

COMHAIRLE CHONTAE NA GAILLIMHE
MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL
Held at ÁRAS AN CHONTAE, PROSPECT HILL
Monday, 23rd January 2023 at 11.00am

CATHAOIRLEACH: Cllr. Michael 'Moegie' Maher
Cathaoirleach of the County of Galway

I LATHAIR FREISIN:

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

Oifigh: Mr. J. Cullen, Chief Executive, Mr. L. Hanrahan, Director of Services, Mr. M. Owens, Director of Services, Mr D. Pender, Director of Services, Ms Eileen Ruane, Director of Services, Ms. A. Fenton, Head of Finance, Ms. J. Brann, Meetings Administrator, Ms L. Keady, Administrative Officer, Ms. L. Sharkey, Administrative Officer, Ms. B. Ryan, Staff Officer, Ms. E. Hoffman, Clerical Officer. Mr P. Scannell, Clerical Officer

Thosnaigh an cruinniú leis an paidir.

The Cathaoirleach was joined by Members in extending sympathies to Comh O' Curraoin following the passing of his brother Peadar O 'Curraoin RIP. A minute's silence was observed as a mark of respect. Comh. O'Curraoin thanked the Members Staff and Media for their support.

ITEM NO.1 CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS

4091

On the **PROPOSAL** of Cllr. King **SECONDED** by Cllr. Curley the Minutes of Monthly Plenary Meeting held on 19th December 2022 were **AGREED**.

Referring to a motion regarding the occupation of vacant commercial premises proposed at the Budget Meeting by Cllr. Killilea, the Chief Executive confirmed a draft Business Incentive Scheme would be presented to CPG in advance of the February plenary meeting and included as an agenda item for the meeting.

Clarification was sought on the brief and make-up of the of the Transportation & Infrastructure SPC sub-committee which Members had agreed to establish at the December Plenary Meeting. Mr. Pender advised the SPC had a statutory basis to consider the formulation of policy but noted a subcommittee had no statutory powers. He advised it was a matter for the Members to determine the brief and agree the makeup of the of the sub-committee.

In response to a query regarding the Galway Airport site the Chief Executive advised that consultants were engaged initially when the site was acquired to agree an overall framework for the site. To develop a masterplan for the site he advised Consultants will have to be engaged again. He said there was huge potential for the site and noted that all decisions will be made in full consultation with Galway City Council.

In response to a query raised regarding the omission of a discussion in the minutes on the outage of traffic lights at Carnmore cross, the Chief Executive advised the matter had been discussed at the November meeting and included in the December minutes.

ITEM NO.2 CONSIDERATION OF REPORTS AND RECOMMENDATIONS 4092

On the **PROPOSAL** of Cllr. Roche **SECONDED** by Cllr. King the minutes of the Transportation & Infrastructure Strategic Policy Committee held on 8th September 2022 were **AGREED**.

In response to a query regarding an update on the local authority's ability to deliver on Active Travel projects, Mr. Pender confirmed that funding applications were based on the local authority's ability to deliver the works within 12 months. In terms of staffing, he confirmed additional resources were required in both the dedicated Active Travel unit within the Roads Department and the Municipal District office. He advised he was awaiting a response on applications made for additional staff.

On the **PROPOSAL** of Cllr. Byrne **SECONDED** by Cllr. McHugh the minutes of the Corporate Policy Group held on 16th November 2022 were **AGREED**.

On the **PROPOSAL** of Cllr. McHugh **SECONDED** by Cllr. Geraghty the minutes of Economic Development and Enterprise Strategic Policy Committee held on 23rd November 2022 were **AGREED**.

Cllr. McHugh extended best wishes to Ms. Breda Fox, Head of Enterprise on her retirement. She commended Ms. Fox for her work and acknowledged the huge impact she had assisting businesses throughout the county in her role in the Local Enterprise Office.

