

COMHAIRLE CHONTAE NA GAILLIMHE

Ceantar Bardasach Bhaile Locha Riach
Municipal District of LOUGHREA

Minutes of Monthly Meeting of the Municipal District of Loughrea
held virtually on 14th March 2022 @ 2.00 pm

I LATHAIR:

Cathaoirleach

Cllr. G. Donohue

Baill:

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

Oifigigh:

Ms. E. Ruane, Director of Services
Mr. D Pender, Director of Services
Mr. D. Mitchell, Senior Engineer
Mr. G. Haugh, Senior Executive Engineer
Mr. E. Gallagher, Senior Executive Engineer
Mr. N. Kennedy, Executive Engineer
Ms. M. Finn, Administrative Officer
Mr. A. Cunningham, Staff Officer
Ms. S. Cleary, Staff Officer

**Confirmation of Minutes of Monthly Meeting of the Municipal District of Loughrea held
virtually on 14th February 2022** **LMD2210**

The Minutes of the Monthly Meeting of the Municipal District of Loughrea held on 14th February 2022 were proposed by Councillor McClearn and were seconded by Cllr Kinane, they were agreed and signed by the Cathaoirleach.

Cllr. Curley requested an update on the progress of repair works to the skatepark in Loughrea. Mr. Haugh confirmed that this matter was being progressed by Corporate Services and he would seek an update.

Cllr. Curley queried if additional Bus Stops would be provided in Loughrea as per the Draft County Development Plan.

Cllr. Kinane clarified that she was requesting a meeting with the Kilcolgan Development Association and TII/Local Area Office to discuss Kilcolgan specific issues and a separate meeting to seek an update on the proposal to develop a Pedestrian Crossing in Clarinbridge.

Cllr. Kinane acknowledged the funding application that has gone in for Blackweir and requested an update on the cleaning of the slipways at Blackweir and Renville Piers from the Piers and Harbours Section of Galway County Council. She also sought an update on when the inspection of the Stradbally East Road will take place.

Cllr. McClearn requested an update on Kilmeen Junction and Powers Cross if any available.

Cllr. Byrne supported Councillor Finnerty's concern regarding the pedestrian crossing at Hennelly's Cross and stated that the pedestrian crossing is not serving its intended purpose.

Cllr. Donohue stated with respect to Hennelly's Cross, 'when design ignores people – people ignore design,' she asked if Mr. Mitchell and his team could make the crossing safer.

In response, Mr. Mitchell stated the junction has been monitored for several weeks and the "delay" at Hennelly's Cross was typically between two and three minutes. Regarding the design, Mr. Mitchell stated that, "the design is to the standards required and is as permitted by current Design Standards" and was provided as a response to safety concerns brought to the Council's attention for students crossing the road.

Mr. Mitchell stated that what Cllr. Byrne wants is at variance with what other Councillors want to use and if put in place, it will cause delays which seems to be the original complaint. Mr. Mitchell stated if a full signalised junction was installed, there would be a cost involved but there will also be delays on all approaches to the junction due to the phasing of the lights and also the additional pedestrian phasing.

Mr. Haugh stated that people are becoming accustomed to the amended junction and that it is not yet fully completed. Cllr. Finnerty stated that people leave home earlier to get to school and get home, and this does not mean that people are happy. He stated that Circular Road is not suitable for additional traffic as there is a high volume of traffic on that road. He stated that people are not using the crossing and that the position of the crossing is not correct.

Cllr. Byrne stated that, if the solution is resulting in new rat runs then it's not a solution. He stressed the need to consider the safety of children and parents and raised intervisibility concerns. Cllr. Murphy stated that both the traffic volumes and footfall needed to be looked and suggested that railings be considered to steer people towards the new crossing. Mr. Mitchell stated that it is not the intention to impose a solution that is not suitable to all but that all are in agreement regarding safety and the additional safety measure is causing the minimum traffic queue.

Councillor Kinane raised concerns regarding Stradbally East and asked if issues raised will be addressed as people are concerned. Mr. Haugh stated that Stradbally East has been reviewed and he is satisfied that previous works and the current condition of the road are to an appropriate standard.

