

**COMHAIRLE CHONTAE NA GAILLIMHE**  
**MINUTES OF DEFERRED REMOTE COUNCIL MEETING OF**  
**GALWAY COUNTY COUNCIL**

**Monday 20<sup>th</sup> December 2021 via Microsoft Teams**

**CATHAOIRLEACH:** Cllr. Peter Keaveney  
Cathaoirleach of the County of Galway

**Baill:** Comh./Cllr. T Broderick, J. Byrne,  
L. Carroll, J. Charity, D. Collins, D. Connolly, M. Connolly,  
G. Cronnelly, D. Ó Cualáin, J. Cuddy, S. Curley, T. Ó  
Curraoin, A. Dolan, G. Donohue, G. Finnerty; D.  
Geraghty, S. Herterich-Quinn, M. Hoade, C.  
Keaveney, D. Kelly, D. Killilea, M. Kinane, G. King, P.  
Mac an Iomaire, M. Maher, E. Mannion, J. McClearn, K.  
McHugh Farag, A. McKinstry, P.J. Murphy, Dr. E.  
Francis Parsons, A. Reddington, P. Roche, J.  
Sheridan, N. Thomas, S. Walsh and T. Welby.

**Apologies:** Comh./Cllr. I. Canning

**Oifigh:** Mr. L. Hanrahan, A/Chief Executive, Mr. M. Owens,  
Director of Services, Ms. J. Brann, Meetings  
Administrator, Ms. V. Loughnane, Senior Planner,  
Mr. B. Dunne, A/Senior Executive Planner, Mr. B.  
Corcoran, Executive Planner, Ms. A O Moore, Asst.  
Planner, Ms. A. Power, Senior Staff Officer, Ms. U  
Ní Eidhín, Oifigeach Gaeilge, Ms. C. Egan, Assistant  
Staff Officer

**Item No. 1: To consider the Chief Executive's Report on the Submissions received to the Draft Galway County Development Plan 2022-2028 under Part 11, Section 12(5) and (6) of the Planning and Development Act 2000 (as amended)** **3914**

Mr. Owens reminded the Elected Members of the provisions of Part 15 of the Local Government Act and the Code of Conduct for Councillors that provides the Ethical Framework for local government including provision for the disclosure of pecuniary or other beneficial interests or conflicts of interest. It was again noted that Councillors must disclose at a meeting of the local authority any pecuniary or other beneficial interest or conflict of interest (of which they have actual knowledge) they or a connected person have in, or material to, any matter with which the local

authority is concerned in the discharge of its functions, and which comes before the meeting. The Councillor must withdraw from the meeting after their disclosure and must not vote or take part in any discussion or consideration of the matter or seek to in any other aspect influence the decision making of the Council. Mr. Owens referred to the paragraph 7 of the Protocol for Remote Meetings of Council for the guidance on the means of making a declaration at a remote meeting.

Ms. Loughnane suggested that they revert back to Business and Enterprise Zoning in Headford which was covered in **OPR Recommendation 11 – Land Zoned for Employment Uses** on Page 38 and discussed at **Meeting on 17<sup>th</sup> December**. She advised that an amended map had been submitted by Cllr. Murphy.

## Minutes of Special Council Meeting held on 20<sup>th</sup> December 2021

0 - Headford - OPR Recommendation No. 11 - Land Zoned for Employment Uses - Amendment to (i)  
Cllr Murphy (i)  
From - Business & Enterprise  
To - Open Space/Recreation & Amenity  
Area - 0.248 Ha.



She advised that the CE Recommendation was to remove Business and Enterprise Zoning on this piece of land. She advised that a proposal had come in in respect of a piece of this land which the Members wanted to zone open space. Cllr. Murphy stated he was proposing that this section be zoned for Recreation and Open Space and that should deal with the concerns of the Executive.

***It was proposed by Cllr. Murphy, seconded by Cllr. Reddington and Agreed by the Members.***

## **OBSERVATION 11 – SPATIAL PLANNING AND NATIONAL ROADS GUIDELINES FOR PLANNING AUTHORITIES (2012)**

Mr. Dunne advised that the next Observation from OPR to be considered was Observation 11 – Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

In order to ensure the effective planning, implementation and monitoring of the development plan requirements under section 10(2)(n) of the Act and consistency with the Section 28 *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), the planning authority is requested to revisit and strengthen the transport aspects of the following:

- (i) provide the evidence base for the proposed objectives relating to improvements to the national road network as outlined in the Galway County Transport and Planning Strategy (GCTPS); and
- (ii) set out a plan-led approach to the development of the Strategic Economic Corridor and the Atlantic Economic Corridor concepts with due consideration of the Section 28 Ministerial Guidelines.

Mr. Dunne went through the CE Response & Recommendation.

### **Chief Executive's Response:**

- (i) The objectives relating to the national road network within the GCTPS are set out at Section 9 of the document (Road Network Strategy). Table 23 within this section identifies the National Road projects which are to be progressed during the CDP period.

In keeping with the overriding objectives of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012), the GCTPS seeks to protect the efficient and safe operation of the road network. It should be noted that the GCTPS specifically does not advocate for new large-scale road capacity improvements; significant upgrading has taken place to the National Road network serving the County in recent years, and the schemes listed in Table 23 are primarily improvements which build upon these previous works and were identified in earlier plans and strategies.

Three National Road schemes are being developed within the County in accordance with the National Development Plan:

- N6 Galway City Ring Road;
- N59 Maigh Cuilinn Bypass; and
- N59 Oughterard to Maam Cross.

Outside of these three major schemes and those in Table 23, no additional physical capacity improvements are proposed for the National Road network within the GCTPS.

- (ii) The Atlantic Economic Corridor is a concept established with a view to driving significant regional development, complementing and balancing Ireland's thriving East Coast. It is supported by the Western Development Commission and is assisted

by various Government Departments. The AEC is the term applied to a non-administrative or “linear” region along the Western seaboard, stretching from Kerry to Donegal. The aim is to build and increase collaboration within the AEC that maximises its assets, attracts investment and creates jobs and prosperity in the region. The Department of Rural and Community Development is the department that is helping to progress the project and develop a clearly articulated road-map for delivery of the AEC objectives.

The Strategic Economic Corridor (SEC) is a concept that was embedded in the Galway County Development Plan 2003-2009. The SEC is aligned around the Dublin-Galway railway line. It is considered that the forthcoming Economic Strategy that is identified under policy objective ES1 Economic Strategy will develop the SEC concept further and refer and develop opportunities around both the SEC and AEC. The Strategic Economic corridor has been acknowledged as a concept that allows for the development of key strategic developments benefitting from the confluence in the provision of infrastructural developments and linkages.

**Chief Executive’s Recommendation:**

No Change.

Cllr. Mannion queried why N59 to Oughterard was not included there and that it was included in the National Development Plan. In reply Mr. Dunne explained that it is included in S9 in Chapter 6. Cllr. Walsh referring to area between Maam Cross and Clifden, stated that were refusal of all planning permissions there. He suggested that it should be given the same prominence to get upgraded and he suggested that it be included here. Mr. Dunne advised that it was included on Page 129 in Chapter 6 and was contained in the same table as those listed in this Observation. He explained that OPR had made recommendation to these three projects but advised they were contained in Chapter 6 and listed with those projects as well.

**Cllr. McKinstry submitted the following Motion:**

*The GCTPS will provide the evidence base for proposed objectives to improvements to the national road network.*

He stated that OPR has requested this for upcoming roads and suggested that they do need to put in evidence in this regard. Mr. Dunne stated that it does provide this within the Strategy and that it did contain the evidence as requested on Page 122. This was accepted by Cllr. McKinstry.

*CE Recommendation was proposed by Cllr. Maher, seconded by Cllr. Donohue and agreed by the Members.*

**RECOMMENDATION 14 – ACCESS TO NATIONAL ROADS**

Mr. Dunne advised that the next Recommendation from OPR to be considered was Recommendation 14 – Access to National Roads.

The planning authority is required to re-examine the policy objectives across the plan for national roads to ensure that the plan is consistent the Spatial Planning and National Roads Guidelines for Planning Authorities (2012). In this regard, the planning authority should strengthen and expand the policy objectives as follows:

- (i) strengthen the Core Strategy Objectives to reflect strategic objectives relating to safeguarding the strategic function of the existing national road network, and associated junctions;
- (ii) supplement policies NR1-3 to ensure consistency with the guidelines and a plan-led approach in order to safeguard the strategic capacity of national road junctions; and
- (i) revise policy RH16, for rural housing, and DM standard 27 to ensure adherence to and alignment with the provisions of the guidelines.

Mr. Dunne then went through Chief Executive's Response & Recommendation:

**Chief Executive's Response:**

(i) The Draft Plan acknowledges the importance of the national road network in providing connectivity and maintaining competitiveness. The policy objectives included in the Draft Plan will ensure the function of the national road network will be protected in line with national policy. Policy Objective NR 1 'Protection of Strategic Roads seeks to protect strategic transport function of national roads, including motorways through the implementation of the 'Spatial Planning and National Roads Guidelines for Planning Authorities' DECLG, (2012) and the Trans-European Networks (TEN-T) Regulations. The policy objectives contained in the Plan are applicable in their totality and given the clear policy position outlined in **Chapter 6 Transport and Movement**. However having regard to the recommendation made by TII with regard to the Core Strategy it is considered prudent that a Policy Objective be included within **Chapter 2: Core Strategy, Settlement Strategy and Housing Strategy**.

(ii) The Policy Objectives EL 2 and EL 3 are both considered to suitably protect the national road infrastructure. Any proposals which come forward within this corridor shall be considered on their merits and will be required to be in accordance with all Section 28 Ministerial Guidelines.

(iii) The Planning Authority note the comments with regard to Policy Objective **RH 16** being at variance with the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012). There is no objection from the Planning Authority to the recommended proposed update to this Policy Objective. The Planning Authority note the comments with regard to **DM Standards 27 and 28**. The Planning Authority will review and update these DM Standards to ensure they are consistent with the updated Policy Objective RH 16 as noted above.

**Chief Executive's Recommendation:**

(i) It is recommended that the following Policy Objective be inserted into **Chapter 2: Core Strategy, Settlement Strategy and Housing Strategy**

To maintain the strategic function, capacity and safety of the national roads network and to ensure that the existing extensive transport networks are maintained to a high level to ensure quality levels of service, safety, accessibility and connectivity to transport users.

- (ii) No change
- (iii)

**Chapter 4 Rural Living and Development**

**Policy Objective RH 16 Direct Access to National Roads**

Residential development along National Roads will be restricted outside the 50-60kmp speed zones in accordance with the DoECLG Spatial Planning and National Road Guidelines (2012). Consideration shall be given to the need of farm families to live on the family holding on a limited basis and a functional need to live at this location must be demonstrated. Documentary evidence shall be submitted to the Planning Authority to justify the proposed development and will be assessed on a case by case basis. Where there is an existing access, the combined use of same must be considered and shown to be technically unsuitable before any new access can be considered. Access via local roads shall always be the preferred access and in all cases, it must be demonstrated that this is not possible. An Enurement condition will be attached to grants of planning permission for the above.

**Chapter 15 Development Management Standards**

**DM Standard 27: Access to National and Other Restricted Roads for Residential Developments**

The following requirements shall apply to the provision of residential access to National and other Restricted Roads:

**Housing Need Eligibility**

a) Residential development along National Roads will be restricted outside the 50-60kmp speed zones in accordance with the DoECLG Spatial Planning and National Road Guidelines (2012).