ITEM NO.3 TO CONSIDER THE REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 FOR THE DISPOSAL OF LAND AT KILTYBANNAN, WILLIAMSTOWN, CO. GALWAY – 0.13 HECTARES. 4093

Statutory Notice issued in accordance with Section 183(1)(b) and report dated 9th January 2023 was published on the Extranet prior to the meeting.

On the **PROPOSAL** of Cllr. Geraghty **SECONDED** by Cllr P. Keaveney it was **AGREED** to dispose of 0.13 hectares of land at Kiltybannan, Williamstown, Co. Galway in accordance with the terms of the Statutory Notice dated 9th January 2023.

ITEM NO.4 TO CONSIDER REPORT UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001 FOR THE DISPOSAL OF LAND AT BALLYDONNELLAN, CORRANDULLA, CO. GALWAY – 0.764 HECTARES. 4094

Statutory Notice issued in accordance with Section 183(1)(b) and report dated 11th January 2023 was published on the Extranet prior to the meeting.

It was **AGREED** to defer item no.4 to the February Plenary Meeting.

ITEM NO. 5 TO CONSIDER AND IF DEEMED APPROPRIATE TO AUTHORISE THE ATTENDANCE AT CONFERENCES, MEETINGS, OTHER EVENTS IN ACCORDANCE WITH SECTION 142(5) OF THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED). 4095

Report dated the 12th January 2023 was published on the Extranet prior to the meeting.

On the **PROPOSAL** of Comh O' Curraoin **SECONDED** by Cllr. Hoade it was **AGREED** to authorise Cllr. King to attend Celtic Conferences "Modular Housing in Ireland" at The Four Seasons Hotel, Carlingford, Co. Louth on 3rd - 5th February 2023.

On the **PROPOSAL** of Cllr. Collins **SECONDED** by Cllr. Curley it was **AGREED** to authorise Cllrs Killilea, Herterich Quinn, Welby, McClearn and Kinane to attend the Association of Irish Regions Conference "Irish Regions" at The Four Seasons Hotel, Monaghan on 7th - 9th February 2023.

ITEM NO. 6 TO NOTE THE SUMMARY OF PROCEEDING OF CONFERENCES ATTENDED IN ACCORDANCE WITH SECTION 142 (5F) OF THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED). 4096

Report dated the 12th January 2023 was published on the Extranet prior to the meeting.

On the **PROPOSAL** of Cllr. King **SECONDED** by Cllr. Byrne the summary of proceedings of conferences attended in accordance with section 142 (5f) of the Local Government Act 2001 (as amended) were **NOTED**.

ITEM NO. 7 TO CONSIDER THE MANAGEMENT REPORT – JANUARY 2023 IN ACCORDANCE WITH SECTION 136(2) OF THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED).

4097

Report dated 20th January 2023 was published on the Extranet prior to the meeting.

The Management Report – January 2023 in accordance with section 136(2) of the Local Government Act 2001 (As Amended) was **NOTED**.

Members discussed the following:

- Tenant transfers from uninhabitable council properties due to waste build-up.
- Lack of funding for the housing department's out of hours maintenance service.
- The replacement defective heat sources in council properties.
- Property locations identified in the county for Ukrainian refugees.
- Rent review and backdating rent payments.
- Per Cent for Art Scheme.
- Speed Limits Review needs to strike a balance between safety and restricting movement of vehicles particularly commercial.
- The review needs to consider pedestrians in line with Active Travel aims.
- Traffic Management Plan for Headford.
- NTA proposed locations for new bus shelters.
- Building regulations regarding changing spaces in public toilets.
- Residential Zoned Land Tax, clarifications are required from the department.
- There are financial implications for farmers with lands beside towns who didn't request to have their land zoned.
- Concern it may obscure the CDP if farming lands are de-zoned. Is a material alteration to the County Development Plan (CDP) required?
- Can a rebate be made to landowners negatively affected by RZLT.
- Can the council to purchase lands with RZLT monies?
- Concerns regarding Coillte's afforestation plans to meet its green forestry targets including its deal with a British investment fund.

