

## **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 6th of September 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  
D. Mitchell, Senior Engineer Roads  
P. Breathnach, S.E.E Conamara  
T.J Redmond, Area Engineer, N. Conamara  
J. Coyle, Area Engineer, S. Conamara  
K. Coyne, AO Community & Enterprise  
S. Groarke, Meetings Administrator

#### **Apologies:**

#### **1. Minutes of the Meeting held on the 5-7-2016**

**CMD 16039**

The adoption of the Minutes of the Meeting held on the 5th of July 2016 were proposed by Cllr. S. O'Tuairisg and seconded by Comh. S. O'Cualáin.

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

**CMD 16040**

Cllr. E. Mannion referred to page 3 of the Minutes to clarify the statement “did not want to see it split into sections” in regard to the Maam Cross-Clifden section of the N59. She clarified this by stating that this referred to the fact that Bord Pleanála in its decision did not want it split into sections. Comh. S. O'Tuairisg referred to the reference to knotweed on page 5 and stated that this is a major problem throughout the County and not just at Bealadangan. He enquired if CES schemes could be utilized to deal with the problem and who is responsible for the growth of knotweed on lands adjoining the public road. He advised that it has become a road hazard as it is spreading very rapidly in an uncontrolled manner. J. Coyle advised that TII have developed a framework to deal with the knotweed problem which affects the National routes and this will entail the appointment of consultants and contractors. It is envisaged that this will be a 4 year scheme which will involve spraying the knotweed to

poison the roots- the treated areas will be checked the following year. In regard to County Galway this will involve the N59 and the other national routes (N6, N84, N17) L. Gavin advised that utilizing CES personnel would not be advisable as specific training has to be provided in regard to the methods of treating the problem and that the landowners are responsible for it in regard to non-public property. He explained that the Council's response to the problem will be based on the funding made available. Cllr. N. Thomas advised that he has attended courses on how to deal with the knotweed problem and agreed that personnel assigned to treat the affected areas must have the capability and training to do so. He stated that national legislation may be required to compel landowners to treat it and referred to the problem associated with ragwort in the past. Cllr. T. Welby advised that this should be the responsibility of NPWS as their remit is supposed to cover invasive species- he referred to the problem associated with invasive species affecting Lough Corrib and the lack of effort from NPWS. He queried whether this should be the Council's responsibility in the first place. J. Coyle advised that he was aware that NPWS had consulted other public bodies such as Irish Rail about the problem. Cllr. T. Healy advised that the UK has a specific agency and secretariat to deal with the problem associated with invasive species and he considered this to be a political issue which warranted a national response – he did not believe that NPWS has the capacity to deal with this. Comh. T. O'Curraoin advised that he was quoted a price of €700 to treat knotweed and that August was considered to be the best month to treat the problem.

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

**CMD 16041**

L. Gavin advised that he has a scheduled meeting with the chief technical officers of NPWS on the 16-9-2016 in regard to ascertaining what progress can be made on securing agreement to the outstanding 6 Method Statements. He explained that Bord Pleanála granted planning permission to the Oughterard-Maam Cross section of the N59 in December 2013 subject to securing agreement with NPWS on 8 Method Statements. He advised that 2 of these were agreed- Archaeology and Topographical Surveys which was agreed within 3 months following 11 drafts. He stated that the remaining 6 including Site Investigation were given to NPWS in February 2015 -18 months ago and the Council is still awaiting responses from them. He confirmed that he had a meeting with NPWS at a national level and it was agreed to schedule a further meeting. He explained that the Method Statements incorporated the details as to how the Council would undertake the various parts of the contract with an emphasis of providing mitigation for environmental concerns. Cllr. N. Thomas enquired if NPWS were being totally unreasonable in regard to the lack of progress on the method statements. L. Gavin stated that the difficulty NPWS has is that they perceive that the works proposed by the Council will be a major risk to the environs of the pearl mussel habitat within the Owenriff River. He stated his belief that the Council with the agreement of TII can undertake the works without risk to the pearl mussel habitat. He explained that the Council had undertaken works on the road at Derrylea without risk to the pearl mussel habitat and was committed to undertaking the proposed works on the N59 without risk also. He advised that the surface of the 10 km Oughterard-Bunakill section is in very poor condition and that the Council has been instructed by TII to proceed and provide a design for the overlay. He anticipated that the contract would be signed in 2017 subject to funding being made available which he expected to be approximately €2.5 m.

