

**CHOMHAIRLE CHONTAE NA GAILLIMHE**

**MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL  
HELD AT ÁRAS AN CHONTAE, PROSPECT HILL ON MONDAY THE  
20<sup>th</sup> JULY 2009.**

**CATHAOIRLEACH:** Cllr. T. McHugh

**ILATHAIR FREISIN:**

**Baill:** Cllrs. T. Broderick, S. Canney, L. Carroll, P. Connaughton, D. Connolly, M. Connolly, Comh S. Ó Cuaig, Cllrs. J. Cuddy, Comh T. Ó Curraoin, Cllrs. M. Fahy, P. Feeney, G. Finnerty, M. Hoade, P. Hynes, C. Keaveney, S. Kyne, M. Maher, E Mannion, T. Mannion, J. McClearn, J McDonagh, M. Noone, P. Roche, Comh S. Ó Tuairisg, Cllrs. S. Walsh, T. Walsh, T. Welby, B. Willers.

**Oifigigh:** Ms. M. Moloney, County Manager; Messrs. J. Cullen, F. Gilmore, P. Ridge, Directors of Service; G. Mullarkey, Head of Finance; E Molloy, M. Dolly, M Lavelle, Senior Engineers; B. McDermott, County Secretary; M. Owens, A Comer, Senior Executive Officers; M McGrath, Senior Staff Officer, J Keane, Staff Officer.

**Thosnaigh an cruinniú leis an paidir.**

**RESOLUTION OF SYMPATHY**

**33**

A Resolution of sympathy was extended to the following:-

Michael & Kathleen Forde, Castle Ellen, Athenry, Co. Galway  
Mary Jo Raftery, Ard Mhuire, Ballinasloe, Co Galway  
Michael & Maureen O'Neill, Glencroft, Leenane, Co. Galway.

**CONFIRMATION OF MINUTES OF MEETINGS**

**34**

The Minutes of Monthly Meeting held on the 25<sup>th</sup> May 2009 were approved by the Council and signed by the Mayor on the proposal of Cllr Keaveney, and seconded by Cllr. McDonagh.

The Minutes of Annual Meeting held on 19<sup>th</sup> June 2009 were approved by the Council and signed by the Mayor on the proposal of Cllr. Keaveney and seconded by Cllr S Walsh.

The Minutes of Special Meeting held on 30<sup>th</sup> June 2009 were approved by the Council and signed by the Mayor on the proposal of Cllr. McDonagh and seconded by Comh Ó Cuaig.

Arising from the minutes, the following issues were raised:

It was proposed by Cllr T Walsh, seconded by Cllr T Mannion and agreed that the Council communicate immediately with The Taoiseach Mr. Brian Cowen and Mr. John Gormley Minister for Environment, Heritage & Local Government to take whatever steps are necessary to ensure that householders can continue to cut turf for their own needs and remove the threat that currently exists.

In response to queries raised by the members, Mr Ridge said that the Council has in place a rural house design guidelines document. He said that this would be supplemented later in the year by a new document which would come before the SPC.

Cllr Fahy proposed that a special meeting of the Council take place on the first Monday in September (7<sup>th</sup> September) to discuss the recommendations of “An Bord Snip”. This was seconded by Cllr Keaveney and agreed.

Replying to the members, the Manager said that she welcomed the recommendations of the Labour Court in relation to the dispute with the outdoor workers. She said that it had arrived late on Friday and that management had not had time to consider its content before today’s meeting.

In response to a query regarding the revised bus routes, the County Manager said that she had nothing further to report on the decision by Bus Eireann to cut bus routes as internal industrial relation talks in the company were ongoing.

**REPORT OF COMMITTEE MEETINGS FOR CONSIDERATION AND ADOPTION**

**35**

The Report of the Conamara Area Committee Meeting held on 19<sup>th</sup> December 2008 was considered. It was adopted by the Council on the proposal of Cllr S Walsh. and seconded by Comh O Tuairisg.

The Report of the Conamara Area Committee Meeting held on 9<sup>th</sup> January 2009 was considered. It was adopted by the Council on the proposal of Cllr S Walsh. and seconded by Comh O Tuairisg.

The Report of the Conamara Area Committee Meeting held on 26<sup>th</sup> January 2009 was considered. It was adopted by the Council on the proposal of Cllr S Walsh. and seconded by Comh O Tuairisg.

The Report of the Conamara Area Committee Meeting held on 19<sup>th</sup> February 2009 was considered. It was adopted by the Council on the proposal of Comh O Tuairisg and seconded by Cllr S Walsh.