~~Consideration shall be given to the need of farm families to live on the family holding on a limited basis and a functional need to live at this location must be demonstrated. Where there is an existing access, the combined use of same must be considered and shown to be technically unsuitable before any new access can be considered. Access via local roads shall always be the preferred access.~~

~~b) Proposed access onto any restricted Regional Road outside the 60kmp kph speed zones shall be restricted to members of the farm family on the family holding and on a limited basis only. Where there is an existing access, the combined use of same must be considered and shown to be technically unsuitable before any new access can be considered. This may require the upgrading and/or relocation of the existing entrance to serve the combined development. Access via local roads shall always be the preferred access. Any new access and must be accompanied by a justification for the proposed access.~~

~~c) An Enurement condition will be attached to grants of planning permission for the above.~~

**DM Standard 28: Access to National and Other Restricted Roads for Commercial & Other Developments**

Commercial development along National Roads and Other Restricted Roads will be restricted outside the defined settlement centres or the Local Area Plan boundaries as follows:

**a) Class I Control Roads (National Road)**

In general, **C**ommercial and industrial development shall be prohibited outside the 50/60kph speed limits of National Routes. Consideration will be given to substantiated cases for extension and intensification of existing establishments and to the provision of park and ride facilities. All existing and proposed National Roads are included under the Class 1 Control Roads designation.

**b) Class II Control Roads (Regional Road)**

Commercial, industrial and community facilities development and land use shall be restricted to essential needs, in the particular locality, of agriculture, tourism infrastructure, fisheries, forestry, park and ride facilities or existing extractive industries, and where these cannot be in the opinion of the Planning Authority, be reasonably located along other non-listed regional or local roads. All restricted regional roads are included under the Class 2 Control Roads designation. Restricted Regional Roads are listed hereunder:

1	Ballinasloe to City Boundary North of Oranmore	R446
2	Tuam – Barnaderg – Horseleap	R332
3	Galway – An Spidéal – Ballinahow Cross	R336
4	Galway – Carnmore – Monivea	R339
5	Derrydonnell – Athenry	R348
6	Headford – Tuam	R333
7	Ballinasloe – Portumna	R355
8	Ballinasloe – Mountbellew	R358
9	Gort – Loughrea	R380
10	Lough George – Annagh Hill	R354
11	Kilcolgan – Galway /Clare County Boundary	R458
12	Baile Chláir – M6 (Junction 19) – Oranmore	R381

Table 15.2 Restricted Regional Roads

**14(i) – CE Recommendation was proposed by Cllr. Maher, seconded by Cllr. Donohue and Agreed by the Members.**

**14(ii) – CE Recommendation was proposed by Cllr. Maher, seconded by Cllr. Donohue and Agreed by the Members.**

**14(iii) – Mr. Dunne advised that two motions were received in relation to this section. The first was from Cllr. Cuddy in relation to restrictions on Regional Roads and he suggested that they be dealt with under Chapter 6 – Transport and Movement. This was agreed by the Members.**

**Cllr. Byrne submitted a Motion as follows:**



*Chapter 4 Rural Living & Development – Policy Objective RH16 Direct Access to National Roads – Revert to Draft Plan.*

*Chapter 15 DM Standards – DM Standard 27: Access to National & Other Restricted Roads for Residential Development – Revert to Draft Plan.*

*DM 28 – (a) Class 1 Control Roads (National Roads) – Revert to Draft Plan.*

Cllr. Byrne advised that he was raising this because of concerns he had for applicants living on family farms and using existing access road. He suggested that if they go with motion it would prevent this from happening. He requested that DM Standard 27 reverts back to Draft Plan. He stated that Cllr. Cuddy had a motion in relation to Family Lands rather than family farm. In relation to DM 28, he proposed to put back in wording “In general” as per Draft Plan. Cllr. Cuddy supported both comments. Cllr. McClearn, stated that while he agreed with Cllr. Byrne’s motion, he stated that the reality was that they were wasting their time as TII would object and an Bord Pleanala will uphold objection.

*Cllr. Byrne’s proposal was seconded by Cllr. Maher and agreed by the Members.*

In relation to DM 27(b) – Cllr. Cuddy requested that he wanted “farm” removed from wording.

Mr. Owens advised the Members that the CE Recommendation to 14(iii) was in accordance with the OPR Recommendation.

*Mr. Dunne stated that RH 17 would be dealt with at a later stage in either Chapter 4 or in TII submission. This was agreed by the Members.*

## **RECOMMENDATION 15 – FLOOD RISK MANAGEMENT**

Mr. Dunne advised that the next Recommendation from OPR to be considered was Recommendation 15 – Flood Risk Management.

Having regard to the detailed requirements of The Planning System and Flood Risk Management, Guidelines for Planning Authorities’ (DECLG and DECHLG, 2009), section 28 guidelines, the planning authority is required to review the Strategic Flood Risk Assessment, in consultation with the OPW, to ensure consistency with the said Guidelines.

The land use zoning objectives under the Draft Plan are also required to be reviewed and amended, as appropriate, having regard to the revised SFRA, and in accordance with the application of the sequential approach, and the Justification Test where appropriate, and having regard to potential climate change effects. The land use zonings at the following specific locations should be reviewed and revised where consistency with guidelines cannot be demonstrated:

Settlement	Site/location	Flood Risk
An Spidéal	Opportunity site 1 (retail/commercial)	(iii) Climate change scenarios, (iv) Spidéal may be vulnerable to coastal erosion and overtopping.
Clifden	Community Facilities site to the west of the town	Flood zone A.
Garraun	Part of residential (phase 1)	Potential risk in climate change scenarios.
Headford	'Business & Enterprise' (BE) and 'Community' Facilities'(CF) zonings south of the town centre and east of the N84, Galway road.	Flood Zone A.
Kinvara	Opportunity site (OPR-KI 1)	At risk to coastal flooding with climate change. Vulnerable to wave overtopping.
Maigh Cuilinn	N59 Moycullen Bypass at two locations;	Flood Zone A.
Oranmore	Areas zoned Residential (Phase 1) west of N67 and east of Maree Road.	At risk of flooding in climate change scenarios
Oughterard*	Lands to southwest of Glan road and adjoining Carrowmanagh Park zoned Residential (Phase 1)	Flood Zone A and B.
Portumna	Residential infill areas at Shannon Road, south of the town.	At risk of flooding in climate change scenarios

A review of all of the settlements listed above were undertaken and the following is an analysis of each settlement listed above. In addition, the response and recommendations made by the OPW are also pertinent and these should be read together with this submission.

Mr. Dunne then went through the CE Response & Recommendation as follows.

### **Chief Executive's Response:**

#### **An Spidéal:**

Flood Zones have been identified using available data. The identified site is not within Flood Zone A or B. As detailed in the SFRA, the Guidelines require that Flood Zones are delineated in line with present day risk. The land use zoning of this site is in compliance with the Guidelines. Nonetheless, provisions have been integrated into the Plan that ensure climate change is appropriately taken into account through development management as required by the Guidelines.

**Chief Executive Recommendation:**

**An Spidéal:**

No Change.

**Chief Executive's Response:**

**Clifden:**

This is considered to be previously developed as a playground, sports field and boat storage and therefore has been zoned for Community Uses. Clarification on future possible uses for this site should be integrated into the Plan.

**Chief Executive's Recommendation:**

**Recommendation No.15 a**

**Clifden:**

To insert the following footnote to the Plan's Land Use Zoning Matrix:

**\*\*Uses identified are subject to specific Land Use Zoning Policy Objectives for the various settlements.**

To also insert the following as a Land Use Zoning Policy Objective for Clifden and overlay the reference number for this Policy Objective on the Land Use Zoning Map for this settlement:

**CSGT 12 Water Compatible Community Use**

*Only water compatible Community Use development will be permitted on the lands zoned for Community Use in the west of the Plan area that overlap with Flood Zones A and B (refer to Land Use Zoning Map).*

**Chief Executive's Response:**

**Garraun:**

Flood Zones have been identified using available data. The identified site is not within Flood Zone A or B. As detailed in the SFRA, the Guidelines require that Flood Zones are delineated in line with present day risk. The land use zoning of this site is in compliance with the Guidelines. Nonetheless, provisions have been integrated into the Plan that ensure climate change is appropriately taken into account through development management as required by the Guidelines.

**Chief Executive's Recommendation:**

**Garraun:**

No Change.

**Chief Executive's Response:**

**Headford:**

The BE zoning referred to should be removed from Flood Zone A and B.

**Chief Executive's Recommendation:**

**Recommendation No.15 b**

The Community Facilities zoning has been applied as the current use is community related. Clarification on future possible uses for this site should be integrated into the Plan.

To also insert the following footnote to the Plan's Land Use Zoning Matrix:

**\*\*Uses identified are subject to specific Land Use Zoning Policy Objectives for the various settlements.**

To also insert the following as a Land Use Zoning Policy Objective for Headford and overlay the reference number for this Policy Objective on the Land Use Zoning Map for this settlement:

**HSGT 12 Water Compatible Use**

*Only water compatible Community Use development will be permitted on the lands zoned for Community Use in the south of the Plan area that overlap with Flood Zones A and B (refer to Land Use Zoning Map).*

**Chief Executive's Response:**

**Kinvara:**

Flood Zones have been identified using available data. The identified site is not within Flood Zone A or B. As detailed in the SFRA, the Guidelines require that Flood Zones are delineated in line with present day risk. The land use zoning of this site is in compliance with the Guidelines. Nonetheless, provisions have been integrated into the Plan that climate change is appropriately taken into account through development management as required by the Guidelines.

**Chief Executive's Recommendation:**

**Kinvara:**

No Change.

**Chief Executive's Response:**

**Maigh Cuilinn:**

The "N59 Moycullen Bypass" area shown on the Land Use Zoning map represents the boundary of a permitted development. It does not represent a Land Use Zoning Objective. This will be clarified on the Land Use Zoning Map and at other parts of the Plan as relevant.

**Chief Executive's Recommendation:**

**Recommendation No.15 c**

To clarify on the Maigh Cuilinn Land Use Zoning Map (and at other parts of the Plan as relevant) that:

**The "N59 Moycullen Bypass" area shown on the Land Use Zoning map represents the boundary of a permitted development and does not represent a Land Use Zoning Objective.**

**Chief Executive's Response:**

**Oranmore:**

Flood Zones have been identified using available data. The identified site is not within Flood Zone A or B. As detailed in the SFRA, the Guidelines require that Flood Zones are delineated in line with present day risk. The land use zoning of this site is in compliance with the Guidelines. Nonetheless, provisions have been integrated into the Plan that ensure climate change is appropriately taken into account through development management as required by the Guidelines.

**Chief Executive's Recommendation:**

No Change.