Members Queries were responded to as follows by Mr. Hanrahan

- All tenants are required to have waste disposal services in place. Environment and Community Wardens may issue warnings and fines in

cases where there is an issue with waste disposal. Tenants may be required to pay for a skip where a clean-up is required. There is no automatic transfer for a tenant who allows a built up of rubbish.

- The housing maintenance plan is being reviewed.
- Energy retrofits grants are available for upgrading defective heating systems for large scheme retrofits in council houses. The age and profile of houses are taken into account when making such applications for large schemes.
- For repairs to heating systems in individual houses each case is assessed on a case-by-case basis. A repair or complete upgrade may be required. Where an upgrade is required an air to water heating system is installed. Repairs can sometimes be so costly it is more cost effective to do a complete upgrade.
- International Protection Accommodation Services (IPAS) is responsible for the provision of accommodation for Ukrainian refugees. The local authority has no role in discussions or contracts with property owners. Private properties are considered in terms of the Derelict Sites Register.
- The differential rent review is an Executive function. The Differential Rent Review Scheme will be brought to SPC for consideration. A six-month timescale for backdating rent payments is the standard. It was implemented for the last full rent review. The timescale for a casual rent review may vary.

Members Queries were responded to as follows by Mr. Pender

- An update on the Speed Limit Review, including timelines and the statutory process details will be provided to Members in the coming weeks.
- The Speed Limit Review will be carried out in line with Local Area Plans.
- All road users, including pedestrians are considered in the design of all road schemes.
- SYSTRA have been appointed to prepare Traffic Management Plans for the county. Plans will be prepared based on prioritised locations. Headford is included.
- A list of bus shelter works has been submitted to NTA. Awaiting a response from the NTA.

Members Queries were responded to as follows by Mr. Farrell

- The Public Art Management Group includes Members, staff and specialist expertise from relevant areas to examine all Per Cent for Art Scheme proposals.

Members Queries were responded to as follows by Mr. Owens

- It was expected that a Ministerial Policy Directive would issue to facilitate consideration of rezoning submissions received during the public display periods for the draft and supplemental maps. However, the Department of Housing, Local Government and Heritage advised immediately prior to Christmas that having considered the existing provisions in legislation and statutory guidelines it was decided that further direction for planning authorities was not required for the purpose of expediting requests for rezoning.
- Once a request for rezoning has been received, the planning authority must consider a number of key planning criteria as part of the assessment of whether land should be subject to a proposed variation to amend the zoning objective.
- The Development Plans Guidelines will be relied upon to frame decision-making on the requests to amend zoning. While the financial impact of the tax on the landowner may have been detailed in the relevant submissions as a reason for a request to amend zoning, consideration for the purposes of variation/rezoning are limited to those relating to proper planning and sustainable development as per the Planning Acts and accordingly liability for the Residential Zoned Land Tax a provision of the Finance Act is not a relevant consideration in determining a rezoning/variation.
- The impact of any proposed rezoning on the overall strategy for the proper planning and sustainable development of the area including the core strategy and housing supply targets for the county, as identified in the Development Plan, will need to be considered. The Planning Authority must ensure that any amendments to zonings will continue to ensure compliance with the requirements of the Planning and Development Act 2000 (as amended).

- The planning authority may propose to make a variation to the development plan. The decision to initiate the statutory process of varying the development plan is an executive function. The process of undertaking a variation of the development plan shall follow the process set out in the Planning and Development Act 2000.
- The planning authority may commence the process of variation of their development plan at any time, however, it has been recommended that the process of reviewing all rezoning submissions received should be undertaken as a single, collective variation process after the public notification period for the supplemental map has ended on 1 June 2023.
- The management of the RZLT, including liability, payment and enforcement, is a matter for the Revenue Commissioners. The local authority derived no income from the RZLT therefore they cannot provide rebates.
- To date a total of €25,000 has been provided to the local authority for the purpose of undertaking the work associated with the Residential Zoned Land Tax.

