

MUNICIPAL DISTRICT OF BALLINASLOE

MINUTES OF MEETING OF MUNICIPAL DISTRICT OF BALLINASLOE HELD AT BALLINASLOE MUNICIPAL DISTRICT OFFICE, COUNCIL CHAMBER, BALLINASLOE, CO. GALWAY ON WEDNESDAY, 14th OCTOBER at 2.00 p.m.

CATHAOIRLEACH: Cllr. Finnerty

I LATHAIR FREISIN:

Baill: Cllrs. T. Broderick, D. Connolly, M. Connolly, A. Donohue, D. Burke

Oifigigh: Ms. C. McConnell A/Director of Services, Ms. A. Gardiner, Meetings Administrator, Mr. J. Leahy, A/Senior Engineer, Mr. U. Finn, Senior Executive Engineer, Mr. A. Headd, A/Senior Executive Engineer, Mr. F. McEvoy, A/Senior Executive Engineer, Ms. S. Kennedy, Senior Executive Planner, Ms. G. Kavanagh, Assistant Planner, Ms. M. Donohue, Senior Staff Officer, Ms. A. Monaghan, Staff Officer.

The Cathaoirleach paid tribute to Garda Anthony Golden who lost his life. The Cathaoirleach also paid tribute to those who lost their lives at Glenmuck Road, Carrickmines namely: Thomas and Sylvia Connors and their children Jim, Christy and Mary; Willie Lynch, his partner Tara Gilbert and their children Jody and Kelsey and Willie's brother Jimmy. The meeting was adjourned for five minutes as a mark of respect to the deceased and their families.

CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF THE MUNICIPAL DISTRICT OF BALLINASLOE HELD ON WEDNESDAY, 9th SEPTEMBER, 2015

MDB14089

The minutes of the Ordinary Meeting of the Municipal District of Ballinasloe held on the 9th September, 2015 were approved by the Municipal District Members and signed by the Cathaoirleach on the proposal of Cllr. M. Connolly, seconded by Cllr. Burke.

Matters arising from the Minutes

In response to Cllr. Broderick and with reference to MDB14084 Page 2 with regard to the obligations if any that are placed on Insurance Companies to reduce insurance premiums for householders in areas where flood alleviation measures have been put in place, Mr. Headd advised that if any of the members have specific queries in relation to this matter they should raise them directly with the Office of Public Works. Following discussion, on the proposal of Cllr. Broderick, seconded by Cllr. D. Connolly it was agreed that "The Insurance Federation of Ireland is immediately if not already informed by the relevant Department (O.P.W.) of the substantial

flood alleviation works that have been carried out in Ballinasloe". On the proposal of Cllr. M. Connolly, seconded by Cllr. Donohue it was agreed that "This Council proposes that Minister for the OPW comes to Ballinasloe as promised to see first hand works required to ensure Ballinasloe does not suffer further flooding into the future".

In response to Cllrs. Broderick and Donohue and with reference to MDB14085 Page 2, Mr. Leahy clarified that different options were being looked at within the Corridor of the Greenway Project and he advised that consultations were still ongoing with the affected landowners.

In response to Cllr. Finnerty and with reference to MDB14087 Page 3, Ms. McConnell advised that an update would be provided at the November, 2015 Municipal District of Ballinasloe Monthly Meeting with regard to the Town Clock at St. Johns Church, Ballinasloe.

In response to Cllr. D. Connolly and with reference to MDB14084 Page 1, Mr. Headd advised that a Section 85 for Derrycahill Bridge has been approved and that funding has been made available to Roscommon County Council for the carrying out of works on this project.

In response to Cllr. D. Connolly and with reference to MDB14088 Page 4 with regard to the use of land parcels located adjacent to the M6. Mr. Headd advised that members should address queries in relation to this matter directly to Mr. Headd and that he would pass same onto the NRPO.

