

**COMHAIRLE CHONTAE NA GAILLIMHE**

**Ceantar Bardasach Bhaile Locha Riach  
Municipal District of LOUGHREA**

**Minutes of Monthly Meeting of the Municipal District of Loughrea  
held in the Galway Council Chamber on 9<sup>th</sup> October 2023 at 11.00 am**

**I LATHAIR:**

**Cathaoirleach**

Cllr. J. McClearn

**Baill:**

Cllr's. G. Donohue, M. Kinane, I. Canning, S. Curley  
PJ Murphy, G Finnerty, D. Kelly, M. Maher, J. Byrne

**Oifigigh:**

Ms. E. Ruane, Director of Services  
Ms. R. Lowe, Senior Engineer  
Mr. G. Haugh, Senior Executive Engineer  
Mr. N. Kennedy, Executive Engineer  
Mr. L. Flynn, Executive Engineer  
Mr. E. Gallagher, Senior Executive Engineer  
Mr. A. O'Connell, Senior Executive Planner  
Mr. P. O'Sullivan, Executive Planner  
Ms. A. Johnson, Senior Executive Engineer  
Mr. J. Jordan, Executive Engineer  
Ms. M. Flynn, Administrative Officer  
Ms. S. Cleary, Staff Officer  
Ms. C. Kennedy, Assistant Staff Officer

Ms Niamh Loughrey, member of public

**Confirmation of Minutes of Monthly Meeting of the Municipal District of Loughrea held in  
the Loughrea Chamber on 11<sup>th</sup> September 2023 LMD2319**

The Minutes of the Monthly Meeting of the Municipal District of Loughrea held on 11<sup>th</sup> September 2023 were proposed by Cllr. Maher, seconded by Cllr. Byrne and agreed and signed by the Cathaoirleach.

Cllr. Maher requested clarification on when the Loughrea Local Area Plan will be available for public submissions and stated that members of the public have asked for its publication date and what period they will have to make submissions. Cllr. Curley stated that an objective was submitted to the County Development Plan to include provision for a Sports Hub in the Local Area Plan, he stated he wants it to be included in the Chief Executive Report. Cllr. Maher also requested an update from Irish Water regarding the boil water notice which is still in situ and added that people need to know what streets are affected. He stated it needs to be made

clear that water should be boiled before consumption. This concern was echoed by the Cathaoirleach and Cllr. Donohue who advised she contacted Irish Water on 22<sup>nd</sup> August 2023 seeking clarification on the issue. Cllr. Donohue read an email to the Members which she received from Irish Water which confirmed that the Boil Water Notice is still in place in Loughrea and that works are ongoing to replace cast iron pipes currently in place, she continued, Irish Water advised they are committed to finishing these works at earliest opportunity and will continue to actively engage with the local community and stakeholders as the project progresses and around any potentially disruptive works. Cllr. Maher sought an update regarding the traffic lights at the Westbridge in Loughrea, he stated that he understands the sequence will not be restored to the way it was originally. Mr. Haugh responded that, as previously committed to, a Contractor had carried out an assessment of the junction. A proposal that required the introduction of additional loops (which are built into the road) at two specific areas of concern has been mooted. Mr. Haugh added a costing is awaited regarding same.

Ms. Flynn referred to an email sent to all Councillors advising on the LAP programme and advised that there has been no change to dates. Cllr. Curley enquired if the CE Report will be before the Municipal District Meeting in December 2023 and Ms. Ruane responded that this is correct. The Cathaoirleach enquired if anyone can make a submission and Cllr. Maher enquired on what date submissions should be made and what duration of time the public must send their submissions to the Council. Ms. Ruane responded that she will link in with Mr. Hanrahan. Cllr. Maher requested Ms. Flynn to provide the Members with the submission dates.