In regard to the Maam Cross –Clifden section of the N59 which was refused planning permission by Bord Pleanála on the 13-5-2016 he advised that the Council has had tentative discussions on the matter with TII but as yet no clear strategy has been decided. Cllr. N.

Thomas enquired whether there was anything the Council could add to the Method Statements to help secure agreement with NPWS and whether the sections outside the pearl mussel habitat catchment area could be developed separately. In regard to the proposed overlay of the Oughterard-Bunakill section he stated his opinion that the road would dip again and queried whether the Council could excavate down to the solid ground. L. Gavin advised that this will largely depend on the next meeting with NPWS where those issues will be raised. He stated that the road between Oughterard –Maam Cross was 16 km or 10 miles long and the pearl mussel habitat catchment was largely located on a 5 km part of the middle section- the viability of the project will depend on what agreement can be secured with NPWS. He also stated that NPWS would raise concerns about the disturbed ground if the Council proceeded to excavate down to the solid level as part of the proposed overlay. Comh. S. O’Tuairisg stated that he cannot understand the decision made by Bord Pleanála as it appears to be strange –they should have been the final arbitrary body as they had all the relevant documentation-instead it appears that they have handed the matter over to NPWS. He also advised that Bunakill requires an overlay and that progressing the Maam Cross-Clifden by sections was not feasible- there is a strong case for making an IROPI application when there is no other option available. Comh. S. O’Cualáin stated that the N59 was the most urgent issue facing the Councilors and agreed that Bunakill required an overlay now which would not be a waste of money- he also requested the Council to undertake work on the laybys. Comh. T. O’Curraoin raised the issue concerning health and safety and enquired if the objectors to the N59 could be made liable for bad accidents and how the concerns of NPWS can override health and safety considerations for users of a dangerous road. He stated his opinion that like the UK, Ireland should pull out of the EU –Conamara has quarries with plenty of rock and yet it is prevented from constructing its roads. Cllr. S. Walsh enquired if the speed limit for the proposed upgrade of the N59 would be 100km or 80km which is a concern of the community who wanted a 100km road. He advised that €2.5m would not be sufficient for the overlay for Bunakill when the cost of Derrylea which was a few kilometers is taken into consideration. He stated his support for the proposed overlay as the previous one done on the road in particular near the golf course was a good job. He referred to the lagoon of mucky water near Glengowla which the environmental groups raised as part of their appeal to Bord Pleanála and which is a matter of concern to the local residents. Cllr. T. Healy enquired as to the name of the Consultants working on the method statements and whether they have the required resources and technical competence to deal with the pearl mussel issue-he also enquired whether it was advisable for the Council to change tack at present. L. Gavin advised that Jacobs were the Consultants and changing tack could involve a whole new environmental assessment process which could take considerable time. Cllr. E. Mannion referred to the public meeting called to discuss the Oughterard –Maam Cross situation and stated that she was in agreement in regard to the provision of an overlay for Bunakill. She enquired about the Council’s discussions with TII concerning Clifden-Maam Cross-whether the IROPI procedure should be used and did this entail the commencement of the project again. Cllr. N. Byrne advised that IROPI may be the only way forward and advised that she sought details of the accident figures for the N59 at a previous meeting. Cllr. T. Healy advised that he received data on the accident figures from the RSA and he would send them to her. Comh. S. O’Cualáin referred to the proposed meeting with NPWS on the 16-9-2016 and enquired if a meeting could be scheduled if the outcome is negative. Cllr. T. Healy enquired about the IROPI procedure and also referred to the terrible state of the laybys on the N59-the ownership of some is a grey area. He enquired if the Council could use a roller to flatten them out. L. Gavin advised that he will let the Council know about the outcome of his meeting with NPWS and in regard to the laybys he stated that some of these may be in private ownership and this will have to be identified.