ITEM NO.8 CHIEF EXECUTIVE'S BUSINESS & CORRESPONDENCE. 4098

The following items of correspondence which were published on the extranet prior to the meeting were **NOTED**:

- Letter dated 14.10.2022 from Kerry County Council, Killarney Municipal District. Resolution – Ukrainian Refugee housing retention.
- Letter dated 08.12.2022 to Oireachtas Members. Resolution – Derrybrien (Gort Wind Farm Ltd. Site).
- Email dated 14.12.2022 from Damien Griffin, Private Secretary of Minister Heather Humphreys, Minister for Rural and Community Development. Acknowledgement - Derrybrien (Gort Wind Farm Ltd. Site).
- Email dated 14.12.2022 from Taoiseach office. Acknowledgement - Derrybrien (Gort Wind Farm Ltd. Site).
- Email dated 16.12.2022 from Minister's Office Department of Environment, Climate and Communications. Acknowledgement - Derrybrien (Gort Wind Farm Ltd. Site).

- Email dated 16.12.2022 from Hildegarde Naughton, T.D. Minister of State at the Department of Transport. Acknowledgement - Derrybrien (Gort Wind Farm Ltd. Site).
- Email dated 20.12.2022 from Senator Sean Kyne. Response - Derrybrien (Gort Wind Farm Ltd. Site).
- Email dated 22.12.2022 from Garret Nolan, Private Secretary to the Minister of State Patrick O'Donovan T.D. Acknowledgement- Derrybrien (Gort Wind Farm Ltd. Site).
- Email dated 04.01.23 from Conor Madden, Private Secretary to the Minister for Housing, Local Government and Heritage. Acknowledgement- Derrybrien (Gort Wind Farm Ltd. Site).
- Emailed dated 11.01.2023 from Niamh Collins, Private Secretary to the Minister for Public Expenditure and Reform. Acknowledgement- Derrybrien (Gort Wind Farm Ltd. Site).
- Letter dated 02.12.2022 to St. Thomas' Senior Hurling Club. Resolution – Congratulations letter.
- Email dated 14.12.2022 from St. Thomas' Senior Hurling Club. Acknowledgement - Congratulations letter.
- Letter dated 12.12.2022 from Cork County Council. Resolution – Proposed Planning and Development bill.
- Letter dated 12.12.2022 from Cork County Council. Resolution – Proposal for tax credit incentive scheme.
- Letter dated 12.12.2022 from Cork County Council. Resolution – Local Improvement Scheme funding.
- Email dated 15.12.2022 from Monaghan County Council. Resolution – Letter to the Department of Health.
- Letter dated 21.12.2022 to Cllr. Byrne regarding Gort Water Supply.
- Letter dated 21.12.2022 to Mr. Niall Gleeson, Chief Executive Officer, Irish Water regarding Gort Water Supply.
- Email dated 27.12.2022 from Diana Araujo, Customer Services Advisor, Irish Water. Response – Gort Public Water Supply.
- Letter dated 22.12.2022 to Ms. E. Ruane, DOS, Environment, Climate, Fire Services, Human Resources and ICT. Resolution – European Affairs Officer.