Cllr. Donohue referred to comments she made in September 2023 MD meeting regarding Ash Dieback and stated that Ministers Hackett and McConalogue have made a U-turn on their decision not to provide funding on the matter. Cllr. Donohue proposed, and it was agreed by the members, that the Executive issue correspondence again to Ministers McConalogue and Hackett to keep the focus on safety and affected Ash Dieback roadside trees and seek funding for Galway County Councils and all Local Authorities for the safe removal of affected trees. Cllr. Donohue added that she welcomes the Government's Forestry Programme 2023-2027 incentivising Farmers to plant trees on their lands. Cllr. Kinane seconded the proposal which was agreed by the Members.

#### **Flooding Update**

**LMD2320**

Mr. Enda Gallagher updated the meeting as follow: -

The project team are still active on the EIAR and NIS and these works will continue for the next two months. The focus is currently on the NIS (SACs) and the potential effect of the scheme on turlough habitats. Trinity College Dublin have been asked to provide the environmental consultant with time series mapping of depths and durations for five separate return periods, for each turlough. This is a substantial body of work.

The Public Exhibition is still scheduled for Q1 of 2024. The exhibition is dependent on favourable findings from the EIAR and NIS processes. Mr. Gallagher stressed that favourable findings are not a given, despite best efforts by the project team.

Mr. Gallagher confirmed that information relating to culverts and proposed Greenway alignments at Dungory, Kinvarra, had been forwarded to Cllrs Donohue and Byrne after the last meeting. Following representations received from Cllr Kinnane, the OPW has agreed to examine the issue of damage being caused to local roads during the construction of the South Galway flood scheme. The engineering consultants are examining the issue at present.

Mr. Gallagher confirmed to Cllr Kinnane that the road condition review related to future works on the South Galway scheme only. There will be no review of the Dunkellin FRS road network.

In response to a query from Cllr Finnerty, Mr. Gallagher outlined the criteria that was in place for the maintenance of drains by Galway County Council and the OPW. The drains are detailed in Arterial Drainage descriptions for the OPW and in Drainage District schedules for the LA. There are a very substantial number of drains in the county that are not the responsibility of either public body. Cllr Finnerty is to forward the details of specific queries.

Cllr Murphy queried if the road at Rathorpe in Fiddaun can be raised as other roads in the South Galway area had been raised in previous years. Mr. Gallagher confirmed that all proposed project road raising works, that could be progressed in advance of the flood relief scheme, have now been completed. Mr Gallagher is to revert directly to Cllr Murphy regarding his enquiry.

**Notice of the Making of Strategic Infrastructure Development Application LMD2321  
ABP-317810-23 (Tynagh Power Station, Derryfrench, Tynagh, Loughrea).  
(In attendance Alan O Connell, Senior Executive Planner and Patrick  
OSullivan, Executive Planner).**

The Cathaoirleach welcomed Mr Alan O'Connell (AO'C), Senior Executive Planner and Mr. Patrick O'Sullivan (PO'S), Executive Planner to the Loughrea Municipal District meeting.

Mr. O'Connell commenced with the Introduction of the Strategic Infrastructure Development (SID) process and the proposed application. The members were also advised that the decision maker in this instance for an SID application is An Bord Pleanála (ABP). The Council's role in this process was also explained. Members advised that the consultation period for submissions by members of the public to An Bord Pleanála was Tuesday 10th October. The members were also advised that the Council's response to ABP was required to be submitted on Monday 23rd October. It was highlighted that the next plenary meeting was also to be held on the 23rd of October. It was therefore advised that ideally this item would be one of the first items on the agenda at the Plenary Council meeting on the same day to enable Cllr's views to be recorded and included within the Council's response to ABP.

He outlined to members that the format of this item on the agenda was for the members to raise any points or questions they may have in relation to the proposed development.

Cllr. Maher raised concerns about the toxic nature of the site and the implications for same once ground had been disturbed during the construction phase of the development. The fears of local people need to be addressed. The strategic information needs to be there.

Cllr. Curley highlighted an EPA report from 2003 and queried if this had been considered in the proposed application. Concerns in relation to heavy metals, water quality in nearby streams, lead concentration, dust disposition into the atmosphere, safety of locals and dust monitoring were also raised.

Cllr. Donohue acknowledged the presence of Niamh Briscoe who attended the meeting. Cllr. Donohue asked why the Tynagh site is being developed when Derrybrien is being closed. It was also stated that the site is not a Greenfield site and she expressed concerns with regard for potential impacts on water quality from the heavy metals.

Cllr. Kelly expressed strong reservations on the development and the impact on the Environment and local people.

Cllr. Canning raised several concerns including water quality, noise pollution and light pollution. The frustrations of local people were also highlighted as who is responsible for the site as it is difficult to find out who is responsible when issues arise. Cllr. Canning also highlighted that livestock have died in the surrounding area and what will happen the impact be if the land is disturbed again.

The Cathaoirleach acknowledged that ABP were the decision-making authority in the case of this SID development and queried how can we make this as safe as possible within our role as a Local Authority and acceptable for local people. It was also queried if EPA reports on the site are provided to the Council. Concerns were also raised regarding dangerous substance, impact on local residences, who is responsible for monitoring, is there modern devices which can carry out this monitoring. The main concern raised was ensuring the safeguarding of local people. There has been breaches of CO<sub>2</sub> emissions on site and who is responsible for monitoring this.

Cllr. Byrne raised concerns regarding the contaminated nature of the site and queried if a one-off rural house would be approved on this site. It was suggested by the Cllr. that this would be unlikely and therefore why would a development of the scale proposed be considered favourably. He also stated that we need to understand GCC approach to this.

The Cathaoirleach stated that he is living downstream from the site.

Mr O'Connell in response to the questions raised by the Councillors highlighted that the Council were not the decision maker in this instance and that all views of the members would be recorded and would form part of the Local Authorities response to ABP.

The members were advised that following a Strategic Assessment of the proposed development that the proposal would be acceptable in principle having regard to both government policy and the County Development Plan. However, at the time of the meeting a

full assessment of the development had not taken place and as such a final opinion from the Planning Authority was not possible at this time.

Issues in relating to the queries raised were addressed and the members were advised that mitigation measures were proposed with Sections 10.6 (Lighting), 12.6 (Water Quality) and 13.6 (Contaminated Soil) all highlighted.

Mr. O'Connell then advised members of the next steps including the public submission period with ABP.

The Cathaoirleach posed the question are GCC monitoring waterflow out from the site?

Mr. O'Connell said he checked with Environment, and they stated independent consultants carry out checks on waterflow.

Cllr. Curley raised the question about dust deposition monitoring and Mr. O'Connell stated that this has been and there is no exceedance.

Cllr. Canning asked if the planning report would be with the members in advance of the next meeting. Mr. O'Connell confirmed that the report would be available before the next meeting.

Cllr. Donohue asked if there was any soil being imported into the site and where was this being sourced. Mr. O'Sullivan confirmed that 21,000 cubic metres of soil was being imported onto the site. The source of this soil was unknown, but this could be raised as a query in the Planning Authority's response to ABP.

Cllr. Curley requested that elimination of risk should be assured prior to the approval of the proposed development.

The Cathaoirleach stated that activity on this site has affected local people since 1960 and every mitigation measure must be taken. He closed this item on the agenda and welcomed the opportunity for further discussion at the next Council Plenary Meeting. The Cathaoirleach thanked both Alan and Patrick for the information provided, and the assistance given to the members.

**That Galway County Council immediately reinstate the premises known as the Shannon Oaks Hotel to the register of derelict buildings.**

Cllr. Kelly proposed a site meeting at the Shannon Oaks Hotel, he also proposed that an invitation be sent to the Comer Group to meet with Members to discuss their plans for this site as he said, the Members are being requested to provide an explanation to the public regarding the building. Cllr. Maher seconded the proposal.

The Cathaoirleach enquired how Galway County Council deemed it appropriate to remove the Shannon Oaks from the Derelict Sites Registers, he asked what documentation was submitted to enable the decision to be made. He asked how the Council differentiated

between the works carried out and the apartments to the rear of the building. He added that Dublin City Council applied a €200,000 vacant levy on a vacant structure in Dublin recently. The Cathaoirleach stated that the people of Portumna will not accept this as this is not a derelict structure.

Cllr. Canning sought clarification of the date the Hotel was inspected by the Council prior to it being included in the derelict sites register and the date on which it was removed, and he supported Cllr. Kelly's motion to request a member of the Comer Group to attend a meeting. Cllr. Byrne proposed that the Shannon Oaks should be restored to the Register of Derelict Buildings immediately prior to requesting a meeting with the Group, Cllr. Canning seconded the proposal.

He stated, at that point, consideration could be given to Derelict Property Tax and requested a response from the Director in this regard. The Cathaoirleach added that there is a live planning permission attached to the building and buildings can only be removed from the register when a bona fide planning permission is lodged.

Ms. Ruane responded that she will issue relevant dates by email to the Member. She explained that a Section 8 and Section 11 Notice issued in relation to the building resulting in the building being included in the Derelict Sites Register. She added that works had taken place to clean up the area and this included repair of timber hoarding at the front of the building, installation of boundary screening works along the site perimeter which included installation of treated timber hoarding to improve the visual which is to be maintained until the building remediation/development works are complete. It also included new fencing installed at side and rear of the perimeter of the site and all waste items were removed which also included removal of scrub/overgrowth at the rear of the site to improve visual.

Ms Ruane added that whilst the building was on the Register it attracted a 7% levy and that the Environment Section share the views of the people of Portumna regarding the building. She stated that, as there is currently a live planning permission the Environment Section can only act within the relevant powers and assured the meeting that the Environment Section want the site developed. The Cathaoirleach stated that this would have profound implications for all derelict sites in the County.

Cllr. Canning raised safety concerns regarding the building, he stated that it is not enough to just erect hoarding, he added that children are going through the building to the wooded area, and he added, the swimming pool contains approx. four or five feet of water from the day the building closed and there are no doors restricting access to the pool. He added that the Derelict Sites Act was intended to have works completed on buildings to put them back into use and not merely to close it off with hoarding. Ms. Ruane clarified that the Council do not have the power to force the owner of the building to commence works due to the live planning permission.

The Cathaoirleach enquired if a commencement notice is needed. In response to Cllr. Kinane's query Ms. Ruane stated that this is not the first time a property has been removed from the Derelict Sites Register.

The motion was proposed by Cllr. McClearn and seconded by Cllr. Canning and agreed by the members. Mr. O'Connell clarified for the Members that subject a change to Provision 42 of the Planning and Development Act, while there is 18 months for planning permission to run, an extension of time cannot be secured if substantial works have not commenced.

### **Update on the Greenway**

**LMD2323**

Ms. Johnston provided an update to the Members on the Galway to Athlone Cycleway. She referred to information circulated by Mr. Derek Pender, Director of Services to the Members on 12th September. She explained to the Members that RPS have sought to mutually terminate the contract. She stated that this is because of market pressures which are inconsistent with the fixed price contract. Ms. Johnston explained that meetings will take place with RPS to identify work which has taken place in Phase 3 and gave an overview of next steps up to Phase 6.

She explained that works were carried out for the ground investigations. Ms. Johnston explained that administration staff are available in the Project Office to accept phone calls and emails and Project Liaison Officers are available to meet with landowners. She stated the application to An Bord Pleanala was scheduled for Quarter 1 of 2025 but this could now be delayed by a few months as the project will need to go out for Tender again.

The Members thanked Ms. Johnston and Mr. Jordan for attending the meeting and for providing the update.

Cllr. Kinane referred to An Bord Pleanala's refusal the last 5.9km section of the proposed Boyne Greenway between Drogheda and Mornington which includes a 1.8 km stretch of Special Protection Area (SPA) and Special Areas of Conservation (SAC). She stated that Meath County Council applied for planning permission to the Bord more than three years ago and provided further information almost two years ago. She expressed her concern at the Bord's report which stated, "the board could not rule out the possibility of adverse effects on the Special Area of Conservation (SAC)" and she stated that the Board also added "There is a clear need for strategic guidance on greenway proposals, guidance which gives equal footing to biodiversity, climate and the need of local residents."

She stated that she believes the newly appointed consultants should remove any section of the proposed Athlone-Galway Cycleway route which encroaches a SAC and SPA and should revert to accessing the viability of aligning the section of the cycleway between Kinvara to Ballinderreen route on existing cycle pathway, along the N67 and section of the proposed cycleway between Kilcolgan to Oranmore along a segregated cycleway of N67.

Cllr. Kinane proposed that the existing cyclepath between Kinvara to Ballinderreen be upgraded to meet the standards required to meet the criteria of a National Cycle Network and that the proposed active travel cyclepath between Kilcolgan to Clarinbridge and Clarinbridge to Oranmore be progressed to similar standards.

In response to Cllr. Kinane's query Ms. Johnston advised that the Project Team are reviewing the Report issued by An Bord Pleanála and a copy will be made available for the new Consultant.

Cllr. Curley expressed concerns regarding the amount of works done by RPS and enquired how much the Council have paid to date and if it can be justified.

Cllr. Byrne seconded Cllr. Kinane's Motion.

Cllr. Byrne added that the project was fundamentally flawed by locating a greenway through areas of SAC and SPA, Ms. Johnston explained that the new consultants will have to demonstrate that the greenway will not have a significant impact on any Natura 2020 site. He expressed his concern regarding delayed or lack of responses issuing from the Project Team to which Johnston responded that administration staff are on hand to take calls and email queries from Members, she requested the Members to direct any queries to the Project email address or phone number and they are aware of any outstanding issues to let her know and she will arrange for a response.

Cllr. Finnerty sought clarification on the reason RPS pulled out of the project and on the duration of delay, he added the sooner the project goes out for tender the better. He said it is disappointing that the project is stalled.

Cllr. Murphy stated that he understood the route selected was the route of least resistance, he stated it was his belief that the section of the route a middle-third in Maree would bring down the entire project and expressed his reservations that it will succeed at the planning permission stage, Ms. Johnston explained that this section of the greenway will be looked at in more detail before the project is submitted to An Bord Pleanála.

He stated his concern regarding how workable the preferred route would be following the withdrawal by RPS. In response to his query, Ms. Johnston advised that RPS are entitled to retender under a new contract as their withdrawal is based on mutual termination.

Cllr. Donohue added, people wanted to link towns and villages but not to divide farms or communities. She, Cllr. Canning and Cllr. Kelly enquired how much money has been paid to RPS to date and Ms. Johnston explained that the figure is not to hand at present, Ms. Lowe added that substantial works have been done on the project by RPS by taking it through stages 1, 2 and onto stage 3, she added this can be expanded at a later meeting. She reiterated Ms. Johnson's earlier comment that it was hoped that the application would be with An Bord Pleanála by 2025 and that delay could be minimized but this was dependent on how quickly new consultants could be appointed.

Cllr. Donohue asked how much work have been completed by RPS and enquired regarding the fixed contract price in 2019. Cllr. Canning acknowledged work been done by RPS staff and stated his disappointment that they have withdrawn from the contract, he added that the Members have invested time in assisting the public with their concerns and enquired regarding the process moving forward.