The Report of the Conamara Area Committee Meeting held on 19<sup>th</sup> March 2009 was considered. It was adopted by the Council on the proposal of Cllr Kyne and seconded by Cllr S Walsh.

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993** **36**

On the proposal of Cllr. Connaughton and seconded by Cllr. D Connolly the Council approved the declaration of the following road to be a public road, the statutory procedure having been complied with:-

Road commencing at its junction with the L-7145 in the townland of Monivea Demesne and extending in a North Easterly direction for a distance of 101 meters in the townland of Monivea Demesne and finishing at the entrance to Mrs. Siobhan Feeney' house (No. 5 the Demesne) in the townland of Monivea Demesne.

Electoral Area: Ballinasloe

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993** **37**

On the proposal of Cllr. Finnerty and seconded by Cllr. Fahy the Council approved the declaration of the following road to be a public road, the statutory procedure having been complied with:-

Road commencing at Local Road L85196-0 (Kilbeacanty to Beagh Road) from a point, grid reference 147874,200798 in the townland of Beagh, and including the bridge/structure thereon.

Electoral Area: Loughrea

**DECLARATION OF ROADS TO BE PUBLIC ROADS – SECTION 11 OF ROADS ACT 1993** **38**

On the proposal of Cllr. E Mannion and seconded by Comh Ó Tuairisg the Council approved the declaration of the following road to be a public road, the statutory procedure having been complied with:-

Road commencing at Paraic Joyce's house in the townland of An Chorr, An Mám and extending north for a distance of 160 metres in the townland of An Chorr, An Mám and finishing at Marcus Keane's House in the townland of An Chorr, An Mám

Electoral Area: Conamara

**TO CONSIDER REPORT UNDER PART 8 OF THE PLANNING AND DEVELOPMENT REGULATIONS 2001 – DEVELOPMENT OF PERMANENT BRIDGE ALONG THE L4310 KILBRIDE & LISCOYLE, LOUGHREA (KNOWN AS CASTLETOWN BRIDGE)** **39**

Report was already circulated to each member

It was proposed by Cllr. Maher, seconded by Cllr. Finnerty, and agreed, that the development of Permanent Bridge along the L4310 Kilbride & Liscoyle, Loughrea (known as Castletown Bridge be approved

**ROADS**

**40**

Report dated the 20<sup>th</sup> July 2009 was circulated to each member.

Acting Director of Services Mr. Molloy responded to issues raised by the members as follows:

- Funding available for verge trimming and hedge cutting is 40% less than in 2008.
- Available funding this year will target areas that vitally require same. If landowner engages someone to cut hedges, the onus is on them to have insurance cover and the expertise.
- Repairing roads during bad weather was not ideal but was required to be carried out for safety purposes. Pothole repair methods suggested not possible due to lack of funding.
- NRA determine what projects go ahead on the National Primary Routes.
- The emptying of skips in cemeteries will be followed up as soon as possible.
- It is intended to include for a pedestrian light in Bearna.
- There is an ongoing bridge inspection programme and works are carried out on those that are structurally deficit subject to funding.
- Until planning is granted for the specific route in relation to the R336 all other alternative routes will have to remain frozen
- The roads repair programme is based on needs determined by the Area Offices and resources available
- The Council uses the Local Authority Quotes System in relation to tenders and had retendered in May 09 for the prices agreed last September in order to maximize value for money.

It was proposed by Cllr. Cuddy and seconded by Cllr Mannion and agreed that the standing orders be suspended in order to allow the meeting to continue after six o'clock

Regarding road conditions due to M6 construction, Mr. Dolly advised that the contractors must maintain the roads and haulage routes. The Council is seeking funding to restore the routes around the M6. The Manager said that this was a PPP project and Galway County Council was not a party to same. The Council cannot withhold payments to the contracting company, the contract was between the NRA and the construction company. She advised that Mr. Morgan had attended a meeting with the NRA who had given a commitment that the roads will be repaired.

It was proposed by Cllr. D Connolly, seconded by Cllr. Willers and agreed that Galway County Council meet with the Minister for Transport, Mr. Noel Dempsey to ensure that all outstanding damage and the need for all remediation on the new N6 project is dealt with as a matter of priority.