**Chief Executive's Response:**

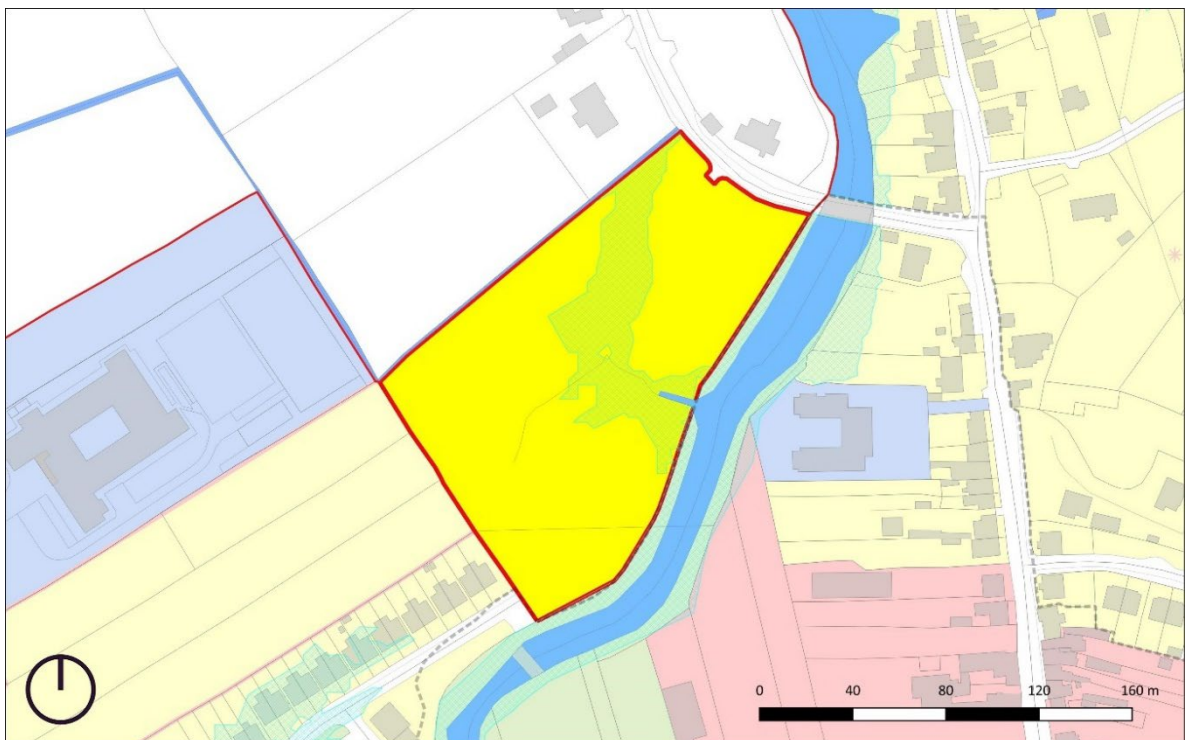
**Oughterard:**

This issue is consistent with the advice from the SFRA, and the land use zoning of this site should be amended to conform with the Guidelines. At the Plenary Council Meeting in May the Elected Members proposed this zoning contrary to the advice of the officials.

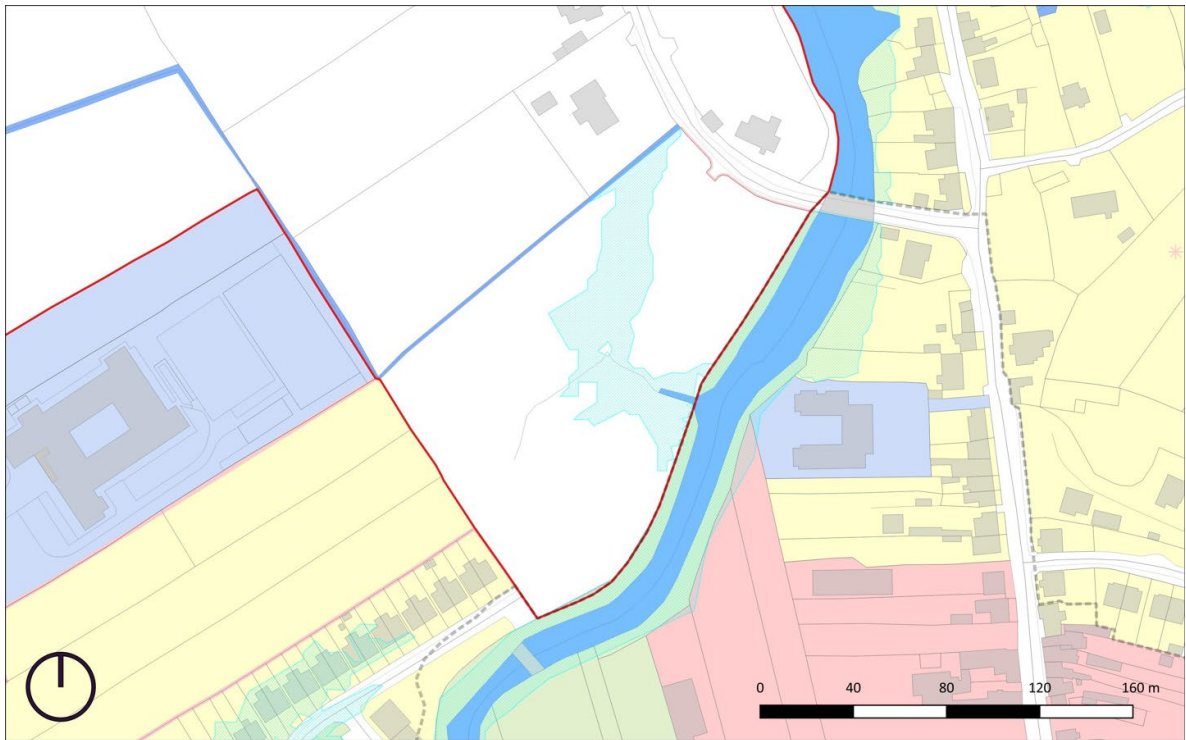
**Chief Executive's Recommendation:**

**Recommendation No.15 d**

**From:**



**To:**



### Chief Executive Response

#### Portumna:

Flood Zones have been identified using available data. The identified site is not within Flood Zone A or B. As detailed in the SFRA, the Guidelines require that Flood Zones are delineated in line with present day risk. The land use zoning of this site is in compliance with the Guidelines. Nonetheless, provisions have been integrated into the Plan that ensure climate change is appropriately taken into account through development management as required by the Guidelines.

#### Chief Executive's Recommendation:

No Change.

#### *An Spideal*

*CE Recommendation was approved on the proposal of Cllr. Maher, seconded by Cllr. Collins and agreed by the Members.*

#### *Clifden*

*CE Recommendation was approved on the proposal of Cllr. Maher, seconded by Cllr. Donohue and agreed by the Members.*

#### *Garraun*

*CE Recommendation was approved on the proposal of Cllr. Carroll, seconded by Cllr. Collins and agreed by the Members.*

#### *Headford*

*It was noted that this was amended previously. It was taken as read into the record.*



*Mr. Dunne advised that the Land Use Matrix Table has been amended to include a caveat to provide that non-vulnerable development be allowed in principle.*

*It was proposed by Cllr. Maher, seconded by Cllr. Collins and Agreed by the Members.*

**Kinvara**

*CE Recommendation was approved on proposal of Cllr. Byrne, seconded by Cllr. Maher and agreed by the Members.*

**Maigh Cuilinn**

*CE Recommendation was approved on proposal of Cllr. Maher, seconded by Cllr. Thomas and agreed by the Members.*

**Oranmore**

*CE Recommendation was approved on proposal of Cllr. Carroll, seconded by Cllr. Maher and agreed by the Members.*

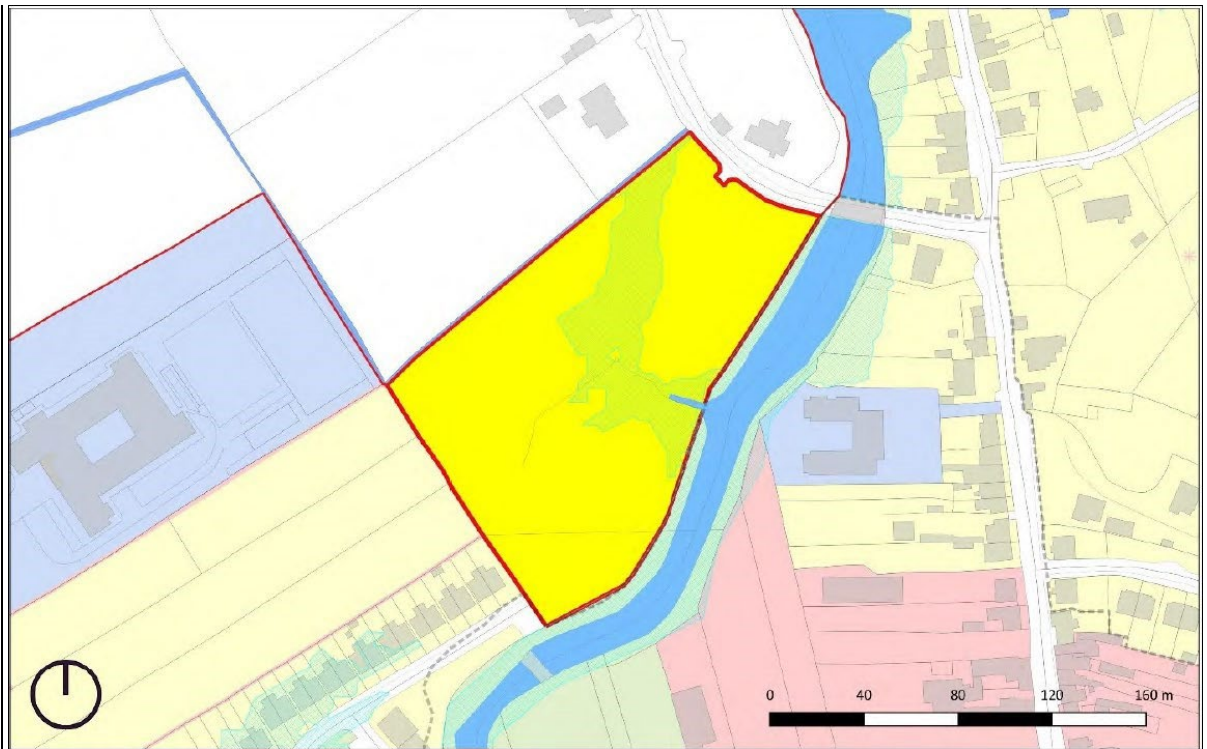
**Oughterard**

**Cllr. Thomas submitted Motion as follows:**

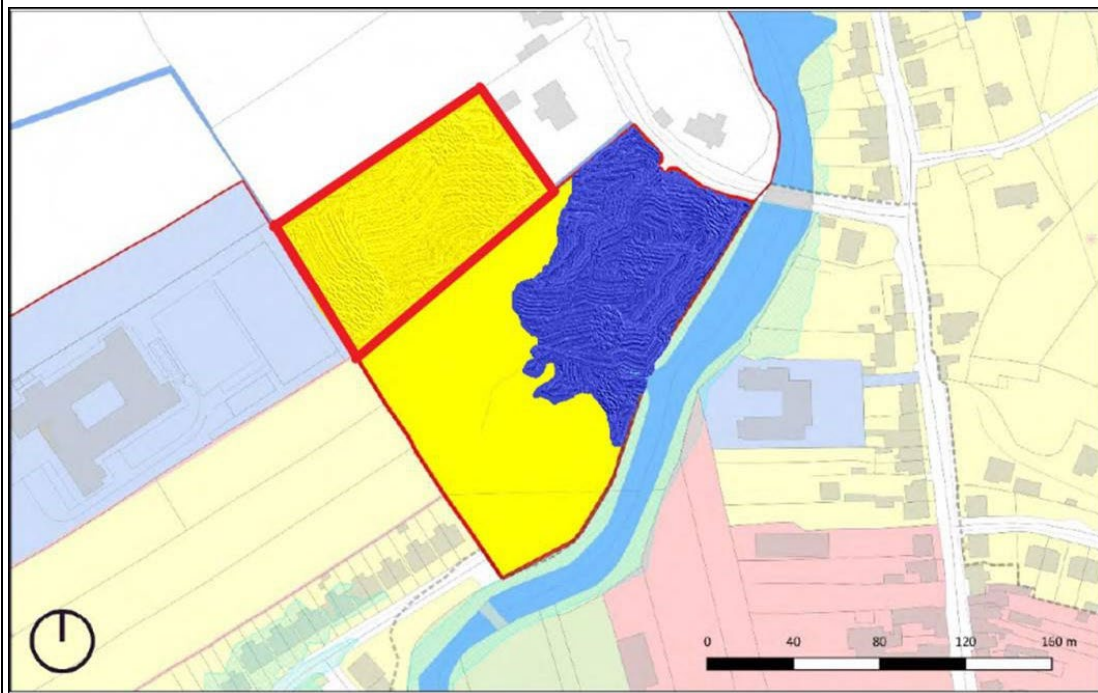
*I propose the following amendment to the map below:*

*This is being done to remove the flood risk element on the site and to increase the recreational and amenity zoning in the area. To delete the area marked blue below which is zoned Residential Phase 1 and to re-zone this Recreational/Amenity and to transfer the residential phase 1 zoning to the area outlined in red.*

From:



To:



Cllr. Thomas stated that this was a perfect part of Oughterard to be developed and stated that this proposal made a lot of sense. Ms. Loughnane stated they would have concerns about access and advised that this area was zoned open space because of flooding risk.