Kieran Coyne, AO Community & Enterprise addressed the meeting and advised that the purpose of the scheme is to support Town and Village regeneration as part of the Government policy to support rural development. He referred to the guidelines circulated to the elected members which stated that the type of projects to be funded under this initiative are primarily a matter for Local Authorities to identify in partnership with local business and communities. He referred to the type of activities which can be supported which include streetscape and environmental enhancement, enhancement of heritage and other community assets, car parking improvements, provision/enhancement of leisure facilities ( e.g playgrounds, walking trails), town safety and accessibility enhancements, branding and marketing of the town/village etc. He pointed out that due to the relatively short timeframe set by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs for the receipt of completed applications i.e the end of September it was decided that there was insufficient time to publicly advertise the scheme. Instead it is intended to assess the 18 expressions of interest received from community groups who were contacted by e-mail 2-3 weeks ago together with 2-3 recommendations to be submitted by the Area Engineer for North Conamara and 2-3 recommendations to be submitted by the Area Engineer for South Conamara. An application form will have to be completed in regard to those projects which are accepted. He advised that an allocation of €380,000 will be made to each County to cover a maximum of 8 grants for 8 separate town/village projects. At least 50% of the projects and the funding sought should be in regard to Category 1 towns with populations of 5,000 or less. A maximum of 2 Category 2 projects (towns with populations between 5,000-10,000 will be funded in any county. Up to 85% of the total project cost will be grant aided- the minimum grant payable is €20,000 and the maximum grant is €100,000. He stated that at least 15% in matching funding must be provided by the Local Authority and/or the local community (which may include business interests) Up to 10% of the total cost may be provided in the form of “in-kind” contributions ( e.g land lease or voluntary labour) and a minimum cash contribution of 5% will also be required.

Cllr. T. Welby referred to the requirement on page 4 of the guidelines in regard to the establishment of a Town/Village Project Renewal Committee with involvement of the Local Authority, local business interests, residents and the wider community. K. Coyne advised that this can be done later and was not required to make the initial application. Comh. S. O’Tuairisg referred to the short timeframe given to the Council to assess suitable projects and that the Department should have notified it at an earlier stage. Cllr. E. Mannion advised of the need to consider new footpaths when the Area Engineers are submitting suitable projects. Cllr. S. Walsh stated that the projects should be community based as there was no LEADER initiatives or Sports Capital Grants last year- the budget should be divided among the 5 Municipal Districts to give a fair geographical spread and the community groups should be given priority. He advised that Pat Spillane on the rural development working group had announced details a year ago but the relevant Department did not provide the information to the Council until recently and this is tantamount to putting a gun to its head. Cllr. N. Thomas agreed that shovel ready projects submitted by the community should be given priority. K. Coyne advised that Community and Enterprise view this as a mix of projects both community and local authority and stated that a list of the successful projects will be provided to the Council. L. Gavin advised that both the proposed community and local authority projects will have to be assessed in accordance with the criteria- some of these may not be appropriate.

## **5. Declaration of Road to be a Public Road-Section 11 Roads Act 1993      CMD 16043**

On the proposal of Cllr. T. Welby, seconded by Cllr. T. Healy and agreed the following road was declared to be a public road.

- Road commencing at junction with local road L1102 (58,448; 258,188) in the townland of Emlagh and extending north for a distance of 502 metres and finishing in the townland of Rossadillisk (58,292; 258,593)

On the proposal of Cllr. N. Thomas, seconded by Cllr. S. Walsh and agreed the following road was declared to be a public road.

- Road commencing at junction with local road L1320-5 (9,1919; 53,3328) in the townland of Kylebroughlan and extending north for a distance of 300 metres and finishing in the townland of Kylebroughlan (9,1891; 53,3302)

## **6. Civic Honours Protocol-Certificate of Recognition/Achievement      CMD 16044**

The elected members welcomed the new Civic Honours Protocol which provides a mechanism for the Municipal Districts to acknowledge the achievements of individuals, groups and organisations in regard to sporting, cultural, academic, scientific or other areas and in doing so brings honour to their native parish, district or organization. The Civic Honours Protocol was adopted by the members at the July Meeting of the Plenary Council on the recommendation of the Corporate Policy Group. It provides for a mechanism that allows both the Plenary Council and the Municipal Districts to have an appropriate means for the recognition of achievements. It is a reserved function of the Plenary Council to confer the honour of a Civic Reception/Welcome and Honorary Freedom of its administrative area under S74(1)(A) of the Local Government Act 2001. The Municipal Districts can now confer a civic honour in the form of a Certificate of Recognition/Achievement which will be based on a decision of the members and will contain the signature of the Cathaoirleach. Cllr. N. Thomas referred to the fact that the main Council was holding a lot of civic receptions recently and welcomed this as an alternative. Cllr. E. Mannion referred to the proposed civic reception for the Connacht Rugby Team of which Conamara native Ciaran O'Halloran is a member. Comh. S. O'Tuairisg referred to Marty Walsh the Mayor of Boston and proposed that the Freedom of Conamara be conferred on him. He enquired what this would entail. The proposal was seconded by Cllr. S. Walsh.