Referring to the circular letter RLR 16/2009 from the Department of Transport dated 14<sup>th</sup> July 2009 regarding the Restoration Maintenance Programme 2009 it was proposed by Cllr. Cuddy and seconded by Cllr. Maher and agreed that the reassignment of the 20% of the funding made available for surface dressing under the restoration maintenance grant to the discretionary maintenance grant be approved.

**THE DEVELOPMENT OF THE CORPORATE PLAN** **41**

Report dated the 9<sup>th</sup> July was already circulated to each member.

Ms. McDermott informed the members that the Corporate Plan will be prepared in consultation with the CPG and shall be submitted to the elected members for approval within the specified period.

**DRAFT STRATEGIC POLICY COMMITTEE SCHEME** **42**

Report dated the 14<sup>th</sup> July was already circulated to each member.

Ms McDermott referred to the draft SPC Scheme which had been circulated to the members. She advised of the contents of a circular letter LG12/09 received on the 14<sup>th</sup> July 2009 from Dept of Environment, Heritage and Local Government which specified new arrangements for the nominations of representatives of the environment sector to SPC's and which had been received after the Draft SPC scheme was circulated to the members. The circular specified that the Environmental sector has now been accorded recognition under the National Partnership arrangements and a new Environmental Pillar will be set up.

On the proposal of Cllr T. Mannion and seconded by Cllr Feeney the Draft Strategic Policy Committee Scheme with the amendments proposed per Circular letter LG12/09 regarding the Environment Sector was approved.

**REMEDIAL ACTION PROGRAMME UPDATE** **43**

Mr. Cullen presented the following update on the Remedial Action Programme for public drinking water supplies in County Galway to the members.

Towards the end of 2007 and into 2008 the Council undertook an assessment of all its public water supplies to determine what works were needed to minimise risk of water supply contamination. Arising from this a Remedial Action Programme was developed to address the deficiencies at 29 water supplies.

The Department of the Environment Heritage and Local Government requested local authorities to make submissions for funding for remedial works. It indicated that remedial works would be classified into two groups, the first being small scale works where funding of up to 75% would be provided and the second being advance works for schemes included in the Water Services Investment Programme.

On the basis of the Council's initial submission the Department of Environment, Heritage and Local Government made an allocation of €3.523m, although some schemes received no allocation whatsoever.

In order to advance the process in an efficient and cost effective way the Council decided to proceed from initial assessment and estimate to actual tender. The Remedial Action Programme incorporating the 29 schemes was grouped into 4 bundles. Tenders were invited over a period of time and all have now been received and assessed. Based on the tenders the overall estimated cost of the remedial action programme is €10.76m, together with a further €1.74m for fees, land acquisition and other costs. The tendered costs are in many cases significantly less than what had been estimated initially.

The Council will now make a further formal submission to the Department outlining the cost of the Remedial Action Programme for the county and seek confirmation of the funding that will be made available in respect of each scheme. When the Department issues confirmation of the funding allocation then the amount to be contributed by Galway County Council towards the Remedial Action Programme will be clear. It will be necessary for the Council to borrow for this and the Council has previously sanctioned a loan for this purpose.

In the event of a positive response from the DOE to the Council's funding request it would be intended to proceed as quickly as possible to contract stage and construction and implement the Remedial Action Programme.

**PRESENTATION BY THE IT DEPARTMENT REGARDING EMAIL FOR THE ELECTED MEMBERS** 44

Mr. Martyn IT Section gave a presentation to the members on the new email access and security policy for the elected members.

**DRAFT ROAD TRAFFIC (SPECIAL SPEED LIMITS) COUNTY GALWAY BYE-LAWS 2009** 45

Report dated the 20<sup>th</sup> July 2009 was circulated to each member.

It was proposed by Cllr Fahy, seconded by Cllr Carroll and agreed that the Draft Road Traffic (Special Speed Limits) County Galway Bye Laws 2009 be deferred until the special meeting of the Council on the 7<sup>th</sup> September. It was also agreed that in the interim that this item be discussed at Area Committee meetings for the benefit of the new members.

**MANAGERS BUSINESS** 46

The Manager referred to the special meeting on the 30<sup>th</sup> June when the situation regarding funding on the capital account and the approval request to the members to seek additional borrowings was outlined. She said that a letter had been received from the Department approving the additional borrowing to cover the Water Services Programmes where there remains additional borrowings. She said this will increase the Councils liability for loan charges.