In response to Cllr. Finnerty and with reference to MDB14087 Page 3 with regard to the question of providing a Chain of Office for the Cathaoirleach of the Municipal District of Ballinasloe, Ms. McConnell advised that this issue would need to be considered by the Corporate Policy Group of Galway County Council. Following discussion, on the proposal of Cllr. M. Connolly, seconded by Cllr. Burke it was agreed that the Municipal District of Ballinasloe would write and request that Galway County Council's CPG consider the provision of a Chain of Office for the Cathaoirleach's in each of the Municipal Districts.

PROPOSED MATERIAL ALTERATIONS TO THE BALLINASLOE DRAFT LOCAL AREA PLAN

MDB14090

Ms. McConnell advised the Meeting that the Draft Plan was on public display for a 6 week period and the Chief Executive Report on the Draft Submissions was issued to the Elected Members and considered at the July County Council Meeting and Material Alterations were made and put on public display for four weeks. Ms. McConnell advised that the purpose of this Meeting was to discuss the submissions received on the proposed Material Alterations to the Draft Ballinasloe Local Area Plan and any issues arising at a local level but said that no new issues could be raised. She said that the Draft Ballinasloe Local Area Plan would be considered by the full Council at the October County Council Meeting.

Ms. Kennedy advised the Meeting that a number of changes were proposed at the July County Council Meeting to the Ballinasloe Draft Local Area Plan 2015-2021, which were deemed to be Material Alterations. She advised that the proposed Material Alterations were subject to a further SEA and AA

Screening and it was determined that the SEA and AA Screening sufficed for the proposed Material Alterations.

Ms. Kennedy advised that a total of **9 submissions** were received during the Material Alteration public consultation period.

Ms. Kennedy outlined the main points from each Submission received and the Chief Executives recommendation.

Submission No. 1: Department of the Environment, Community & Local Government (Niall Cussen):

Ms. Kennedy advised that the **Department of Environment, Community & Local Government** noted two issues of concern: **MA1** which proposed to rezone land (0.5HA) from agriculture to Residential (Phase 2), and **MA12** which includes an amendment to Objective LU3 – Residential, and recommends inserting a reference to protecting existing residential amenity within proposed Objective LU 3.

Ms. Kennedy advised that the Chief Executive's Recommendation was that **MA1** should revert back to the zoning as published under the Draft Local Area Plan where the subject land was zoned as Agriculture and not Residential Phase 2 as per the proposed Material Alteration.

Ms. McConnell advised the Meeting that this site adjoins the 90 metre buffer zone of the Motorway and is backland development. She said that the Department have considered the change of zoning proposed by the Elected Members and have expressed concern with this zoning and recommended that the zoning should revert to Agriculture as per the Draft Plan.

Ms. Kennedy explained that planning permission was previously refused on this site and said that the Members could find that if they rezoned the land, planning permission might not be realised on it anyway and it may give false hope.

In reply to Cllr. Donohue's proposal to reject the Chief Executive's recommendation, Ms. McConnell explained that it is at the full Council Meeting where the Elected Members can decide whether to accept or not the Chief Executive's recommendation in respect of this site.

Ms. Kennedy advised that the Chief Executive's Recommendation in respect of **MA12** was to amend Objective LU 3 – Residential subsection 3 to read;

"3. Existing commercial businesses in Residential Zonings shall, as far as is practicable, be facilitated to expand and develop their commercial activity subject to ensuring the continued protection of existing residential amenities of the area".

In reply to Cllr. Broderick, Ms. McConnell said that the proposed revised textual changes to Objective LU3 - Residential would allow existing commercial businesses to expand and continue whilst recognising the predominantly residential amenity of the area.

Submission No. 2: Department of the Arts, Heritage & the Gaeltacht (Yvonne Nolan):

Ms. Kennedy advised that the **Department of Arts, Heritage & the Gaeltacht's** Submission was a detailed submission which dealt with heritage-related comments and Nature Conservation in the Natura

Impact Report. Ms. Kennedy advised that the Chief Executive's Response acknowledged that the preparation of Integrated Management Plans by the NPWS (National Parks & Wildlife Service) was not a mandatory requirement under the Habitats Directive and Galway County Council shall facilitate the NPWS where appropriate in relation to this issue.