- Letter dated 22.12.2022 to Mr. D. Pender, DOS, Infrastructure & Operations. Resolution – NOM Funding.
- Letter dated 22.12.2022 to Mr. D. Pender, DOS, Infrastructure & Operations. Resolution – Gort Water Supply, water outages.
- Letter dated 22.12.2022 to Mr. D. Pender, DOS, Infrastructure & Operations. Resolution – Gort Water Supply, technical appraisal.
- Letter dated 22.12.2022 to Mr. D. Pender, DOS, Infrastructure & Operations. Resolution – Gort Water Supply, Irish Water Meeting.
- Letter dated 23.12.2022 to Kilkerrin-Clonberne Ladies Football Club. Resolution – Congratulations letter.
- Email dated 23.12.2022 from Kilkerrin-Clonberne Ladies Football Club. Acknowledgement - Congratulations letter.
- Letter dated 03.01.2023 from Meath County Council. Resolution – Amendment of Electricity Regulation Act.
- Letter dated 09.01.2023 from Cork County Council. Resolution – Consider Uber operation in Ireland.
- Letter dated 13.01.2023 from Leitrim County Council. Resolution – Referendum on voting rights for Irish citizens abroad.
- Mayors for Peace Newsflash December 2022.

Cllr. Byrne noted his dissatisfaction with the response from Irish Water to the letter dated 21.12.22 sent to Mr. Niall Gleeson, Chief Executive Officer, Irish Water regarding resolutions on Gort water supply. Cllr. Byrne requested the resolution on the technical appraisal of the Gort water supply was followed up with Irish Water.

Cllr. Sheridan requested the correspondence regarding the resolution on the Gort Wind Farm Ltd. site at Derrybrien was reissued for a response.

ITEM NO.9 NOTICE OF MOTION

4099

Cllr. McKinstry submitted the following Notice of Motion prior to the meeting:

'that in order to promote the use of refillable bottles and minimise the waste of drinks containers, that this council will require, and asks the Government to fund, public water

filtered systems in new schools and other public buildings. Galway County Council will require as a development standard that filter water be available in new buildings in the County.'

The following reply issued:

"In line with the commitment to reduce Single Use Plastics (SUPs) in the Waste Action Plan For A Circular Economy, and in order to promote the use of refillable bottles and minimise the waste of drinks containers, Galway County Council has made representations to the Department of Education (New Builds) that they consider installing public water filtered systems in new schools. It has also been outlined to them that the notice at the water stations should promote and highlight the environmental benefits of using reusable products instead of SUPs. There is a Programme for Government 2020 commitment to "Develop a scheme between local authorities and Irish Water to provide drinking water fountains nationwide". The Department of Housing, Local Government and Heritage and Irish Water are embarking on work linked to this commitment."

ITEM NO.10 CATHAOIRLEACH'S BUSINESS

4100

The following Motions were submitted:

On the **PROPOSAL** of Cllr. McHugh Farag **SECONDED** by Cllr. Charity the Members **AGREED**:

"That we create a set of protocols for the creation of any sub-committee of plenary. The membership can feed into this process and I suggest that it is channelled through the CPG and then brought before the council at plenary."

On the **PROPOSAL** of Cllr. Hoade **SECONDED** by Cllr. Curley the Members **AGREED**:

"That we prioritise Headford for a Traffic Management Plan given the current difficulties in the town with traffic at present"

On the **PROPOSAL** of Cllr. Curley **SECONDED** by Cllr. Herterich Quinn the Members **AGREED**:

"To invite Irish Water to a plenary meeting of Galway County Council as soon as possible to allow Councillors to discuss serious county wide issues which are ongoing"

The following motion was **PROPOSED** by Cllr. Canning **SECONDED** by Cllr. McClearn:

"Galway County Council Planning Department put a stay on the granting of any further planning applications to any builders, developers, investors or companies which already have a large amount of property portfolio which are holding or hoarding derelict properties or land within the county."

Mr. Owens advised Members that the current legislative framework did not provide for the local authority to implement the motion as proposed and advised that same would require appropriate legislative provision to enable implementation. Following a brief discussion Members **AGREED** to forward the amended motion as follows to the Minister for consideration:

"Galway County Council Planning Department be in a position to put a stay on the granting of any further planning applications to any builders, developers, investors or companies which already have a large amount of property portfolio which are holding or hoarding derelict properties or land within the county."