## Planning

Mr. Ridge referred to the Amendments and Material Alterations to the Craughwell Local Area Plan and alerted the Members to the need for a Special Meeting prior to the 16<sup>th</sup> of September 2009 to consider the Manager's Report on the submissions received on the Amendments and material alterations to the plan which was on public display from 12/6/2009 to 10/7/2009. It was agreed that this item would be dealt with at the Special Meeting to be held on 7<sup>th</sup> September.

Mr. Ridge explained to the newly elected Councillors that the process was at an advanced stage but that once the process had commenced it was not possible to defer it. He added that the process could be abandoned and restarted.

Cllr. Willers suggested that the new Councillors should get copies of the documentation in relation to the Craughwell LAP process to date. Mr Ridge stated that this would be done but added that only the published amendments to the Craughwell Local Area Plan could be considered at this stage of the process.

Cllr. Feeney stated that the National Parks and Wildlife Services (NPWS) were dictating how towns and villages in the County develop. He added that in relation to the Craughwell Local Area Plan, the imprint of the Councillors wishes and that of the local residents for the future of their village would be completely set aside at the next Council meeting in September due to the threat of the NPWS.

Cllr. Welby referred to the following item, in the document titled "Issues for consideration by the Elected Members in relation to the Amended Craughwell Local Area Plan"

"The Council is obliged to consider the implications of the proposed amendments to the draft LAP on the integrity of adjoining Natura 2000 sites in accordance with the Article 6 of the Habitats Directive 92 / 43 / EEC before any such LAP is adopted. Article 6 (3) states that "*...the competent national authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned...*"

Cllr. Welby added that in reference to the Clifden Local Area Plan, the Elected Members were not furnished with the scientific information that formed the basis for the designation of particular sites and stated that all relevant information should be given to the Elected Members in relation to designated sites in order that informed decisions can be made by them. Mr. Ridge stated that all necessary environmental information had been made available to enable the members to make a decision.

Cllr. Welby also referred to the Oughterard Local Area Plan 2006-2012 in relation to a site for the Waste Water Treatment Plant.

It was proposed by Cllr Welby and seconded by Cllr. Kyne that Galway County Council amend the Oughterard Local Area Plan to zone a buffer zone around the selected site for the Waste Water Treatment Plant which differs from that included in the adopted plan and further, to remove the buffer zoning from around the currently selected site and replace it with zoning similar to the surrounding area namely residential zoning.

Mr. Ridge stated that he would take Cllr. Welby's proposal and examine what the implications of it would be for the town of Oughterard and also what the implications would be for the Strategic Environment Assessment by moving a zoning from one spot to another. He also added that appropriate legislation must be in place to deal with this proposal. He added that he would examine all the issues and prepare a report outlining what would be required.

Mr. Ridge referred to Cllr Feeney's issues on the Craughwell LAP and stated that all EU legislation must be complied with and added that the interpretation of the legislation was a separate issue. He also added that the power of the Elected Members to zone land was not being diminished but added that decisions must comply with current legislation and in particular consider the impact on the environment.

Cllr. Cuddy referred to the Planning and Development (Amendment) Bill 2009 and the changes relating to extending the appropriate period of a planning permission. Mr. Ridge stated that this legislation had not yet come into effect.

### **MAYORS BUSINESS**

**47**

In response to a query raised Mr. Cullen said that the public convenience at Tracht Beach was closed recently as a result of industrial action. He thanked the local people for their assistance during this period and said that he was now hopeful that the industrial action was over.

### **NOTICE OF MOTIONS**

#### **NOTICE OF MOTION NO 15 – CLLR. B. WILLERS**

**48**

*The following reply was given:-*

“There is currently no funding available to facilitate the Council in undertaking the works as outlined. Galway County Council have made a submission to the National Roads Authority for consideration and a response to this submission is awaited.”

#### **NOTICE OF MOTION NO 16 – CLLR. B. WILLERS**

**49**

*The following reply was given:-*

“Galway County Council are in discussions with the National Roads Authority with a view to advancing these works following the laying of services including the gas mains and water mains. In the interim, maintenance works shall continue to be undertaken as necessary within the limits of available resources.”

#### **NOTICE OF MOTION NO 17 – CLLR. B. WILLERS**

**50**

*The following reply was given:-*

“While it would not be possible to carry out a full countywide survey, there are various initiatives in operation to address instances of illegal dumping as they arise, such as on the spot fines, issue of Section 18 notices under the Waste Management Act requiring information from individuals on how they dispose of their waste and working with the private sector to increase the refuse service provision throughout the County. The Annual Environment returns to the EPA show that there is a 75% take up of the household waste collection service and the remaining 25% are not necessarily illegal, as they use alternative legal methods of disposal of waste, such as recycling centres, direct delivery of waste to private transfer stations and bin sharing.”