Cllr. McClearn asked if anything has happened regarding a safety review of Powers Cross. Mr Haugh advised Cllr. McClearn that Power's Cross will be looked at in the coming weeks. Cllr. McClearn asked Mr. Pender about Kilmeen Cross, and Mr. Pender advised that an Executive Engineer panel has been formed and offers are currently being made. There are currently 4 vacancies in the NRPO. When these resources take up the positions in the NRPO, one will be assigned to the Kilmeen Cross project. It is hoped these positions will be filled in the coming weeks – having to remember that they may need to work out notice with current employers.

Cllr. Kinane queried if new staff had been appointed to deal with Clarinbridge and Kilcolgan under the TII Active Travel Scheme. Mr. Pender stated that interviews were held for the position of Executive Engineer for the NRPO and he is advised that offers had been issued in this regard. Mr. Pender also confirmed that Paula Higgins is the point of contact for the NTA Active Travel Scheme.

Flooding Update

LMD 2211

Mr. Enda Gallagher updated the meeting as follows: -

South Galway Gort Lowlands FRS – The Environmental Consultant continues to undertake baseline surveys for the production of the Environmental Impact Assessment Report (EIAR). The Marine Institute has commenced the 3D salinity modelling of Kinvarra Bay.

The Engineering Consultants continue to examine local hydraulic models. Results from the ground investigation contract are being examined on an ongoing basis. Two of the four road closures scheduled were completed last week without incident.

Enda informed the meeting he had spoken to Ray Fogarty since the last meeting and outlined to him the ongoing issues in the Termon area. Cllr Finnerty confirmed that he is still awaiting feedback from other locals in Termon, before arranging a meeting with the project team.

On the Dunkellin FRS project, two reports were recently published on the project website and are now available to view by members of the public. The first report relates to ecological studies of Rahasane Turlough that will be undertaken for the next four years. The second report is on the treatment of historical bridges during the course of the scheme works. These reports are requirements under the ABP grant of permission.

A grant of €150k has been received under the Department's Climate Adaptation Scheme for road raising in Ballyboy, Ardahan. Surveys will be undertaken in the coming month to determine the extent of works that can be undertaken at the location. Mr Gallagher confirmed that access gates and ramps will be altered as required where the road is raised. Cllr. Murphy welcome the raising of the road.

Greenway Update – CPO

LMD 2212

Cllr. Canning stated that he had brought a Motion in December regarding concerns surrounding Compulsory Purchase Orders on the Athlone to Galway Greenway and that a lot of farmers and landowners in Galway are not happy with the CPO mechanism, he said he has met with groups and other Councillors who want the matter brought back to the table. He advised that landowners and farmers will not engage with the process if CPOs are on the table as a large number of these landholdings have been inherited and he believes there would be less letters if the CPO wasn't on the table, he said that a further meeting should be held with the full Council to see what the majority of Councillors are seeking.

Cllr. Kinane wished to acknowledge that Landowners have been engaged with but said that a number of them have concerns and she encouraged them to deal directly with the NRPO Office. She stated that there are small groups and individual people who have concerns and require one to one meetings. She stressed the importance of getting the message out to Landowners of the NRPOs willingness to engage with people. Cllr. Kinane requested clarification on the 270 letters received regarding whether they were on the preferred route or otherwise. She sought clarification on what Mr. Pender meant by 'impact on lands' and the provision of sustainability monies to Landowners. She asked if, in cases where people sign an Agreement at an early stage, can they pull out of the agreement or how sealed is it. She enquired as to the timeline for the commencement of acquisitions, if a map of the preferred route can be provided and if a working group be established to deal with questions. Mr. Pender stated that a map could be provided but it would not contain names, addresses or personal data of Landowners. He also confirmed that the NRPO have met with landowners and farmers and will continue to do so. Mr. Pender stated that his will meet anybody, anywhere and anytime. The five principals of the Greenways are Scenic, sustainable, strategy, segregated and lots of things to do and see.

Cllr. McClearn stated that he feels the whole concept of the Greenway in Galway is oversold, he said he is not sure what economic benefit there will be along the way. Cllr. McClearn referred to 2 motorway building projects in which arguments and campaigns took place regarding the motorway going through lands, but they are now built. Cllr. McClearn stated that the Projects design staff should meet landowners to address any confusion. Cllr. McClearn stated that if there are no CPOs, the Greenway won't go ahead, and all monies invested to date will be gone. He stated that his preference is to reach 90% agreement before the CPO process is introduced.

Cllr. Kelly agreed with Cllr. McClearn's view where he opposed CPOs where a family has to split lands and he also requested that the Project Team engage with Landowners. Cllr. