

## **COMHAIRLE CHONTAE NA GAILLIMHE**

### **Ceantar Bardasach Chonamara** **Municipal District of Conamara**

#### **Minutes of the Meeting of the Municipal District of Conamara held in the Council Chamber, Aras an Chontae, Galway on the 5th of July 2016 @ 3.00 p.m**

#### **ILATHAIR:**

##### **Baill:**

Cllr. N. Thomas Cathaoirleach,  
S. Walsh, T. Welby, S. Ó Tuairisg, E. Mannion,  
S. Ó Cualáin, T. Ó Cuarraoin, T. Healy, N. Byrne.

##### **Oifigigh:**

G. Mullarkey, Head of Finance  
L. Gavin, Director of Service  
J. Leahy, Senior Engineer Roads  
C. Wynne, S.E.E Conamara  
T.J Redmond, Area Engineer, N. Conamara  
S. Groarke, Meetings Administrator

##### **Apologies:**

#### **1. Minutes of the Meeting held on the 2-6-2016**

**CMD 16029**

The adoption of the Minutes of the Meeting held on the 2<sup>nd</sup> of June 2016 were proposed by Cllr. N. Byrne and seconded by Comh. S. O'Tuairisg.

#### **2. Matters arising from the Minutes**

**CMD 16030**

Cllr. E. Mannion referred to the fact that the Minutes did not record her proposal to receive a presentation from Conamara Online at a Municipal District meeting and this was seconded by Cllr. T. Healy.

#### **3. Update on the N-59**

**CMD 16031**

Cllr. N. Thomas requested L. Gavin to present the update on the N-59. L. Gavin referred to the report he presented to the full Council at the June meeting. He advised that the Council has issued the Notices to Treat and Notices to Enter in regard to the section of the N-59 between Oughterard –Maam Cross which received planning permission from Bord Pleanála subject to the condition that Method Statements be agreed with NPWS. He advised that the Method Statements are intended to outline the methods the Council will use on the implementation of the various phases of the project i.e site investigation, archaeology and construction. He stated that 8 Method Statements were sent to NPWS and the Council has received 2 back from them to date. He stated that NPWS have a major concern as regards the impact on pearl mussel habitats. He advised that he had a meeting with Sean Kyne T.D

Minister of State for Gaeltacht Affairs and Natural Resources and also officials from the Department of Arts, Heritage, Regional, Rural & Gaeltacht Affairs whose remit covers NPWS. He confirmed that there was an agreement to engage in discussions with NPWS at Principal Officer level and these will commence in August. He stated that TII have expressed concern at the condition of this road and have advised of the option of providing an overlay on the Oughterard –Bunakill section as an interim measure which could be done in early 2017. In regard to the Maam Cross-Clifden section of the N59 which was refused planning permission by Bord Pleanála and the CPO annulled –he advised that over 50% of this road borders on the Conamara and Maamturk SACs. This road will require re-alignment. He stated that Bord Pleanála appeared to indicate in their decision that they would give favorable consideration to 13km section out of the total length of 29 km which are outside the SACs – however these are located in piecemeal sections and are not continuous. He confirmed that the current position is that the Council will have to consider the decision made by Bord Pleanála in conjunction with TII to determine the next step.

Cllr. S. Walsh stated that he wished to emphasize the terrible state of the N-59 and this was a contentuous issue with the community who are at breaking point. He enquired as to what system or parameters NPWS use to consider method statements and whether the Council can get them to agree a time limit. He stated that NPWS appears to be over zealous in regard to environmental designations and need to provide cooperation and solutions as the community do not want constant negativity. He advised that ministerial intervention will be required as it appears that there is no joined up thinking between the relevant Government Departments. He stated that among the worst parts of the road were the sections between Letterfore and Maam Cross and the Quiet Man Bridge to Bunakill. He stated that TII and the Consultants will have to come up with a scheme that will work and the notion of no is not good enough. Cllr. T. Welby stated his concern that if the overlay goes ahead TII may decide to park the project. He referred to the fact that out of the 8 Method Statements-NPWS have sent back 2 of them. He stated that Water Services have sent Method Statements as well to NPWS and advised them that they would have no alternative but to proceed if no response is received. He advised that there was an issue with a pearl mussel catchment area also in Kilkenny and referred to the fact that the Greenway was completed in Mayo adjacent to SAC areas without planning permission. He stated his opinion that there is a certain official in NPWS who is noted for not being prepared to agree to any proposal. He enquired as regards the extent of the areas outside the pearl mussel catchment and the details of any response received from NPWS.