*The Motion as presented was proposed by Cllr. Thomas, seconded by An Comh. O Cualáin and agreed by the Members.*

**Portumna**

*CE Recommendation was approved on proposal of Cllr. McClearn, seconded by Cllr. Maher and agreed by the Members.*

**RECOMMENDATION 16 – AN CHEATHRU RUA**

Mr. Dunne advised that the next Recommendation from OPR to be considered was Recommendation 16 – An Cheathru Rua.

Having regard to Section 10(1D) and Section 12(11) of the Planning Act, the planning authority is required to remove policy WW9 and reference to the minimum 100 metre separation distance for all new wastewater treatment plants in An Cheathrú Rua.

Mr. Dunne went through CE Response & Recommendation.

**Chief Executive's Response:**

Policy Objective **WW9 Municipal Wastewater Treatment Plants in An Cheathrú Rua** was proposed by Elected Members at the Plenary Meeting in May 2021, the officials advised against this new policy objective and this was conveyed at the meeting.

**Chief Executive's Recommendation:**

Remove **Policy Objective WW9** from **Chapter 7 Infrastructure, Utilities & Environmental Protection**

~~WW9 Municipal Wastewater Treatment Plants in An Cheathrú Rua~~

~~There shall of be a minimum 100m setback for all new wastewater treatment plants in An Cheathrú Rua.~~

Mr. Dunne advised that they had received motions from both Cllr. McKinstry & An Comh O Cualáin on this Recommendation.

**Cllr. McKinstry proposed the following Motion:**

*I propose that any new Waste Water Treatment infrastructure (plants, separation facilities and open tanks) be at least 10m above sea level to account for projected sea level rise.*

Mr. Dunne advised that the OPR comment was in relation to An Cheathru Rua. He advised that this could be dealt with in Chapter 7 of the Plan.

*It was agreed that motion would be dealt with under Chapter 7.*

**An Comh. O Cualáin submitted the following Motion:**

*I propose that the 100m setback for all new wastewater treatment plants in An Cheathru Rua, proposed by Elected Members previously remains in place and is not removed. Policy Objective WW9 from Chapter 7 Infrastructure, Utilities & Environmental Protection.*

An Comh. O Cualáin stated that his motion is to retain WW9. He stated that Irish Water also made reference to this submission later on. He stated that this was a huge issue for the local community, and he was asking Members to support this. Mr. Dunne again reconfirmed that putting the 100m buffer zone in place was not in accordance with best practice and recommended that this would not be carried through.

*It was proposed by An Comh. O Cualáin, seconded by Cllr. Thomas and agreed by the Members.*

**RECOMMENDATION 17 – PUBLIC RIGHTS OF WAY**

Ms. Loughnane advised that the next Recommendation from OPR to be considered was Recommendation 17 – Public Rights of Way.

Having regard to the requirements of Section 10(2)(o) of the Act, the planning authority is required to include written policy together with maps identifying public rights of way.

Ms. Loughnane went through CE Response & Recommendation.

**Chief Executive's Response:**

The commentary in relation to Public Rights of Way is noted and the Planning Authority is cognisant of the requirements of the 2010 Planning and Development (Amendment) Act Sec 7(b)(ii)(o) which states that:

*The preservation of public rights of way which give access to mountains, lakeshore, riverbank or other place of natural beauty or recreational utility, which public rights of way shall be identified both by marking them on at least one of the maps forming part of the development plan and by indicating their location on a list appended to the development plan. \**

Galway County Council is not in a position to fully assess and list all public rights of way within the County. This is very resource heavy and detailed legal advice will be necessary to authenticate the public rights of ways as identified or potentially challenged. Funding has not been available to this end to pursue such a matter.

**Chief Executive's Recommendation:**

Policy Objective **PRW 1 Public Rights of Way** outlines the approach from the Local Authority.

Ms. Loughnane stated that while acknowledging the requirement stated there were going to be difficulties with respect to it. She advised that policy PRW1 relates to this and requested acceptance of CE recommendation and policy inserted in CDP.

**Cllr. McKinstry proposed the following motion:**

*That Galway County Council will draw up maps and maintain a register of public rights of way. The Council will seek by public consultation input into this register, and will seek funding to pursue this.*

Cllr. McKinstry stated that maintaining a register of rights of way was required. He stated that other counties have gone and put it out to public consultation and that was required to be done under the Act.

Cllr. M. Connolly stated this would entail a huge amount of work and would be a legal minefield. He stated that rights of way were nearly impossible to extinguish. Cllr. Charity stated that he would have some concern with this proposal and explained that the 2009 Act was introduced to remove that mandatory requirement because it was so unworkable. He stated that there were huge resources required and he couldn't support this motion.

Ms. Loughnane again referred to objective PRW1 which relates to this and advised that they would work towards it as resources became available. Cllr. Welby suggested to let it back out on public display.

*Cllr. McKinstry's proposal was seconded by Cllr. Welby and agreed by the Members.*

## **RECOMMENDATION 1 - CORE STRATEGY TABLE**

Ms. Loughnane referred to Recommendation 1 – Core Strategy and to Motion No. 1 submitted by Cllr. Byrne, seconded by Cllrs. Hoade & Welby. She advised that No. (i) & (v) were agreed at meeting on 06/12/2021. She advised Members to look at Pages 2, 3 & 4 which relate to Core Strategy Table.

**Cllr. Byrne proposed the following motion:**

*That the number of 911 in Tier 7 be disregarded and no housing numbers would be allocated to the Core Strategy figure.*

In response to a query from Cllr. Byrne, Ms. Loughnane explained that the 628 units referenced in HNDA was the number if they were to continue with policies they had and was not the number that was projected. Cllr. Byrne acknowledged Ms. Loughnane's comments on 628 figure and that it relates retrospectively. He stated that the planning applications for this year were up at over 2,300 which proved there was a huge demand for one-off rural housing in the county.

Cllr. C. Keaveney requested to raise the issue in relation to definition of Brownfield/Infill sites and stated it was important to nail this definition down. He stated that he has corresponded with the Planning Department on this issue.

Ms. Loughnane referred to OPR Recommendation No. 2 which clearly states that a minimum of 30% of residential units shall be located in Brownfield Sites as set out in NPO 3 – Appendix 4 of NPF – Reference No. 17 Footnote. She stated it was evidence based and allocated accordingly in respect of 15 Settlement Plans. She stated that CSO boundaries don't correlate with what is on the ground. She explained they were working off 2016 census and there had been a lot of commentary around this. She stated that from a planning perspective it was all evidence based and does accord with NPF and planning objectives.

Cllr. C. Keaveney suggested that if they were applying this methodology it would be reducing the number of houses and stated that this was an incorrect interpretation of boundaries and incorrect interpretation of Brownfield/Infill.

Mr. Dunne explained that it was evidence based essentially and included going out on the ground. The submissions received back from OPR recommended a minimum of 30% residential units to be in the built-up footprint.

Cllr. C. Keaveney stated that in his view, through this evidence-based approach, had resulted in reducing the potential of people being able to acquire housing. He stated that he was alarmed with the discretion on this.

Mr. Owens advised if there was any clarity the Forward Planning Unit can assist in relation to this they would do so and any documentation required, they were willing to provide to Members. He explained that the role in terms of Executive was to advise the Members and explain the background and that was for the purpose of allowing Members to make an informed decision. He explained that this was a matter for Members to consider, taking into consideration the advice and views of the Executive. He said that any changes would go back out on public display and to-date the OPR have recommended a minimum of 30%.

An Comh O Cualáin queried the definition of a Brownfield site and an Infill site and queried where it was contained in County Development Plan. Mr. Owens stated that a description of Brownfield and Infill sites would have been outlined in previous workshops. He stated that in response to a request from the Members he has sought

clarification in relation to a legal definition of the terms and would revert back to Members when a reply was received on this.

Cllr. C. Keaveney stated that the plan as it currently exists has resulted in a shortfall of Brownfield/Infill sites within the Development Plan and he has requested the CE to reflect that. He requested the evidence referenced by the Planning Section. Ms. Loughnane stated that the whole purpose with everything with respect to this plan was based on the proper planning and development of the area.

*On the proposal of Cllr. Byrne, seconded by Cllr. Maher, it was agreed by the Members that the Core Strategy would have no figure included in Tier 7 and the figure of 911 would be added to residential units to be delivered on Infill/Brownfield sites giving a total of 1301.*

Ms. Loughnane advised Members that they needed to agree (iv) on Page 13 – Revised Housing Strategy and Housing Need Demand Assessment Appendix B.

Mr. Dunne reminded Members that they had adopted the topline figure of Core Strategy and he recommended that they go to Recommendation No. 7.

## **RECOMMENDATION 7 – RESIDENTIAL ZONINGS**

Mr. Dunne advised that the next Recommendation from OPR to be considered was Recommendation 7 – Residential Zonings.

Having regard to the national and regional objectives for compact growth NPO 3c and RPO 3.2, the requirement under the “Development Plan Guidelines for Planning Authorities” (2007) that a sequential approach to the zoning of lands is applied and the tiered approach to zoning outlined in NPO 72 the planning authority is required to:

- (i) Oranmore - omit the inclusion of a substantial parcel of land for residential phase 2 to the south of the town on the Maree road;
- (ii) Oughterard - omit the inclusion of lands to the east of the town accessed from the Pier Road, for residential phase 1;
- (iii) Adjust the zoning of lands to the north of Oranmore, accessed via Carrowmoneash road, and revert to the existing established residential land use zoning, unless there is evidence to corroborate that the site is flood zone A or a sound planning justification for this amendment

Mr. Dunne then went through CE Response & Recommendation.

### **Chief Executive’s Response:**

At the Plenary Council Meeting in May the Elected Members, proposed the zoning of lands in Oranmore and Oughterard for residential development. It is considered that there was no justification for the lands zoned for Residential Development and the officials expressed that view. In addition, in Carrowmoneash, Oranmore the Elected Members removed Residential Phase 1 lands on the premise of flooding and re-allocated this quantum of Residential Phase 1 lands to Garraun and Briarhill.

It should be noted that the SFRA carried out on the plan did not support this and this view was expressed by the Officials at the Council Meeting.