Ms. Kennedy advised that the Chief Executive's Recommendation was to amend Objective NH 14 – NPWS & Integrated Management Plans;

"Objective NH 14 – NPWS & Integrated Management Plans

Galway County Council shall ~~seek to engage with and~~ support the National Parks and Wildlife Services (NPWS) ~~at their request where appropriate, to ensure facilitate~~ the preparation of Integrated Management Plans (should such plans be programmed by the NPWS in the future) ~~are prepared~~ for all ~~Natura~~ European sites within the sphere of influence of the Ballinasloe LAP area and ensure that such plans prioritise achieving the conservation objectives of European sites, that they are practical, achievable and sustainable and have regard to all relevant ecological, cultural, social and economic considerations and with special regard to the local community"

Ms. Kennedy also advised that the Natura Impact Report (NIR) would be updated accordingly.

In reply to Cllr. M. Connolly, Ms. McConnell explained that the legal responsibility for the preparation of Integrated Management Plans lies with the NPWS. She said that the proposed revised textual changes to Objective NH14 places a lesser commitment on Galway County Council to proactively engage on Integrated Management Plans.

Submission No. 3: Department of Education & Skills (George Carolan)

Ms. Kennedy advised that the Department of Education & Skills had no submission or comment to make and the Chief Executive had no recommendation to make in relation to this Submission.

Submission No. 4: Department of Agriculture, Food & the Marine (Liz McDonnell)

Ms. Kennedy advised that the Department of Agriculture, Food & the Marine had no comments or observations to make in their Submission and the Chief Executive had no recommendation to make in relation to this Submission.

Submission No. 5: Environmental Protection Agency (EPA) (David Galvin)

Ms. Kennedy advised that the EPA's Submission's referred to Policy BAC 3 – Bridleways in Ballinasloe (MA 10) and the Submission noted the potential impact on environmental sensitivities within or adjacent to the Plan area which may arise as a result of the proposed Material Alterations and the Submission stated where amendments to the Plan are proposed that these amendments be assessed for likely significant environmental effects.

Ms. Kennedy advised that the Chief Executive recommendation is to insert a reference to Objective DS9 and to DM NH2 in the title of Policy BAC as follows;

"Policy BAC 3 – Bridleways in Ballinasloe (Refer to Objective DS9 and to DM Guideline NH2)".

In reply to Cllr. D. Connolly, Ms. McConnell clarified that this Submission has requested cross-referencing of various Policies within the Plan but it does not diminish projects to be delivered.

Submission No . 6: Transport Infrastructure Ireland (TII) (Bonneagar Iompair Éireann) (Michael McCormack)

Ms. Kennedy outlined the Submission from Transport Infrastructure Ireland which welcomed referral of the proposed Material Alterations and welcomed the proposed amendments following consideration of the Authority's submission on the Draft Plan. She said that the TII had no observation to make in relation to the remainder of the Material Alterations that went on public display.

Ms. Kennedy advised that the Chief Executive had no recommendation to make in relation to this Submission.

Submission No . 7: Northern & Western Regional Assembly (Gerry Finn)

Ms. Kennedy advised that the Northern & Western Regional Assembly's Submission stated that they had no objection to any of the zoning proposals and asked when the Planning Authority is assessing MA 3 that it would be compatible with Draft Objective TI 24 and that all lands in the vicinity that are already developed are included in Town Centre zoning. In relation to MA 7, Ms. Kennedy said that the Assembly consider that clarity should be given in relation to the future provision of water services infrastructure.

Ms. Kennedy advised that the Chief Executive's Recommendation is to amend Policy UI 1 as follows;

"Policy UI 1- Water Supply, Wastewater and Combined Surface Water Drainage Infrastructure

a) Support Irish Water in the provision and maintenance of adequate ~~wastewater disposal~~, water supply and wastewater management, ~~and surface water drainage~~ infrastructure including the maintenance of the existing combined drainage infrastructure (sewage and surface water, where applicable), in accordance with EU Directives, to service the development of Ballinasloe. This will include satisfactory capacity for public wastewater networks ~~and storm water sewers~~ as appropriate and a satisfactory quantity and quality of water supply.

