equine for slaughter for human consumption must be accompanied to the slaughterhouse by its passport compliant with current veterinary requirements - this requirement is an essential part of the food-chain information required by food law (the passport includes information on any treatments with veterinary medicines).

He stated that equines ineligible for human consumption included unidentified equines, unregistered equines, equines not registered within six months of birth or within the calendar year of birth [whichever is the later] in respect of equines registered from 1 July 2009 and equines in receipt of certain animal remedies - in such circumstances the veterinary surgeon amends the passport. He further stated that equines ineligible for human consumption are disposed of at knackeries.

In relation to imports, Mr. Farrell confirmed that equines imported from EU Member States must have a passport, which complies with EU legislation, while equines imported from outside the EU must have a passport – the passport must be registered with an approved Passport Issuing Organisation. He advised that responsibility for the enforcement of same rested with the Department of Agriculture, Food and the Marine, veterinary inspectorate and port staff and An Garda Síochána.

He advised as to the sources available to provide advice on obtaining a passport which included a Private Veterinary Surgeon, Passport Issuing Organisation or District Veterinary Office [DVO]. He also detailed the steps involved in obtaining a passport, together with the contact details of the Passport Issuing Organisations.

The Mayor thanked the speakers and he said that wandering horses can cause major road safety issues and that the Celtic Tiger created a rise in the number of horses in the country and now we have the fallout of that where people do not have the resources to keep the animals and in some cases allow them to wander.

Cllr. Cuddy said that the legislation is insufficient to deal with the problem of wandering horses. He said that once a horse is sold on, there is no traceability thereafter because there is no onus on the person selling the horse to ensure traceability. He said that the

Council has expended a lot of money on dealing with horses who have died because of neglect.

Cllr. Noone said that the legislation works well in the case of people who look after their horses but the problem is that some people abandon their horses if they cannot care for them or if they are not profitable. He stated that the problem arose because the law is only for those who keep the law.

Cllr. Hoade referred to the meeting between An Garda Síochána and the Council which took place recently and asked if the temporary arrangement which was to be put in place to address the issue of the control of horses and in particular horses roaming on the N84 Headford Road has been put in place. Mr. Cummins confirmed that the temporary arrangement was in place.

Cllr. Hoade enquired if there was any proposal to centralise the database of horses, how the Department of Agriculture, Food and the Marine aim to properly enforce the microchipping of equines and the response when an equine with no identified is encountered.

Cllr. G. Finnerty concurred with the views expressed by other Members in relation to a small percentage of horses/owners creating a huge problem. He outlined that responsibility for keeping of horses should be on the owners but he said that local authorities must ensure that their lands are not being used for the grazing of wandering horses. He suggested an amnesty period of 2 months to allow horses not microchipped to be microchipped and thereafter for the legislation to be fully enforced. He also suggested availing of the testing of blood samples for equine the subject of late registration in order to retain the option of such equines being deemed eligible for human consumption.

Ms. Farrell replied to the points raised as follows:

- The Gardaí can seize stray horses under the Control of Horses Act and other legislation
- The Gardaí may also deal with problems regarding the welfare of horses
- The Local Authority can bring in Byelaws to allow the Authority to seize horses
- The DAFM has no power to seize horses
- The Local Authority can impose a licensing system for horses
- Exclusion Areas can be imposed to deal with wandering horses and this would prevent the racing of sulkies on public roads.
- 17,000 horses were slaughtered in 2011 and this increased to 20,000 in 2012.

Mr. Farrell said that the issue of traceability will be looked into by the DAFM. He also said that the DAFM intend to work on establishing a database of horses and that the testing of blood samples would not address the issue of food safety.

Cllr. Cunniffe referred to the need for the Department to engage with other Departments and agencies to address the problem and questioned the ability of those relying on state payments to maintain a horse and its welfare.

Cllr. Ryan referred to the importance of the race horse industry to the Country and the need to maintain the Country's reputation in this area. He questioned why the controls and processed in place in other sectors including the requirement for a herd number, maps of lands held and an annual census of livestock is not in place for equines. Cllr. T. Walsh concurred with the views expressed by Cllr. Ryan and stated his biggest concern was that of cruelty to animals.

Ms. Farrell in reply to Cllr. Willers confirmed that an Animal Health & Welfare Bill was being advanced with a view to modernising and consolidating existing legislation but that while some legislation was to be repealed by the Bill, this legislation did not include the Control of Horses Act. The Bill as drafted allows for preemptive action to be taken if animal welfare is being compromised. Ms. Farrell also confirmed that they were closing the net to require proof of resources and capacity to maintain animal welfare, including horses.

Cllr. M. Connolly stated that the problem was such that is was bigger than what An Garda Síochána and the Local Authority could handle stating his main area of concern was animal welfare. He acknowledged that horses must be registered in order to qualify for the single farm payment but stated that this failed to address the problem associated with the non-farming element maintaining horses. He stated that the issue was about the disposal of horses that nobody wanted and that the Department needed to take a lead on a cull of such horses. Cllr. D. Connolly concurred with the views expressed by Cllr. M. Connolly in relation to need for a cull of such horses to be considered. Comh. O' Curraoin referred to need for clarity on who was responsible for damage caused to vehicles by horses wandering on the public road, where it was not possible to confirm ownership of the horses.

Cllr. Broderick referred to the difficulties associated with the number of issuing authorities and whether farm to fork was on a statutory basis and if it also applied to horses. He also referred to the issues that arise when a horse is transported prior to the passport being made available.

Ms. Farrell confirmed that some local authorities had operated an amnesty allowing for owners to surrender horses for a cull but that in general this option did not appear to be successful in addressing the issue.

Ms. Farrell in reply to Cllr. Feeney, confirmed that the DAFM would advise that where horses are abandoned on farmlands without permission of the landowner, the onus is on the landowner to inform the Local Authority and the Local Authority is empowered under legislation to seize the horses, with the costs incurred recoupable from the DAFM. She outlined that the success enjoyed in procedures for other farm animals was due to the longstanding nature of such schemes and that horses did not benefit from similar longstanding arrangements.

Mr. O'Brien addressed the Members stating that his department has responsibility for the welfare of animals in farming situations but that did not extend to responsibility for wandering horses. He stated that there was not a major problem as regards the welfare of animals on farms, however he said that the situation is very different in cases where horse owners do not own any land on which to keep them.

In reply to comments by Cllr. Willers regarding the large number of horses wandering on the Sliabh Aughty and the response to date, Mr. O'Brien confirmed his intention to continue to work with farmers and the wider local community with a view to reaching agreement with the relevant landowners, with an interest in the commonage, on the optimum number of animals that the commonage can support and thereafter agree a mechanism for the removal of abandoned animals greater than the agreed number. He outlined that long-term it would be necessary to chip, passport, cull and castrate the horses but that as a first step it was necessary to agree a number in order to provide the moral authority to allow for the removal of horses greater than that agreed.

The Mayor thanked the speakers, expressing the view that he was confident they were leaving with the message of the genuine concerns as expressed by the Elected Members and request that future legislation in this area be framed to reflect the concerns expressed.

SUSPENSION OF STANDING ORDERS

1162

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

TO RECEIVE A PRESENTATION ON THE 'MADE IN GALWAY' INITIATIVE / SCREEN WEST

1163

Mr. Barrett addressed the Members regarding the 'Made in Galway' Initiative and gave a summary of the work the Council is undertaking in support of the creative sector for the