**Chief Executive's Recommendation:**

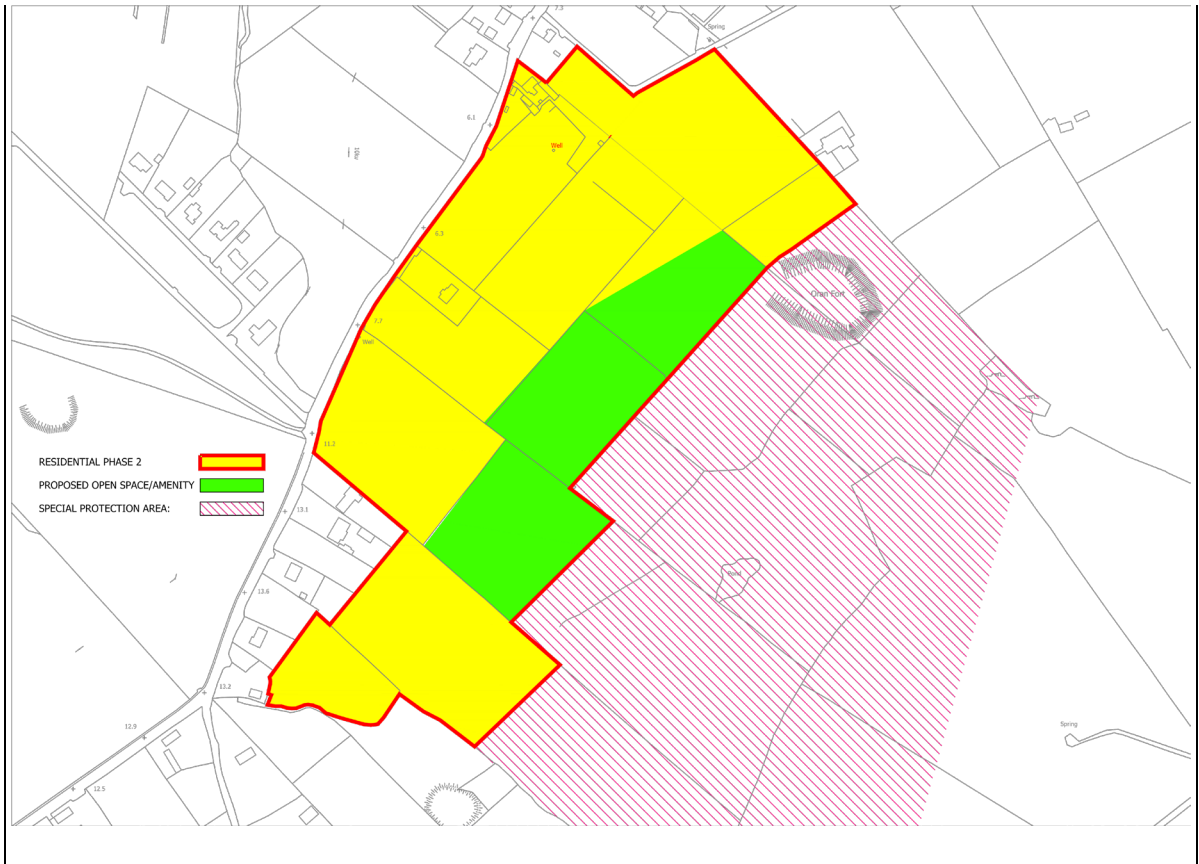
- (i). Please see separate section on page 64 at the end of the OPR Section with Core Strategy Table, Recommendation's No1,2,7 and 15 relating to the removal/addition of Residential Phase 1 lands.
- (ii). Please see separate section on page 64 at the end of the OPR Section with Core Strategy Table, Recommendation's No1,2,7 and 15 relating to the removal/addition of Residential Phase 1 lands.
- (iii). Please see separate section on page 64 at the end of the OPR Section with Core Strategy Table, Recommendation's No1,2,7 and 15 relating to the removal/addition of Residential Phase 1 lands.

Mr. Dunne advised that a joint motion had been submitted by Cllrs. Kinane and Donohue.

**Cllrs. Kinane and Donohue submitted the following motion:**

*We propose that these lands referred to in the attached map are Retained as Residential Phase 2 Zone for the following reasons:*

- 1. The owner is willing to allocate a portion of the zoned land specifically for amenity and recreational use.*
- 2. They is also a willingness to assist the Council with the re-alignment of the Oranmore - Maree Road to help make it safe, again this is something that is badly needed and we fully support this.*
- 3. This land is abutted by the Road through Oranhill Housing Estate and all services, we believe that it is logical and sensible to retain this parcel of land as Residential Phase 2 as a sequential approach to development applies here.*



*Proposal was approved by Cllr. Donohue, seconded by Cllr. Kinane and agreed by the Members.*

(ii) **Oughterard** – omit the inclusion of lands to the east of the town assessed from the Pier Road, for Residential Lands (on Page 67 of CE Report).

Cllr. Welby stated that he had sent in motion in relation to retaining this. He advised that Purple area of ground was a tourism area that was accepted to be retained at previous meeting.

**Cllr. Welby's submitted the following motion:**

*"I propose to retain the zoning on lands to the East of Oughterard on the basis of information below:*

*The lands have access off N59 from an historical entrance (access to the former O Flahertys estate house) within a speed limit zone of 60kmph. This entrance serves as access for 6 land holdings for local farmers and a rear entrance to a private house. The constant reference to the lands accessed by the Pier Road is inappropriate as that entrance is to service a private residential property.*

*The lands directly abut an existing historical housing estate (Lemonfield) which was constructed in approx. late 1950's early 1960's comprising of approx. 15 houses. In the intervening years an additional 10 houses has been constructed in this estate.*

*All these houses are serviced by the original road network. Zoning of lands for construction adjacent to an existing housing estate is in my mind a logical situation, i.e. sequential development.*

*Overall, in a radius of approx. 250m from the lands there is approx. 50 houses, so this is a significant cluster of houses currently. Potentially all these properties could be serviced by a Group Sewerage Scheme, as opposed to currently individual septic tanks, if development took place on the lands proposed to be retained in Residential Phase 1.*

*The lands directly abut Corribdale, the local town park (Folio's GY50369F and GY50371F approx. 4.7Ha) and the Oughterard GAA lands (GY57327 approx. 3.11Ha). Corribdale Grounds has a constructed trail network that would allow people to safely access the town on foot from the lands proposed to be retained as zoned. The other amenities in these two landholdings include a children playground, Teen zone area, outdoor exercise equipment, trails network of approx. 1.8Km, main GAA pitch, training pitch and a GYM for GAA members use.*

*The lands are also approx. 200m from a newly constructed pitch to facilitate the Local Rugby Club.*

*Approx. within 550m of these lands the services available are: 1. Health Centre. 2. Only Filling Station. 3. Only two supermarkets. 4. Only Hotel. 5. Only pharmacy. 6. Only Bookie's. 7. Only Launderette. 8. Five out of the six Public houses – 6<sup>th</sup> approx. 700m away. 9. Only 3 Takeaways. 10. Only Barber and Hairdresser shops. 11. Only two Giftshops. 12. Only two butchers. 13. Only Post office. 14. Two out of three small misc. shops – other shop approx. 850m from lands. 15. Bus stop approx. 700m from land. 16. Only Builders Providers. 17. Community Centre & GYM. 18. Only Town Creche. 19. Only two Auctioneers. 20. Two out of three restaurants. **This is not a complete exhaustive list but I believe it clearly outlines these lands are within safe walking distance of practically all services that people would require and more importantly thereby greatly reducing car dependency.***

*The lands are approx. 400m from the newly constructed Oughterard WWTP so servicing the lands will be relatively straight forward.*

*The lands are approx. 600m from Owen Riff River which is extremely protected under European designation, but I believe that development could take place without impacting on this valuable watercourse.*

*I ask the Members to support the retention of the zoning for Phase 1 residential as clearly the OPR is working off inaccurate information and their system of recommending lands to be excluded from zoning without reviewing on the ground is an unacceptable practice."*



*Motion was proposed by Cllr. Welby, seconded by Cllr. Mannion and agreed by the Members.*

Ms. Loughnane advised that there was a consequence of this motion and referred to page 72 of CE Report. Cllr. Welby stated that the OPR mentioned sequential development but explained that these lands were nearer to town centre. Ms. Loughnane advised that these two tracts of land were greater than the other site. She referred to Cllr. Walsh/Thomas's Motion that zoned another piece of land and advised that additional land had to be zoned as other motion had already gone through. She advised that there were no excess lands available to add up to quantum of land. Cllr. Welby referenced the lands on Page 72 and stated that these were not appropriate, and he had already referenced that at Draft Plan discussions and therefore these lands should not be included in the Draft Plan.

(iii) Adjust the zoning of lands to the North of Oranmore, accessed via Carrowmoneash road, and revert to the existing established land use zoning, unless there is evidence to corroborate that the site is flood zone A or a sound planning justification for this amendment.

Ms. Loughnane advised that the maps referring to above were located in Pages 68 & 69 of CE Report. She advised that a portion of this land was subject to Flood Zone A. She advised that Map has been amended and had taken on board what Members of Athenry/Oranmore area had sent in. Mr. Dunne brought map up on screen. He advised that they didn't have this information when plans went out on public display.

Cllr. Carroll stated that the Members of the Athenry/Oranmore Area have unanimously rejected the recommendation of OPR and CE. He stated that there were 1600 houses in the 2022-2028 CDP for this area and 69 no. houses in this particular area. He stated that while the housing need in Oranmore was great, the risk of flooding on this site was of a bigger concern. He stated that given the risk of coastal flooding in the future, this particular site should be given over to recreational needs for the immediate area. He stated that part of the Carrowmoneash site was already submerged during high levels of rainfall.

**The Athenry/Oranmore Municipal District Members submitted the following Motion:**

*We, the undersigned members for the Athenry/Oranmore Municipal District of Galway County Council, refer to submissions GLW-CI0-1411, GLW-CI0-1379, GLW-CI0-1279, GLW-CI0-1145, GLW-CI0-1139, GLW-CI0-707, GLW-CI0-581, GLW-CI0-380 submitted by residents of Carrowmoneash Estate and submission GLW-CI0-967 Office of the Planning Regulator - Recommendation 7 - Residential Zonings together with GLW-CI0-895 Hailview Ltd, whose main shareholder is Torca Developments Ltd.*

*We are hereby proposing that in accordance with a motion proposed and passed by Elected Members at the Plenary Council Meeting to adopt the Draft Plan in May 2021 to rezone circa 2.3 Hectares of land at Carrowmoneash, Oranmore from Residential Phase I to Open Space/Recreation & Amenity that these lands remain as Open Space/Recreation & Amenity as agreed. We unanimously reject the recommendation of the Office of the Planning Regulator for the following reasons:*

*(1) In Ministers' John Gormley TD and Dr Martin Mansergh TD's Foreword to the Guidelines for Planning Authorities document titled "The Planning Systems & Flood Risk Management" (November 2009) the guidelines require the planning system at national, regional and local level to*

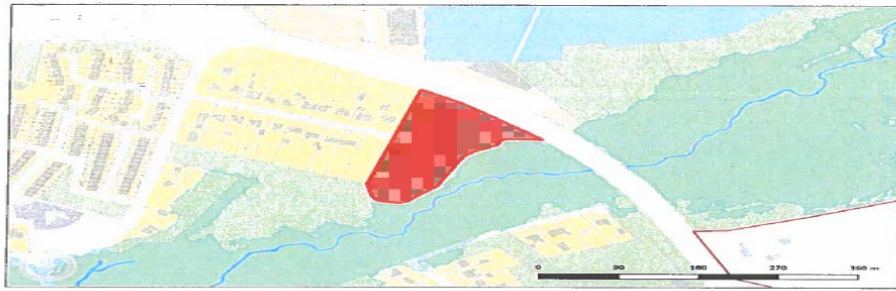
- Avoid development in areas at risk of flooding, particularly flood plains unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere.*

*(2) In January 2020, a company called Torca Developments Ltd, who are the major shareholder of Hailview Ltd (submission GLW-CI 0-895), were refused planning permission on the subject site on 6 grounds, one being that the planning authority "is not satisfied that the site is not at the risk of flooding in the future or not satisfied that the development will not exacerbate the risk of flooding elsewhere and in relation to flood risk, it would be contrary to Ministerial Guidelines issued under Section 28 of the Planning & Development Act 2000 (as amended)". A copy of the Planning Authority's refusal is attached.*

*(3) Visual photographs of the subject site taken after periods of heavy rainfall and high tides which show the site submerged and, which to our knowledge have not been furnished to the Office of the Planning Regulator, are attached.*

*For the above reasons, we are now proposing again that the Carrowmoneash Floodplain lands are retained as Open Space/Recreation & Amenity.*

***Cllr Liam Carroll, Cllr James Charity, Cllr David Collins, Cllr Gabe Cronnelly, Cllr Jim Cuddy, Cllr Albert Dolan, Cllr Shelly Herterich Quinn***



*We are totally rejecting this on the basis that Galway County Council are not satisfied that it won't flood or flood elsewhere. We are proposing again that the Carrowmoneash Floodplain lands are retained as Open Space/Recreation & Amenity.*

Cllr. Cuddy stated that he fully endorsed Cllr. Carroll's motion. He stated that OPR have no knowledge of area and under no circumstances should there be any development taking place there. He stated they were acting for the residents in the area and advised they had provided information and photos showing that this area was not suitable for housing. Cllr. Byrne stated that it was obvious from photographs supplied to Members that the land was prone to flooding and should not be developed on. Cllr. Carroll stated that this could put Oranmore at risk and not just the area of Carrowmoneash. Cllr. Cronnelly concurred with previous speakers.