On the **PROPOSAL** of Cllr. Dr Francis Parsons **SECONDED** by Cllr. Broderick the Members **AGREED**:

"That Ballinasloe public toilets (pilot scheme for Ballinasloe) are prioritised for a changing place/public toilet upgrade"

The Chief Executive advised Members there was no funding currently in place for such work therefore he could give no commitment on the resolution. He advised Members that works such as those proposed ought to form part of an overall programme to be addressed over a number of years where capital funding could be provided to support it.

On the **PROPOSAL** of Cllr. Curley **SECONDED** by Cllr. Dolan the Members **AGREED**:

"That a review be carried out urgently of public toilets/changing facilities with particular attention paid to locating them close to areas where people with intellectual disabilities and mobility issues can have ease of access."

On the **PROPOSAL** of Cllr. Broderick **SECONDED** by Cllr. D. Connolly the Members **AGREED**:

"That we cost the administration of the zoned residential tax and request the balance of monies from the relevant department."

On the **PROPOSAL** of Cllr. Dolan **SECONDED** by Cllr. Curley the Members **AGREED**:

"The Chief Executive prepares a costing of supplying salt storage box for all housing estates taken in charge by the council in the county to include the putting of a salt box outside every school.

This proposal should be prepared in advance of the budget to be considered as a cost of proposal for the budget for the year 2024.

Context: Over the past few weeks and before the Christmas the most dangerous sections of roads and footpaths are within the housing estates all over the county. The council does not have the resources to sort grit every estate's roads and footpaths but if the council provided a salt box and filled the same each winter it would be of huge assistance to residents in estates all over the county. A provision would need to be made for this in the council budget and this would allow elected members to make an informed decision in November at budget time if prepared."

ITEM NO.11 VOTES OF SYMPATHY / CONGRATULATIONS

4101

A resolution of sympathy was extended to the following:

- Niall McNamara and Family, Bookla, Ballymoe, Co. Galway
- John Martin Griffin, Ballymoe, Co. Galway
- Peter, Kay and Keith Higgins, Ballinphuill, Ballyhaunis, Co. Mayo
- Maureen, Siobhan and Tom Madden, Deerpark, Ballinasloe, Co. Galway
- John Coyne and family, Mulloghmore, Moylough, Ballinasloe, Co. Galway

- Geraldine Dolan and family, Society Street, Ballinasloe, Co. Galway
- James Burke and Burke Family, Roscam, Creagh, Ballinasloe, Co. Galway
- Anne Murphy, Killeely Beg, Kilcolgan, Co. Galway
- Christy Archer, New Line, Athenry, Co. Galway
- Tess O Connell, Cloonbiggeen, Claregalway, Co. Galway,
- The Kearney Family, Ballyturn, Gort, Co. Galway
- Mary Thornton, Drimnahoon, Rosscahill, Co. Galway
- John and Clare Morley, Ashbrook Estate, Oranmore, Co. Galway
- Gabriel Niland, Coolarne, Turloughmore, Co. Galway
- Mrs. Fallon, Monard, Turloughmore, Co. Galway
- Annette Burke, Corbally, Cummer, Tuam, Co. Galway
- Helen O Connell, Cloonbiggeen, Claregalway, Co. Galway
- Sandra Morrissey, 2 Dunclarin Court, Athenry, Co. Galway
- Anne Walsh, 5 Lorro Gate, Prospect, Athenry, Co. Galway
- Joe Rabbitte, 5 Caheroyan Park, Athenry, Co. Galway
- Marie Gardner, 30 Ard Aoibhinn, Athenry, Co. Galway
- Michael Niland, Newtown, Kilcolgan, Co. Galway
- Ann Madden, Menlough, Co. Galway

Chriochnaigh an Cruinniú Ansin

Submitted, Signed and Approved

Cathaoirleach: Michael Mohee

Date: 27/02/2023