b) Require all new development to provide a separate foul and surface water drainage system and the surface water system should not connect into the public sewer. The promotion of Sustainable Drainage System approaches and techniques within the plan area shall also be supported". ~~and the promotion of Sustainable Drainage System approaches and techniques within the plan area.~~

Cllr. D. Connolly expressed his concern that Irish Water should be responsible for storm water. He said that Irish Water was placing the responsibility and cost on Local Authority's and their finances. He said that surface water drainage was a critical service in urban areas and said an onus should be put on Irish Water to deal with this. He explained that this is a very important issue and only recently he had seen the unsatisfactory outcome on premises and houses due to high amounts of rainfall and he wanted to compliment the local Area Office staff for responding to the issue in an efficient manner.

In response, Ms. McConnell advised the Meeting that Irish Water are not responsible for Surface Water and said that if the proposed text was not included, it could be misleading when the Local Area Plan is in place.

In reply to Cllr. Broderick, Ms. McConnell advises that surface water is water arising from rainfall and the national position is that Irish Water does not have responsibility for surface water.

Cllr. D. Connolly advised that he accepted the reality but wanted to express his concern that this would have an effect on the local authority's already stretched finances.

In reply to Cllr. Broderick's query on MA3 and Draft Objective TI 24, Ms. McConnell said that the subject lands which are developed have retained their Town Centre/Mixed Use (C1) zoning with a 'Constrained Land Use' zoning applied to developed land located with flood zones A/B. She explained that the undeveloped lands that are within flood zone A or B have an 'Open Space, Recreation & Amenity' zoning applied as a vulnerable land zoning cannot be applied to these lands.

In reply to Cllr. M. Connolly, Ms. McConnell advised that a Stage 3 Site Specific Flood Risk Assessment report could accompany a planning application and this report must conclusively demonstrate that there is no risk of flooding.

In reply to Cllr. Broderick, Ms. McConnell clarified that the previous zoning applied was attributed before the introduction of the *Planning System and Flood Risk Management Guidelines* 2009 introduced by the Department of the Environment, Community & Local Government (DoECLG). She explained that since 2009 the DoECLG do not allow Local Authorities to exercise rights to zone land in areas at risk of flooding and since that date Local Authorities have adopted a precautionary approach in relation to flooding. She said that at planning application stage, an applicant can submit a site specific stage 3 flood risk assessment, to provide a more detailed site analysis.

Submission No . 8: Gerard Cleary, Cleaghmore, Ballinasloe

Ms. Kennedy advised that this submission noted that the parcel of land between Aldi and the petrol filling station, under MA 2A, is developed and should retain its current zoning as Commercial/Mixed Use (C1) as opposed to Business and Enterprise zoning.

Ms. Kennedy advised that the Chief Executive's Response to rezone the undeveloped land from Commercial/Mixed Use (C2) to Business and Enterprise as per the Draft Plan was to reinforce the Town Centre (C1) zoning as the primary focus of the location of new retail development and developed Commercial/Mixed Uses (C2) lands to continue to support established retail uses. She said that the proposed Business and Enterprise zoning under MA 2A does not allow retail uses although it will still allows economic activity uses that are in close proximity to town centre and complements such uses rather than potentially allowing a greater pull towards the Dunlo area.

Ms. Kennedy advised that there was no Chief Executive's Recommendation in relation to this submission.

Ms. McConnell advised the Meeting that there was a planning permission on this site (pp 07/9022) which has not been extended and that this parcel of land (between Aldi and filling station) has not been developed, which was stated in the submission.

Ms. McConnell said that the change of zoning to 'Business & Enterprise' would allow development of a certain retail size and type that would not be encouraged into Town Centres. She explained that under MA 2A, in the Land Use Zoning Matrix a 'cinema' would be 'Open for Consideration' in a 'Business & Enterprise' zoning.

Submission No . 9: Gerard Cleary, Cleaghmore, Ballinasloe

Ms. Kennedy advised that this submission requested that the property MA2B be zoned as Residential and the submission stated that there was no logic in rezoning MA2B and at the same time removing C2 zoning from property that is nearer to the Town Centre.