Ms. Loughnane advised that the most recent Flooding maps which were received in November and advised that the CE Recommendation was based on this most up-to-date information.

Cllr. Carroll stated that they were proposing that the Carrowmoneash Floodplain lands are retained as Open Space/Recreation & Amenity.

Mr. Owens reiterated the CE's Recommendation and advised that a decision to retain the extent of lands as Open Space/Recreation and Amenity as proposed may be open to challenge.

***Motion was proposed by Cllr. Carroll, seconded by Cllr. Cuddy and agreed by the Members.***

Mr. Dunne stated that they would revert back to Recommendation 1 and Recommendation 2 in terms of Core Strategy Table. He explained that arising out of amended ESRI figures, there had been an increase in density in Briarhill, Tuam, Ballinasloe and Athenry. He explained that it would result in addition of 3 Ha in Briarhill and an addition of 6 Ha in Garraun. He queried if this was acceptable in principle by the Members.

Cllr. Carroll stated that on foot of those two additions of 3 Ha and 6 Ha, the Elected Members for the Athenry/Oranmore Municipal District had submitted a motion for Briarhill which doesn't affect the Core Strategy figures. Mr. Dunne stated that this could be looked at in Core Strategy Table and suggested deferring a decision on until Volume 2 was being discussed and they could revert back to them at that stage.

Referring to the three parcels of land on Page 75 of CE Report, Cllr. Carroll queried if it was exactly 6 Ha, as those 3 pieces now complete a sequence in Garraun for Residential and Community facilities. Ms. Loughnane confirmed that it was 6 Ha.

Mr. Dunne brought up Claregalway Submission (Athenry/Oranmore Motion (colored map) located at back of National School and a subsequent motion (Athenry/Oranmore Municipal Members Motion) (0.6 ha Cllr. Charity), both read as follows:

**The Athenry/Oranmore Municipal District Members submitted the following Motion 1:**

*We, the undersigned members for the Athenry/Oranmore Municipal District of Galway County Council, refer to submission GLW-C10-460 and propose that 3.5 acres / 1.399 Ha and as identified on the map annexed hereto be changed from Community Facilities to Residential Phase1 for the following reasons:-*

- The subject site is close to a national primary school, as well as 2 other nearby schools (onescond level) which will be serviced by development on the subject lands.*
- The subject site is not in a flood zone and is not liable to flooding.*
- The proposed additional 3.5 acres/1.399 hectares of land to be zoned Residential Phase*

*1 is fully serviced and is in compliance with National Guidelines and the Draft Development Plan.*

***Cllr. Liam Carroll, Cllr. James Charity, Cllr. David Collins, Cllr. Gabe Cronnelly, Cllr. Jim Cuddy, Cllr. Albert Dolan, Cllr. Shelly Heterich Quinn***



Cllr. Charity stated that they were formally proposing that Community Facility zoned lands would be zoned to Residential Phase 1 Lands as there were additional lands located to the left of rear of school for community purposes and that remains there. He stated that they were located in the centre of village and were not liable to flooding.

Cllr. C. Keaveney asked the Executive to confirm the quantum of land that was now available for consideration.

Mr. Dunne explained that the additional R1 lands in Briarhill and Garraun was as a result of amended ESRI configuration. Referring to the lands dezoned in Carrowmoneash previously, he advised that it was now being proposed to allocate this land to Claregalway in accordance with Cllr. Charity/Cuddy's motions.

Cllr. C. Keaveney stated that he was waiting for a response in relation to the Brownfield/Infill quantum and associated CSO boundaries. Ms. Loughnane advised that the additional lands was as per outline given by Mr. Dunne. Cllr. C. Keaveney considered the evidenced-based approach very subjective. Mr. Dunne reminded the Members that there has been extensive collaboration and discussion on the plan with all Members at Workshops and the extensive number of Council Meetings held in the last year on the County Development Plan. He stated that there were recommendations in the CE Report and the Members could either agree or disagree with these recommendations. He stated that the evidence-based was done by the Planners in the Forward Planning Section and they have done due diligence with all elements of the plan to-date.



Cllr. Dolan stated that his name was included on this motion, but he stated that he hadn't agreed to it. He stated that he had submitted a similar separate motion regarding Claregalway and he had brought it to the attention of the Executive and had sent it in prior to the Meeting for discussion but had not been contacted by them to-date.

Cllr. Charity confirmed that at meeting in Lackagh, the Members decided what motions were to be submitted. He stated that Cllr. Dolan had left the meeting just in advance of this and suggested that if he wanted to disassociate this this motion, there was no problem with that.

Cllr. Dolan advised that his motion was proposing zoning in Claregalway. He advised that it did not affect the Core Strategy and stated that was why he wanted to consult with Executive on the matter. Ms. Loughnane advised that this motion was sent in for discussion and she had received it indirectly. She advised that she spoke briefly on the matter to Cllr. Dolan at Planning Meeting held in Corrandulla on 06/12/2021.

Cllr. Roche supported Cllr. Dolan's Motion.

Cllr. C. Keaveney asked for confirmation on approach to receipt of motions and on dates and times they were received. Mr. Owens confirmed that he received email from Cllr. Dolan on Thursday 9<sup>th</sup> December at 10.59 and the motion was forwarded on to Forward Planning Section at 13.37 that day. Cllr. Dolan stated that his motion was proposing rezoning of 3.2 Ha in Claregalway Plan. He was concerned that Cllr. Charity's motion conflicted with his motion, and he proposed to defer a decision on the motion until after lunch break. Cllr. Charity confirmed that his motion was submitted to the Forward Planning Section on 07/12/2021.

Mr. Owens advised that if the Members wanted additional time in relation to the two motions, the Executive was happy to facilitate that. It was agreed by the Members to defer a decision on both motions until after lunch.

Cllr. Charity advised that they had an additional motion for rezoning of .6 Ha to be considered by Members. Cllr. C. Keaveney asked for date and time the second motion was received. Mr. Owens stated that he would check this out and advise meeting of same. He further stated that a very significant number of motions have been dealt with and explained that it was only at the point that they were being discussed at the meeting that they become a motion.

**The Athenry/Oranmore Municipal District Members submitted the following Motion 2:**

*We, the undersigned members for the Athenry/Oranmore Municipal District of Galway County Council, refer to submission GLW-C10-937 and propose that 0.6 hectares of lands situate at Lakeview, Claregalway and as identified on the map*

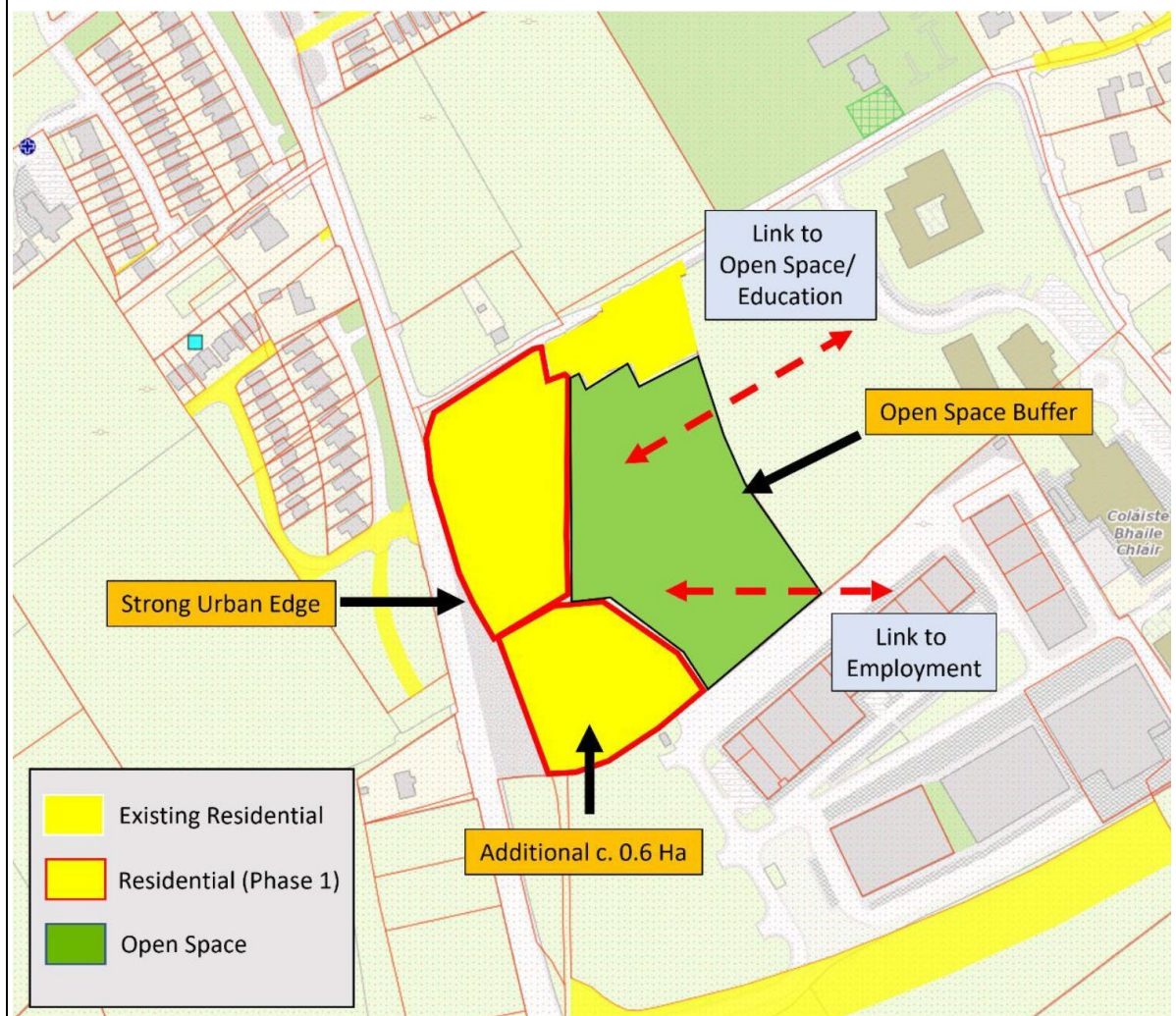
*annexed hereto be changed from Open Space/Recreation & Amenity to Residential Phase 1 for the following reasons:-*

*The subject site is close to 2 schools in the vicinity which will be serviced by development on the subject lands.*

- *The subject site is outside of the flood risk area and is not liable to flooding.*
- *The proposed additional 0.6 Hectares of land to be zoned Residential (Phase 1) is fully serviced and is in compliance with National Guidelines and the Draft Development Plan.*

*Policy Objective BCMSP3 (particularly BCMSP3(b)) will continue to apply to the remaining lands shaded in green on the map annexed hereto.*

**Cllr. Liam Carroll, Cllr. James Charity, Cllr. David Collins, Cllr. Gabe Cronnelly, Cllr. Jim Cuddy, Cllr. Albert Dolan, Cllr. Shelly Heterich Quinn**



Cllr. Kinane asked for clarification in relation to joint motion sent in by Cllrs. Donohue and Kinane in relation to dezoning of lands in Oranhill. Mr. Dunne stated that a number of issues were raised regarding this motion, and he was awaiting confirmation on. Ms. Loughnane asked if they were proposing that as a motion and

if so, she asked they send in email confirmation that they were submitting that as a motion. She advised that on receipt of same, they would bring it up for discussion.