## **7. Establishment of Committees to plan for local Events- European Region of Gastronomy 2018 & European Capital of Culture 2020.      CMD 16045**

The meeting was advised that a resolution was unanimously adopted at the July meeting of the Plenary Council that the Council would set up a committee in each of the Municipal Districts to plan for local events to complement the European Region of Gastronomy in 2018 and the European Capital of Culture in 2020. K. Coyne advised that the proposed composition of the committees has yet to be decided and that Community and Enterprise will revert back in the future with more details.

## **8. Date & Venue for Next Meeting**

**CMD 16046**

It was decided to hold the next meeting at 3.00p.m on Thursday the 17-11-2016 in the Council Chamber. G. Mullarkey advised that the meeting to consider the draft General Municipal Allocation will take place in October.

## **9. Cathaoirleach's Business**

**CMD 16047**

Cllr. N. Thomas on behalf of the Municipal District of Conamara. welcomed Damien Mitchell to the meeting and wished John Leahy the best on his departure to Clare County Council. He advised that he wished to raise 3 matters.

- (A) He requested an update on his request for a copy of the (Stage 3) Quality Audit Report to be conducted by TII in regard to the Moycullen Bypass in accordance with the DMURS manual.
- (B) He requested clarification on whether the Councillors can make a decision now based on their preference in regard to the route for the R-336.
- (C) He referred to the resurfacing work done on the N-59 and the presence of several hollows/depression on the road between Moycullen and the City boundary.

P. Breathnach advised that the Council has funding to repair the hollows/depressions and the work will be done by a pavement contractor within the next few weeks. D. Mitchell advised that he will consult L.Gavin in regard to the other 2 issues.

## **9. Any Other Business**

**CMD 16048**

Comh S. O'Tuairisg referred to the issue concerning the R-336 and advised that landowners are prevented from building within 50m of the indicative routes. He also referred to problems with Dooneen Pier and advised of the need for steps at the end of the pier. Cllr. N. Byrne enquired on the latest developments concerning the Seanapheastín road and was advised by P. Breathnach that preliminary drainage work was scheduled to commence tomorrow and that weather permitting -the contractor would start the tarring process on the 19<sup>th</sup> of September. She also referred to the resurfacing of the Ballydoite-Moycullen road where there is a dangerous bend and requested repeater signs for the 50 km/h speed limit. P. Breathnach advised that the surface dressing was scheduled to commence at Ballydoite in the near future weather permitting. Cllr. T. Welby referred to the dangerous condition of the section of the Seanapheastín road between the Quarry and the Forestry Gate which was subsiding. He also requested an update on the situation concerning the pier at Inishere and was advised by D. Mitchell that he would refer his query to C. Wynne. Comh. S. O'Cualáin enquired about the bridge at Cill Chiaráin which has a funding allocation and was advised by J.Coyle that he is aware that tenders were advertised and are due back next week-he will check with the relevant staff dealing with bridges. Comh. T.O'Curraoin referred to the need for landowners to trim back bushes adjoining the Barna-Moycullen Road in areas such as Paddy's Cross and Lettergunnet and enquired if the Council can send letters to the landowners. He also enquired if the Council can get the ESB to move back some poles in Barna as it is a safety issue. P. Breathnach advised that the Council can serve notices on landowners under the Roads Act 1993 requesting them to trim back trees and bushes if they pose a danger to road users. He also stated that the Council cannot compel the ESB to move back the poles as they are a statutory body - they can only highlight the issue to them. Comh. S. O'Cualáin advised that

EIR are the main problem concerning poles –they state that they have no funding to move them and charge up to €3,500 per pole. The elected members passed a vote of sympathy on the death of Dr. Curran in Oughterard. Cllr. E. Mannion advised that the Clifden Arts Festival was scheduled to commence at 8.00 p.m on Wednesday 14-9-2016.

***CROCHNAIGH AN CRUINNIU ANSIN***