Ms. Kennedy advised that the Chief Executive's Recommendation was as per DECLG Submission No 1 under MA 12 to include a new subsection 3 in Objective LU 3 – Residential;

"3. Existing commercial businesses in Residential Zonings shall, as far as is practicable, be facilitated to expand and develop their commercial activity subject to ensuring the continued protection of existing residential amenities of the area."

Cllr. D. Connolly made reference to the *"Proposed Material Alterations to the Ballinasloe Draft Local Area Plan 2015-2021"* which was on public display in August, and made reference to MA 3 and the flood maps produced. He said that these maps were produced as part of a study which included various factors included local knowledge and he expressed concern regarding same and referred to the text that stated *"The Indicative Flood Risk Zones should not be solely relied upon for site-specific flood risk assessments"*. In reply, Ms. McConnell said that the Stage 2 Strategic Flood Risk Assessment (SFRA) examined strategically the local area plan area to a certain level of detail. She said that that the SFRA is a Stage 2 report which sets down areas of flood risk which the planning authority must take on board for zoning decisions but said it was not site specific. She explained that a Stage 3 SFRA could not be undertaken at local area plan stage. She confirmed that the flood maps were as accurate as they could be within the remit of the local area plan process. She advised that a Stage 3 site specific assessment report could be submitted at planning application stage.

In reply to Cllr. M. Connolly, Ms. McConnell explained that if there is a huge variance between the flood maps and the CFRAM maps when released, the Local Area Plan may be varied.

In reply to Cllr. M. Connolly, Mr. Headd advised that he would forward the correspondence received from Mr. Gerry Cleary today regarding works affecting the main channel near the M6, to the Shannon CFRAM Group for their consideration.

SPECIAL SPEED LIMIT BYE-LAWS – HOUSING ESTATES

MDB14091

Mr. Finn made a presentation to the members with regard to the Department of Transport, Tourism and Sport Circulars: RSD 01/2015 – County Wide Review of Speed Limits and RW 12/2015 - 30 km/h Speed Limits in Housing Estates.

In reply to Cllr. D. Connolly, Mr. Finn advised that in accordance with Circular "RW 12/2015, 30km/h Speed Limits in Housing Estates" the implementation will be done on a phased basis of 30 km/h speed limits in suitable housing estates in the charge of Galway County Council. Mr. Finn stated that it is intended to introduce 30 km/h speed limits in a number of housing estates in specific towns/villages in 2015 based on the budget provided.

In response to Cllr. Broderick, Mr. Finn advised that Galway County Council intends to commence a review of special speed limits for the administrative area of County Galway. Mr. Finn stated that as the first stage in this review process elected members are invited to make submissions in regard to the making of special speed limits bye-laws and that all submissions must be made in writing before Friday, 18th December, 2015. Mr. Finn stated that in accordance with Circular "RSD 01/2015 – County Wide Review of Speed Limits" a deadline of April 2017 is set for the completion of the review.

DATE FOR BALLINASLOE MUNICIPAL DISTRICT BUDGET MEETING

MDB14092

Following discussion, it was agreed that the Municipal District of Ballinasloe Draft Budget Meeting would be held on Monday 9th November at 11 a.m. at Áras an Chontae, Galway and that the Municipal District of Ballinasloe Ordinary Meeting for November, 2015 would be held on the afternoon of Monday 9th November at 2 p.m. at Áras an Chontae, Galway. Cllr. Broderick referred to the Draft Budget Plan as prepared for the year 2015 and requested that more detail be provided in the 2016 Plan.

MUNICIPAL DISTRICT OF BALLINASLOE DIRECTOR'S BUSINESS

MDB14093

Mr. Leahy referred to the Roads and Transportation SPC Report on Paid Parking which was presented to all of the members of Galway County Council at the September, 2015 Plenary Council Meeting. Mr. Leahy stated that the recommendation of the SPC was that two hours free parking would be provided in the mornings in all Towns in County Galway where paid parking is in operation and that the estimated figure of approximately €120,000 loss in income to Galway County Council which was referred to in the SPC Report was the minimum loss in income which would result from implementation of the new arrangement.