Comh. S. O’Cualáin referred to the terrible condition of the N59 and enquired if there was a deadline for NPWS to agree the Method Statements and whether the Council should proceed with the proposed overlay. Cllr. N. Byrne enquired if the funding for the overlay would be taken out of the budget for the N59 Project and the timeframe in regard to the commencement of the works. She stated her opinion that the overlay should commence as soon as possible and enquired if this will be decided by TII. Cllr. T. Healy advised that NPWS only returned the method statements relating to archaeology and do not appear to be taking their importance seriously and this is not acceptable. He referred to the fact that he had requested copies of the minutes of the meetings with NPWS at previous meetings. He stated that the N59 was critical infrastructure and requested the Council to repair any sections of this road where necessary. He referred to the re-allocation of SPC areas in the hinterland of the N6 and enquired if it was possible to move sections of the Oughterard to Maam-Cross road from the pearl mussel catchment area. He stated that the public should hold NPWS responsible and the Minister should impose deadlines in regard to critical infrastructural projects and someone should be made liable for unreasonable delays. He stated his opinion that the Council should be more

assertive and combative with NPWS as regards delays in response. Cllr. E. Mannion enquired if the Council can go back to Bord Pleanála in regard to the difficulty with NPWS. She stated that there appears to be no hope for the Maam Cross-Clifden section in the near future and did not wish to see it split into sections. She advised that it comprised 2 essential parts Clifden-Derrynea and Derrynea-Maam Cross. She stated that there was a need for the overlay as there was a problem with flooding last winter. Comh. S O'Tuairisg referred to the considerable time delay in regard to NPWS responding to the method statements and advised if they are not prepared to engage it appears that very little can be done about it. He stated that the decision made by Bord Pleanála was strange as it brought NPWS back into the equation to be consulted a second time. He stated his opinion that if the overlay proceeds it may be a long time before anything else is done. Comh. T. O'Curraoin advised that if it wasn't the pearl mussel factor-NPWS would come up with some other excuse. He queried as to whom NPWS were answerable to in regard to their work and who would be responsible if accidents occur on the N59. He stated that it was totally unreasonable if NPWS are not prepared to provide solutions in regard to the method statements. Cllr. N. Thomas expressed the frustration of the public in regard to this and enquired as to who makes the definitive ruling on the method statements-is it NPWS that makes the decision or does it go back to Bord Planeála.

L. Gavin responded and advised that the method statements must be agreed with NPWS and they are not subject to any timeframe in regard to this. He stated that comprehensive work was done on the method statements by the Consultants and they were sent to NPWS in stages. In regard to the question as to whether the Council can proceed without getting agreement with NPWS- he advised that the Council is required to operate within the law and adhere to the conditions of the planning permission. He spoke of the considerable risk of signing a contract involving large sums of money without planning clearance and as TII is the funding body they will not sanction same. In regard to the proposal to refer the matter back to Bord Planeála- he advised that they would be reluctant to get involved. He advised that the Council will have to consider the proposal from TII in regard to providing an overlay for the N59 which will be funded from a different budget. He advised that TII will make the ultimate decision as regard the timeframe for the overlay as the N59 is a national road and therefore their responsibility. He stated that TII wanted to improve the condition of the N59 and make it safer for traffic- the section between Bunakill and the Quiet Man Bridge was very poor. He described the time factor involved in designing and advertising the required tenders. He advised that the Council has made contact with NPWS on the matter and prior to the Bord Pleanála decision it held 8 meetings with them and made every effort to secure agreement with them. He advised that in regard to the Maam Cross-Clifden section the Council will need in conjunction with TII to consider the areas outside the SACs such as Clifden-Derryinver/Derrynea to ascertain if it would be feasible to get planning permission. In regard to the query on the re-allocation of land within SAC designations he advised that the procedure was similar to IROPI and would be difficult. He explained that responsibility for NPWS came within the remit of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. He stated that there is a need for NPWS to respond to the Method Statements.

Cllr. T. Welby stated that NPWS should respond as a matter of courtesy- they do not appear to be willing partners and Bord Planeála have given them a veto over the project which they are willing to use. He considered the written response received from the Principal Officer as tantamount to burying his head in the sand. It appears that they wish to see the project buried. He described the reference in the Bord Planeála report to the consideration of planning permission to areas not impacted by the SACs as pathetic. He referred to the fact that

Derrynea was done under Part 8 and enquired if the Council would consider what can be done with the section between Derrynea and Clifden. Comh. S O’Cualáin advised that the Council should write to NPWS in regard to a deadline to agree the method statements.

#### **4. Maintenance of Inishmore Harbour**

**CMD 16032**

Comh. S. O’Cualáin advised that he considered the annual maintenance cost in excess of €200,000 in regard to Inishmore Harbour to be excessive as it was a new construction and one would therefore expect the actual maintenance to be low. He was aware of the costs relating to the Harbour Master but considered that the cost should be at least €100,000 less. L. Gavin advised that the maintenance/operational cost was €261,000 in 2014 and €230,000 in 2015 and referred to the report compiled by the Chief Executive earlier in the year. He stated that nothing had changed and the costs were the same as previously advised in the report. He advised that some the maintenance issues have been contracted out to a private company and these also include an annual Foreshore Licence costing €35,000 p.a from the Department of the Marine. He stated that Irish Lights had transferred responsibility for the electricity to the Council and that there was also a sinking fund cost. He advised that the collection of the levies was ongoing and the Council issue invoices to the ferry operators. Cllr. S. Walsh referred to the original proposal to collect a €1 levy from each passenger which they would not miss and this could amount to €300,000 p.a - it appears that this opportunity was missed.