**NOTICE OF MOTION NO 18 – CLLR. J. MCDONAGH**

**51**

*The following reply was given:-*

“An assessment to determine the suitability of the road for taking in charge and the associated costs is being undertaken and a report addressing these matters shall issue in the near future.”

**NOTICE OF MOTION NO 19 – CLLR. J. MCDONAGH**

**52**

*The following reply was given:-*

“The erection of townland signage is considered inappropriate in this instance as it may give rise to a proliferation of such signs. There are a total of eight townlands directly accessible from this particular junction.”

**NOTICE OF MOTION NO 20 – CLLR. J. MCDONAGH**

**53**

*The following reply was given:-*

“Lackagh Sewerage Scheme is included on the Water Services Assessment of Needs List (Schedule J). However, it is not currently included in the Water Services Investment Programme 2007 – 2009. The Water Services Investment Programme is scheduled for review in the coming months and Lackagh will be considered in the context of this review.”

**NOTICE OF MOTION NO 21 – CLLR. M. FAHY**

**54**

*The following reply was given:-*

“In response to the submission made by Galway County Council the Department of Transport have granted the Council the additional discretion requested in the allocation of existing grant allocations and in particular the allocation of the Restoration Maintenance Grant (Surface Dressing Grant). It is intended to avail of this additional discretion to transfer €1.1 million of existing funding to address maintenance works including pothole repairs and verge trimming on a priority basis.”

**NOTICE OF MOTION NO 22 – CLLR. M. FAHY**

**55**

*The following reply was given:-*

“The N18 Gort to Crusheen Scheme, currently under construction provides for one junction to serve Gort. It is considered that one junction is sufficient both at present and for the foreseeable future. As such, the Compulsory Purchase Order, Environmental Impact Assessment and Contract provides for one junction.

Notwithstanding same, in view of the stated intention to seek to upgrade the N18 Gort to Crusheen Scheme to Motorway status and the motorway design standard requirement of minimum of a 2km weaving length between junctions, a junction cannot be provided at this location as the distance between the junction of the R460 Corofin Road and the Gort junction is approximately 1km.”

**NOTICE OF MOTION NO 23 – CLLR. M. FAHY**

**56**

*The following reply was given:-*

“Due to current restrictions on staffing, coupled with recent industrial relations issues, Galway County Council is not yet in a position to provide staff to operate the public toilets at Traught Beach. However, should the staffing issues be resolved in the near future, Galway County Council will proceed to resume services at this location.”

**NOTICE OF MOTION NO 24 – CLLR. P. CONNAUGHTON**

**57**

*The following reply was given:-*

“The Ballymoney Road, Dunmore is not included in the 2009 Revised Roads Programme for improvement works, however necessary routine maintenance shall be undertaken on the road in the near future.”

**NOTICE OF MOTION NO 25 – CLLR. P. CONNAUGHTON**

**58**

*The following reply was given:-*

“The LS6348 Rookwood Road is included in the 2009 Revised Roads Programme and improvement works as detailed in the Revised Roads Programme were undertaken recently.”

**NOTICE OF MOTION NO 26 – COMH S. O’TUAIRISG**

**59**

*The following reply was given:-*

“Tá soláthar áiseanna/ceantar stórála ag Céibh Chill Chiaráin ina ábhar machnaimh ag an gComhairle agus tá measúnú tosaigh chun suíomh oiriúnach a aithint curtha i gcrích. Beidh sé riachtanach, áfach, machnamh a dhéanamh ar sholáthar a leithéid d’áiseanna i gcomhthéacs an choimhlint idir éilimh éagsúla ar na hacmhainní atá ar fáil.”

**NOTICE OF MOTION NO 27 – COMH S. O’TUAIRISG**

**60**

*The following reply was given:-*

“Níl aon mhaoiniú ar fáil faoi láthair chun tógáil ar lámh an bhóthair nó oibreacha feabhsúcháin gaolmhara a áisiú.”

**NOTICE OF MOTION NO 28 – COMH S. O’TUAIRISG**

**61**

*The following reply was given:-*

“The development in question was very recently inspected by the Planning Enforcement Section of the Council and it was established that a number of items of work remain outstanding. It is proposed to contact the Developer to secure the completion of these works as soon as possible.”

**Criochnaigh an Cruinniu Ansin**