Mr. Leahy explained that the decision taken by members of Galway County Council that two hours free parking be provided at any time of the day could essentially lead to a potential maximum loss of income for the whole county in the region of €500,000/€600,000 per annum. Mr. Leahy stated that the knock on effect of the loss in income was that any monies lost through parking fees would have to be taken from the overall Roads Maintenance Budget. Mr. Leahy further explained that the effect of this decision on the Municipal District of Ballinasloe was a potential loss in the Municipal District Road Maintenance Budget of 20% of overall loss.

Mr. Leahy explained that the provision of two hours free parking at any time during the day would require a lot of monitoring and he explained that the Community Wardens could not be released from their regular duties in order to undertake the additional work associated with paid parking. Traffic Warden parking duties he stated are just a portion of the Community Warden's overall responsibility.

With regard to the decision taken at the Council Meeting to provide two hours free parking any time during the day, Cllr. Finnerty stated that he was happy with the decision taken. Cllr. M. Connolly said that the overall feedback from Traders was that it was a positive move, but acknowledged that it would require monitoring. Cllr. M. Connolly stated that he was not happy to hear that the shortfall in income to Galway County Council would have to be taken from the Roads Maintenance Budget. Cllr. Donohue stated that a lot of people in Ballinasloe were complimentary of the decision taken and he stated that he hoped that business would improve in the towns as a result of the decision. Cllr. Burke stated that he understood that the new arrangement was to be put in place for a trial period of 6 months. Cllr. D. Connolly stated that the arrangement should be let run for a period of 6 months following which an evaluation could be undertaken. Cllr. Broderick expressed reservations about implementation

of the decision of two hours free parking at any time of the day and referred to the impact the decision taken would have on Roads budgets in the Municipal District of Ballinasloe.

Mr. Leahy advised that when the draft bye-laws have been prepared they will then be brought before the full Council in 2016 for ratification.

MUNICIPAL DISTRICT OF BALLINASLOE CATHAOIRLEACH'S BUSINESS

MDB14094

Cllr. Finnerty, along with all the members complemented and congratulated all of the staff of the Municipal District of Ballinasloe for their work undertaken in the October Fair. Cllr. D. Connolly referred to an issue/incident which occurred at this year's October Fair and he sought clarification on same. Cllr. Finnerty advised that that the issue was subject to review at the next Ballinasloe Fair and Festival Co-Ordinating Committee Meeting.

Cllr. Finnerty welcomed the imminent opening of the new Public Library in Ballinasloe which he stated would be a great addition to the Town.

ANY OTHER BUSINESS

MDB14095

Cllr. Broderick commended the work undertaken in Ballinasloe Town by the staff of the Municipal District of Ballinasloe and Ballinasloe Tidy Towns Committee.

Cllrs. Finnerty and D. Connolly paid tribute to the work of Mr. Doc Coyne, the Lock Keeper at the Ballinasloe Marina and expressed disappointment that Waterways Ireland are replacing the position of Lock Keeper with the installation of an automated lock. On the proposal of Cllr. D. Connolly which was seconded by Cllr. Broderick it was agreed that "Ballinasloe Municipal District oppose the automation of the Lock on the River Suck as this will have a severe impact on service, local tourism, safety and level of usage and call on Waterways Ireland not to automate the Lock".

Following discussion, on the proposal of Cllr. D. Connolly which was seconded by Cllr. Broderick it was agreed that the "Municipal District of Ballinasloe calls on Minister for Health, Mr. Leo Varadkar, TD in conjunction with the HSE West to ensure that the unsatisfactory situation experienced by Ballinasloe Social Services in their delivery of services is addressed; the Nursing embargo is lifted and S.39 Grant Aid is increased and reverts back to the 2008 levels".

In response to Cllr. Donohue, Mr. Headd advised that the submission which has been made under the 2016 Low Cost Safety Scheme includes works at Nutfield Cross.

CHRIOCHNAIGH AN CRUINNIU ANSIN

Submitted, Approved and Signed

Michael Donohue

(Cathaoirleach to sign here)

9 November 2015 (Date)