#### **5. Works on the Seanapheastín Road-Oughterard**

**CMD 16033**

J. Leahy confirmed that €400,000 has been lodged with the Council by SSE Renewables in regard to the reinstatement of 26 km of the Seanapheastín road. He stated that the Council will focus on the section between the Quarry and the entrance to the SSE site. There will be a need for a preliminary survey and some sections will have to be surfaced dressed and drainage works undertaken. He advised that this work cannot be undertaken until the autumn as the Council has to progress the Roads Program and the Flooding works in anticipation of the October deadline. He referred to the fact that €400,000 was not a lot for 26 km of road and the Council will have to plan for the undertaking of the work. He advised that the Council may not be in a position to complete all the work then-the funding was ring fenced and some of the work could be carried forward to the new year. Cllr. N. Byrne and Cllr. S. Walsh expressed their concern that the work cannot be undertaken until the autumn- the road between the lodge and the quarry was in a very dangerous condition –in one area there is a serious dip in the road which requires urgent attention. There was a meeting with the Seanapheastín residents who expect the works to be undertaken shortly. Comh. S. O’Cualáin stated that the roadworks will largely depend on the weather conditions and expressed his concern that it be undertaken as an urgent matter. Cllr. T. Welby spoke of the concerns of the residents at the meeting as regards the dangerous conditions and there was a lot of pressure on the Councillors. Cllr. N. Thomas advised that the Councillors were told that the works would commence as soon as the funding was lodged with the Council at the last meeting 6 weeks ago. He recommended that the work be handed over to a private contractor in order to get it completed in a faster timeframe and within budget. In response J. Leahy advised that the Council will endeavor to complete the work as soon as possible.

## **6. Progress on the 2016 Roads Program/Flood Relief Works**

**CMD 16034**

J. Leahy advised that approximately 50% of the road restoration works have been completed but the surface dressing is a bit behind schedule. There is also some minor flood relief works to be completed as well as drainage. Overall expenditure in regard to the budget is on target. Cllr. N. Thomas and Cllr. T. Welby referred to the recycling method used in regard to the Clooniffe and Knockferry roads and advised that it appeared to be cost effective and good value for money. J. Leahy agreed that it was cost effective and stated that it enables the Council to get more work done on the roads with the funding available.

## **6. Annual Report 2015**

**CMD 16035**

The elected members considered a draft report on the Municipal District of Conamara which is required for the Annual Report 2015. They requested that their support for the development of the N-59 and R-336 be emphasized in the report as well as the safety issues concerning the roads at Puiriní and Tigh Tommy, Inverin which were frequently highlighted in the past. This was proposed by Cllr. S. Walsh, seconded by Cllr. T. Healy and agreed.

## **6. Date and Venue for Next Meeting.**

**CMD 16036**

It was agreed to hold the next meeting at 3.00 p.m on Tuesday 6<sup>th</sup> of September 2016 in Room G01, Aras an Chontae.

## **7. Cathaoirleach's Business**

**CMD 16037**

Cllr. N. Thomas advised that Failte Ireland has designated 11.00 a.m on the 26<sup>th</sup> of July 2016 as the date for the official opening of the Marconi Site near Clifden.

## **8. Any Other Business**

**CMD 16038**

Comh. S. O'Tuairisg advised of the problem with knotweed at the junction where the waterworks at Bealadangan is located and it appears to spread more rapidly even if it is dug up. Comh. T. O'Curraoin expressed his appreciation for the tarring work undertaken at Spiddal and advised that there is a problem with loose stones at the pier wall. C. Wynne stated that he will examine it. In response to a query from Comh. S. O'Cualáin concerning progress in regard to works on the piers-C. Wynne confirmed that tenders have been advertised. Cllr. T. Welby raised the matter concerning recent incidents at the pier at Inishere. C. Wynne explained that the incidents related to the gangway not been secured at the pier and the Council had no liability on this matter as it is the responsibility of the captain of the ship. He advised that he had a meeting with the Marine Surveyor's Office and the Council may have to consider drafting bye-laws for Inishere pier. He also stated that the Council may have to place a barrier at the top of the pier to manage the pedestrians. Comh. S. O'Tuairisg advised of the increase in the number of tourists to Inishere this year. Comh. S. O'Cualáin proposed a vote of sympathy on the death of Seamus Mac Eadaigh who had previously worked with Radio na Gaeltachta and this was seconded by Comh. T. O'Curraoin.