Mr. Owens stated that if there are other motions that Members were bringing forward that would impact on the Core Strategy, to bring them to their attention at this stage so that the Core Strategy table can be closed off. Cllr. Sheridan referred to a motion submitted by him in relation to LARES and Mr. Dunne advised that this did not affect Core Strategy and would be dealt with at a later stage.

**Meeting Adjourned for Lunch at 13.50 hrs and resumed at 15.00 hrs.**

Cllr. C. Keaveney asked if it was possible to combine both motions. Mr. Owens advised that it was a matter for the respective Members to decide how to bring forward their motions.

Cllr. Charity stated that he wanted to clarify that there were two proposals he submitted on 07/12/21 and he accepted that Cllr. Dolan had been named on both motions even though he had left the meeting when these were being discussed. He stated that the other motion was in respect of 0.67Ha. Cllr. Dolan queried if the 1.99 Ha was coming from Carrowmoneash rezoning and advised that his motion did not pertain to that motion. He stated that he believed that his motion could be taken after Cllr. Charity's motion as he was using lands across the MASP Tier. Mr. Dunne advised that there was 0.6 Ha available following the downzoning of the 2 areas combined in the Oranmore/Athenry Municipal Area. Cllr. Dolan apologized for the confusion around the motions and stated that he was happy to be associated with Cllr. Charity's Motions.

**Athenry/Oranmore Municipal Members' Motions 1 & 2 were proposed by Cllr. Charity, seconded by Cllr. Cuddy and agreed by the Members.**

**Cllr. Dolan proposed the following:**

**Context:**

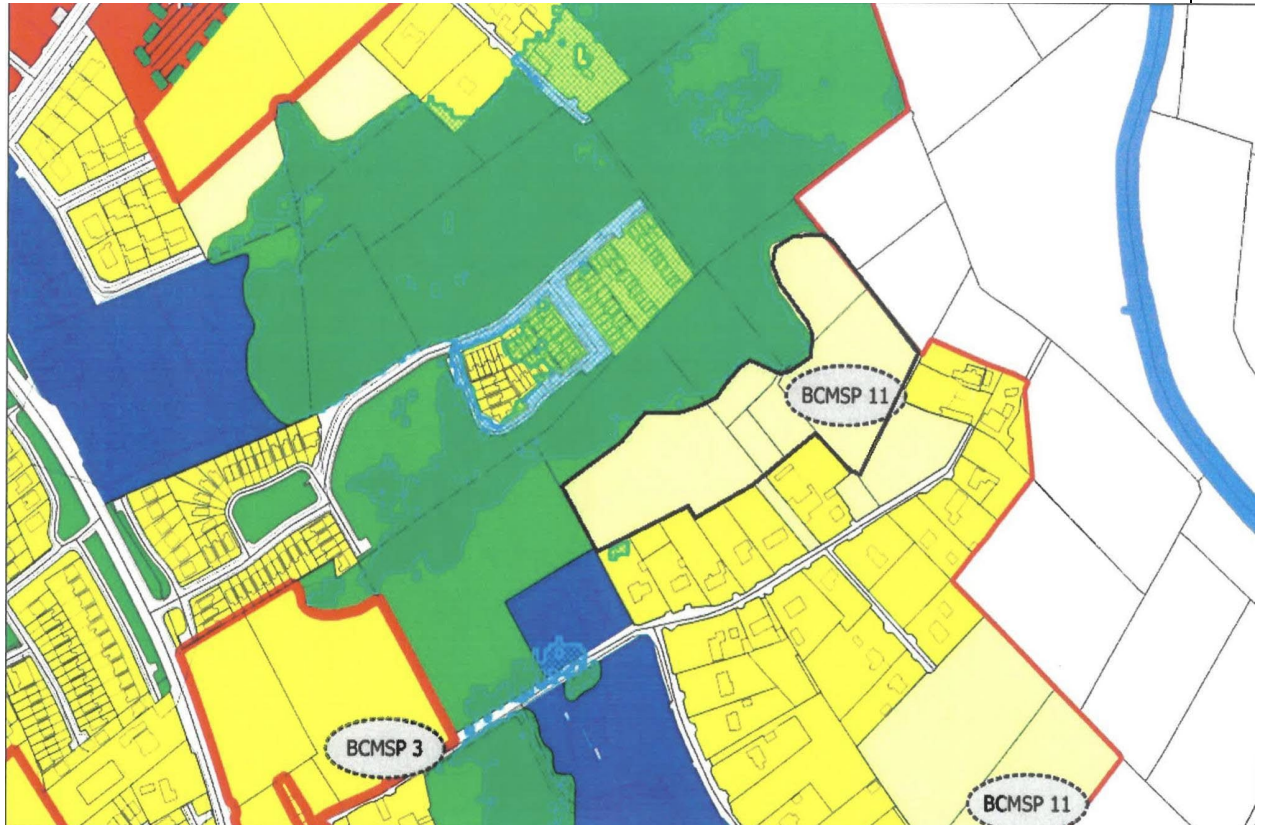
*The Core Strategy is the guiding calculation on how the population growth of the county is to take place over the lifetime of the plan. Seeing as the numbers for every town and village is restricted I believe it is critical that we ensure we hit those targets over the lifetime of the plan. In order to hit our targets we must ensure as elected members that we scrutinise and investigate every element of the plan. It was brought to my attention that in the Claregalway area there is a shortfall of zoned residential phase 1 lands and a shortfall of Brownfield/Infill zoned lands. In consultation with the planning department of Galway County Council it has been confirmed that the Core Strategy states there should be 13.1 Hectares zoned residential phase 1 in Greenfield Sites and 6 hectares zoned Brownfield/Infill sites, currently in the plan presented before us this is not the case. I now believe that we as elected members must rectify this and I propose the following to help reduce the inaccuracies and shortfall. In doing this we are showing our commitment to a fair*



*and equitable society where homes will be delivered in a compact, sequential and sustainable way.*

**Proposal:**

*I am proposing the rezoning of lands at Lakeview, Claregalway, Co. Galway from Phase 2 Residential to Phase 1 Residential. The lands are located at Lakeview, to the south of the Cuirt na hAbhann development and to the north of the Lakeview Road. The lands extend to approximately 3.24 Ha and are currently zoned Phase 2 Residential in the Galway County Development Plan 2015-2021 and in the Draft Galway County Development Plan 2022-2028.*



*3.24 Ha with black line marking the outline of the site is. The are to be zoned form residential phase 2 to residential phase 1.*

**Reasoning:**

*There is a shortfall of 'greenfield' Residential Phase 1 Zoned lands proposed for Claregalway in the Draft Galway County Development Plan 2022-2028 and associated Chief Executives Report. This shortfall is 4 hectares which equates to 120 no. residential units.*

*The Brownfield/Infill units identified in the Core Strategy can only be accommodated within the CSO Urban Settlement Boundary of Claregalway as noted by the Office of the Planning Regulator (OPR) in their submission on the Draft Development Plan. The OPR submission references NPO3 of the National Planning Framework which states that 30% of new homes shall be delivered in the built-up footprints of settlements. The built-up footprint is clarified as follows- 'Individual or scheme homes delivered outside the CSO defined urban settlement boundary are classed as greenfield'. Lands outside the CSO urban settlement boundary are greenfield, lands inside the boundary are suitable for brownfield/infill development.*

*The zoning of the subject lands as Phase 1 Residential (with an area of 3.24 Ha) will reduce the shortfall that currently exists in the Draft Galway County Development Plan 2022-2028 and associated Chief Executives Report.*

He outlined the reasons for the proposal which was included in the motion.

Ms. Loughnane advised that they disagreed with Cllr. Dolan in relation to the counting of infill sites. However, she advised if the Members wish to go with the zoning of 3.24 Ha, it will fall outside Core Strategy Table. She further explained that this tract of land had been refused planning permission on two occasions. In 2016 planning permission was refused by An Bord Pleanala. A further planning application was made in 2019 which was refused by Galway County Council and An Bord Pleanala. It was refused on two grounds – R2 lands and access/connectivity. She stated that their advice was that the Members do not proceed with zoning of 3.24 Ha, as it would result in over-zoning and going outside of Core Strategy.

Cllr. Dolan stated that when he looked at map and looked at Claregalway, there were 2 Ha of infill – 2.2. & .3 Ha inside settlement boundary which equates to 2.5 Ha and stated those should be brownfield/Infill and stated that he had justified his reasoning for this motion. Cllr. Cuddy stated that he wanted it noted in Minutes that Members met with residents of Lakeview and they did not want these lands to be rezoned to Residential Phase 1.

As the motion was not agreed, the Cathaoirleach called for a vote to be taken. A vote was taken and resulted as follows:

For: 28

Cllr. Broderick	Cllr. Byrne	Cllr. Carroll
Cllr. Collins	Cllr. M. Connolly	Comh. O Cualáin
Cllr. Curley	Comh. O Curraoin	Cllr. Dolan
Cllr. Finnerty	Cllr. Geraghty	Cllr. Hoade
Cllr. C. Keaveney	Cllr. P. Keaveney	Cllr. Killilea
Cllr. Kinane	Cllr. King	Comh. Mac an Iomaire
Cllr. Mannion	Cllr. McClearn	Cllr. McHugh/Farag
Cllr. Murphy	Cllr. Reddington	Cllr. Roche
Cllr. Sheridan	Cllr. Thomas	Cllr. Walsh
Cllr. Welby		

Against: 2

Cllr. Charity	Cllr. Cuddy
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Abstain: 7

Cllr. D. Connelly	Cllr. Cronnelly	Cllr. Donohue
Cllr. Herterich/Quinn	Cllr. Kelly	Cllr. McKinstry

Cllr. Parsons

No Response: 2

*The Chairman declared the Motion carried.*

**Cllrs. Kinane, Donohue & Herterich/Quinn submitted the following motion:**

*Cllr. Martina Kinnane, Cllr Geraldine Donohue, Cllr Shelly Herterich Quinn wish to seek the de zoning of a piece of land in Oranhill (outlined below marked orange) from Residential Phase I to Open spaces, Recreation/ Amenity, in order to address the need for a balanced approach to providing amenity facilities for this residential*



Cllr. Kinane stated that this was an unusual motion but a most needed action. She advised that they were proposing to dezone the land (outlined above) in Oranhill which is Phase 1 Residential to Recreation and Amenity to address the lack of amenities for this residential area. She advised that there were approx. 330 houses at this location and 600 more in the pipeline and this area had no amenities whatsoever. She stated that it was their last chance to deliver for the residents in Oranhill by giving them this zoning and asked the Members to support her on this. Cllr. Donohue stated that she was happy to support this motion.

Mr. Dunne advised that there was a live planning permission (Ref: 21/805) on site which was not due to expire until 2026. He advised the Members not to proceed with the motion as proposed.

Cllrs. Byrne and Murphy queried the status of the current planning application. Ms. Loughnane stated that there was a live permission on site and cautioned that the rezoning these lands may lead to a legal challenge by the developers of the site.

In reply to Cllr. Hoade, Ms. Loughnane advised that this planning was on an extension of duration (EOD). Cllr. O Curraoin stated that he would be very supportive of this motion and stated that such facilities were needed in every area around fringes that are growing in population. Cllrs Parsons & McClearn queried what the legal consequences would be by going ahead with this motion. Cllr. McClearn stated that he was opposed to such a proposal.

Ms. Loughnane advised that the planning permission was live until 2026 and again reiterated their concerns with respect to a legal challenge. Cllr. Byrne queried if they could rezone lands that have a live permission on them. Ms. Loughnane stated that this was the Members proposal but advised that the Executive would not be in favour of this proposal and would be advising against this course of action. Cllr. Welby queried if Executive could advise if the Members might be personally liable for making such a decision. Cllr. Kinane stated that this proposal was not something that was taken lightly. She stated that it was not about taking away houses but giving much needed facilities to the area. Mr. Owens stated that he appreciated the motivation behind the motion for additional open space lands in Oranhill but advised that this was not the appropriate response. He stated that these lands have a live planning permission and accordingly this should be reflected in retaining the current zoning. He cautioned that there was an element of risk in terms of a legal challenge to a decision to rezone the lands from residential to open space/recreation and amenity. He advised that the clear advice from the Executive was to retain the zoning as residential. He advised that it was a matter for Members to decide on the motion.