Cllr. Kelly stated that he had been very enthusiastic regarding the greenway and proceeded to express his disappointment that roads cannot be submitted to the LIS Scheme due to a lack of funding, he stated Central Government have failed to provide adequate funding.

Cllr. McClearn enquired regarding the legality of RPS withdrawing from the Contract to which Ms. Lowe responded, in respect of public services contracts, these contracts are standardised contracts established by the government for use by the public sector and provide for mutual agreement on termination. Ms. Lowe added that the period since 2019 has been particularly challenging in respect of contracts of various types; due to Covid, Brexit, the war in Ukraine. She added that RPS does a lot of work for the local authority sector has completed by excellent projects.

Cllr. McClearn advised that the greenway will need to remain as an item on the agenda.

Cllr. Murphy suggested, if there is no other reason for RPS withdrawing from the contract other than funding, the contract could be renegotiated.

### **Cathaoirleach's Business**

**LMD2324**

Cllr. Finnerty expressed his dissatisfaction with the Housing Maintenance Portal, he stated that some tenants have literacy difficulties therefore the portal is an obstacle to them accessing the help they need. He added he is aware that issues have been logged for 3 or 4 months but responses have not issued. He said he is aware of one property in which there is mildew and dampness, but the issue has not been resolved despite the property being inspected and the tenant being relocated. He referred to a property in Gort destroyed by fire over two months ago and to date it both remains boarded up. He said he wants to know what is happening with these properties and said as an Elected Representative he needs to be able to speak to someone in Housing on behalf of his constituents.

Cllrs. Murphy and Kinane expressed their agreement with Cllr. Finnerty regarding housing issues. Cllr. Kinane asked Ms. Flynn to follow up with the Housing Department regarding a member of her constituency who is living in a caravan as his home needs repairs. Cllr. Byrne stated that where an Elected Representative logs a fault for a constituent, they should receive a timely response. He added that under the defects contract, contractors may have a liability to fix repairs in properties during the liability period.

Cllr. Curley added, members of the public should be able to phone a housing number instead of a Councillor. Ms. Lowe advised that the issue will be raised with Housing. The Cathaoirleach stated that a substantial increase was included in the budget for housing maintenance issues.

In response to Cllr. Byrne's query regarding the sequence of lights at Crowe Street in Gort, Mr. Flynn advised that he is engaging with the contractor to have the matter reviewed.

Cllr. Kelly stated that some older constituents have contacted him and were upset to have received parking fines for parking their cars for short periods of time and not displaying parking tickets. He stated there needs to be a sense of proportion with issuing of parking

fines. He added, businesses in Loughrea town do not have parking permits to park outside their properties. He thanked the Council staff for dealing with an issue of rat infestation in Fahy Gardens, Loughrea. Cllr. Maher expressed his thanks to the staff on doing a tremendous job and asked if a wall that was knocked to remove the illegal dumping will be rebuilt by the Council.

In response to Cllr. Curley's query, Mr. Haugh responded that the Kilcooley to Annaghbride Road was put on the Roads Programme in 2021 as part of the three-year RIG programme. Work has been delayed each year to allow the Group Water Scheme to progress.

In response to Cllr. Canning's query on when a patching unit will be provided in the Portumna area Ms. Lowe advised that a panel for drivers is now in place. Cllr. Canning advised Mr. Haugh that the lights at the pedestrian crossing at Finn's Station has not been working for the last couple of days and Mr. Haugh responded that a contractor has been on site to deal with this issue.

Cllr. Curley raised a concern regarding transport to and from Galway City from Loughrea, he stated that the last bus out of Galway leaves at 6.30 pm daily and is unsuitable for students.

Cllr. Murphy stated at the June meeting he requested the Council to remove the island on the road at Labane and he was advised it was being assessed. He sought an update on this.

Cllr. Kelly stated that he wants an update on works to be done at Kilmeen Cross.

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**CLLR JIMMY MCCLEARN**  
**CATHAOIRLEACH, LOUGHREA MD**