Cllr. Kinane asked that they get legal advice on it before making a final decision on it. Cllr. Charity stated that there was a much wider issue on this in terms of legal challenge for all members. Mr. Owens stated that he was not in a position to provide the legal advice requested to Members today but requested the exact wording of advice sought so as to clarify what was being requested.

In response to clarification sought by Members regarding the possibility of legal action arising out of decision made by the Members, Mr. Hanrahan, Acting/CE advised that in this case the Members were seeking to implement a change against the advice of the Chief Executive's recommendation, and he advised that this decision could result in a legal challenge to the Council regarding their decision to re-zone these lands. A number of Members queried if their decision would be 'indemnified' by the Council, and Mr. Hanrahan advised that he couldn't confirm that as it was for the person who was going to launch a legal challenge to decide who to join in in legal proceedings. However, he was making the Councillors aware that it was the decision of the Council that could leave the situation open to legal challenge.

Cllr. M. Connolly stated that the Members would have always known there were legal implications for any decisions they made. He stated that they were getting into a bit of hysteria here and stated he was not unduly worried about this. Cllrs. Broderick, Sheridan and Carroll proposed proceeding with a vote.

Cllr. Kinane stated that she wanted everybody to be comfortable about vote on this motion and will take decision based on advice from Executive. Mr. Owens advised that there were two elements in relation to the discussion. The first was the decision to downzone lands which had a live planning permission on it from R1 could be open to legal challenge. He stated the Members sought legal advice to that motion and that element of it but advised that he was not in a position to provide it at this point in time. He stated that it was a matter for the Members to decide on whether they were in a position to take a vote. He stated that the discussion broadened out into a more general discussion in relation to the role of Members. Referring back to the motion in front of them, he advised that it is an existing R1 and it has an existing permission and to downzone it could lead to a challenge of the decision. He noted that every decision of Council was open to a possible challenge. The Members agreed to go with a vote on the motion as follows:

As the motion was not agreed, the Cathaoirleach called for a vote to be taken. A vote was taken and resulted as follows:

For: 30

Cllr. Byrne	Cllr. Carroll	Cllr. Charity
Cllr. Collins	Cllr. D. Connolly	Cllr. M. Connolly
Cllr. Cronnelly	Comh. O Cualáin	Cllr. Cuddy
Cllr.,Curley	Comh. O Curraoin	Cllr. Dolan
Cllr. Donohue	Cllr. Finnerty	Cllr. Geraghty
Cllr. Herterich/Qunn	Cllr. Hoade	Cllr. Kelly
Cllr. C. Keaveney	Cllr. P. Keaveney	Cllr. Killilea
Cllr. Kinane	Cllr. King	Comh. Mac an Iomaire
Cllr. McHugh/Farag	Cllr. Murphy	Cllr. Parsons
Cllr. Sheridan	Cllr. Thomas	Cllr. Walsh

Against: 5

Cllr. Broderick	Cllr. Maher	Cllr. Mannion
Cllr. McClearn	Cllr. McKinstry	

Abstain: 2

Cllr. Reddington	Cllr. Roche
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No Reply - 2



***The Cathaoirleach declared the motion carried.***

Ms. Loughnane stated that the last piece required with regard to OPR submission was to agree the Core Strategy Table which would also include amendments made to-date. In reply to An Comh O Cualáin's query regarding addition of settlement centres affecting the Core Strategy, Ms. Loughnane stated that it may, depending on what it was. An Comh O Cualáin also sought clarity on submissions/proposals submitted. Mr. Owens explained that the Members needed to have a clear understanding of the distinction between a submission and a motion including a motion coming forward which was being proposed as an alternative to CE Recommendation. He explained that once a decision was made, it would not be possible to revisit the issue the subject of the motion. He advised that if there were further motions that will impact on Core Strategy Table to be brought forward before a final decision is made on Core Strategy Table it should be done now.

In response to An Comh. O Cualain's query requesting the addition of villages into settlement nodes, Mr. Dunne advised that this section was agreed by Members at meeting on 06/12/2021 and was now closed off and it was not possible to revisit it now. In response to a further query from An Comh. O Cualáin, Mr. Owens advised that at this point all elements of OPR submission have been agreed and the only element that remains outstanding is the Core Strategy Table. He again reminded the Members have motions to bring forward for R1 land, now was the time to bring it forward before closing out the Core Strategy Table.

Ms. Loughnane advised that there was one motion in from Cllr. M. Connolly and Cllr. Broderick in relation to Woodlawn.

**Cllrs. M. Connolly & Broderick submitted the following Motion:**

*"We propose to reject the Chief Executive's Recommendation on this submission by Matt Loughnane. We propose to accept the Submission put forward by Matt Loughnane and zone this site as per Map supplied in making the submission. Zone Residential Phase 1 This site is close to Woodlawn Train Station and is proposing to provide a developer lead ICW. This proposed development will not require any funds from Irish Water and no cost to taxpayers. The submission is fully explanatory and is in line with Government Policy and the Programme for Government (see copy of Speech of Minister Ryan – 23/09/2020)."*

Ms. Loughnane stated that they would not be in favour of this proposal as it would affect the Core Strategy table and lands would have to be found elsewhere within this tier. She advised that the CE response to that submission was that there be no change and referred to proposal under RC3. It was noted that this townland was a node and had been changed to a settlement.

Cllr. M. Connolly stated that this was a stand-alone proposal which had Integrated Constructed Wetlands and therefore no requirements on Irish Water to provide

funding in this instance. He stated that if they were serious about climate change that this was the way to go. He advised there was a local water scheme available, and the area was adjacent to a rail line. He stated that this system can only grow, prosper and develop and he asked the Members to take a leap of faith with him on this proposal.

Ms. Loughnane advised that if Members zoned more R1 lands, they would have to go outside the realms of Core Strategy and that would seriously compromise the CDP. Cllr. Murphy stated that while he agreed with the idea of having settlements along rail lines, he suggested that there were more appropriate areas like Craughwell and Adrahan which may be more suitable to this concept/idea and queried where would the R1 lands would come out of.

Cllr. Welby advised against undoing what they had done so far in the plan and reminded the Members that this process had to be agreed by 13<sup>th</sup> January. He suggested identifying a settlement centre in each of the Municipal areas, and possibly do a LAP for each of these centres. He gave the example of having Carna in the Connemara area. He suggested that if they end up with 5 settlement centres and try to do best practice in relation to them and do a village design for each of them as resources permit. This might be a more favourable option than what was being proposed.

Cllrs. Geraghty, Broderick & McClearn agreed with Cllr. M. Connolly's motion and suggested that it could be used as a pilot for the county. Cllr. McKinstry suggested that before they go to a vote, that his understanding was that they would need to identify R1 lands for removal from another area to make up for shortfall before they could put this forward.

Ms. Loughnane advised if they were to go with this as a pilot as suggested, a new policy objective could be inserted with respect to this development rather than just zoning R1. However, she highlighted the fact that while it was adjacent to a rail line, there was no other services in this location and would be very difficult to getting planning permission here. She further advised that by going with this proposal, it was going to throw the Core Strategy Table into chaos. Cllr. M. Connolly stated that this (Integrated Constructed Wetlands) was Government Policy and stated that it was wrong for Planners to be advising that this type proposal may be refused. Ms. Loughnane advised that proposals like this that had gone to An Bord Pleanala previously were refused and advised that this was not in line with Government Policy. She further advised that they had to identify alternative R1 lands to off-set this zoning.

As the motion was not agreed, the Cathaoirleach called for a vote to be taken. A vote was taken and resulted as follows:

For: 31

Cllr. Broderick	Cllr. Byrne	Cllr. Charity
Cllr. Collins	Cllr. D. Connolly	Cllr. M. Connelly
Cllr. Cronnelly,	Comh. O Cualáin	Cllr. Cuddy
Cllr. Curley	Comh. O Curraoin	Cllr. Dolan
Cllr. Donohue	Cllr. Finnerty	Cllr. Geraghty
Cllr. Herterich/Quinn	Cllr. Hoade	Cllr. Kelly
Cllr. P. Keaveney	Cllr. Killilea	Cllr. Kinane
Cllr. King	Comh. Mac an Iomaire	Cllr. McHugh/Farag
Cllr. Mannion	Cllr. McClearn	Cllr. Parsons
Cllr. Roche	Cllr. Sheridan	Cllr. Thomas
Cllr. Walsh		

Against: 3

Cllr. Carroll	Cllr. McKinstry	Cllr. Welby
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Abstain: 2

Cllr. Murphy	Cllr. Reddington
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No Reply - 3

<b><i>The Cathaoirleach declared the motion carried.</i></b>
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Ms. Loughnane advised that as a result of this proposal, they were now outside the Core Strategy and there was no reallocation of numbers. In response to Cllr. M. Connolly's query as to where those land could come out of, Ms. Loughnane advised that it was up to the Members to decide on same.

Cllr. Donohue advised that she had added a motion in Chat function in relation to rezoning of alternative R1 lands with regards to down-zoning of lands in Oranhill. Mr. Dunne advised that a map was required to clearly identify R1 lands so that all Members were aware of what was being proposed. Cllr. Kinane proposed to postpone decision on motion until after Christmas. This was seconded by Cllr. Donohue.

In response to Cllr. Walsh's query regarding a submission in CE Report, Mr. Dunne stated that there were 2 submissions made on the said parcels of land and asked for clarity as to which submission it related to. Cllr. Walsh was again advised that if he wanted a motion considered before the meeting, he needed to submit it by email to Forward Planning Section. He was further advised that it needed to be a properly proposed motion and must give a detailed reason for inclusion in report to OPR. Cllr. Walsh advised that a map had gone through on email, and he was proposing



Residential Phase 1 rezoning as this was an unfinished Housing Estate. He advised that these were serviced lands in an existing housing estate. Mr. Dunne queried where were the R1 lands coming from and stated that the two submissions received were from two existing landowners and they were slightly contrary to each other. An Comh. O Cualáin queried if they could be taken out of Oranhill? Mr. Dunne advised that this was not possible as they had to keep within their respective tiers. Cllr. P. Keaveney suggested deferring motion until after Christmas. This was agreed by Members.

Cllr. Hoade asked for clarity on dates of Planning Meetings in January. Mr. Owens advised they were scheduled Meetings to be held on 6<sup>th</sup>, 7<sup>th</sup>, 10<sup>th</sup> & 11<sup>th</sup> January 2022. Mr. Owens suggested that at this point he did not believe it would be possible to conclude the process within the time provided by the remaining scheduled meeting as there was still a very significant workload to get through. He advised that the process had to be concluded by 13<sup>th</sup> January 2022 and it was a matter for the Members to decide on additional meetings. Cllr. P. Keaveney proposed those meetings would be extended to six hours. Cllr. Hoade queried if there was any possibility of going beyond the 13<sup>th</sup> January timeframe and Cllr. Donohue queried what would happen if they went beyond the deadline. Mr. Owens advised that the whole process was governed by a statutory timeframe and delaying same could bring the whole process into doubt. Cllr. Roche stated that in view of current restrictions the Department should extend deadline and couldn't see why it couldn't be extended. Ms. Loughnane advised that legislation clearly sets out dates in which it has to be finalized.

It was agreed by Members that Meetings would recommence on 5<sup>th</sup> January 2022.

***The Meeting was deferred until 5<sup>th</sup> January 2022.***

### **Chriochnaigh an Cruinniú Ansin**

**Submitted, Signed and Approved**

**Cathaoirleach:**  \_\_\_\_\_

**Date:** \_\_\_\_\_ **07/03/2022** \_\_\_\_\_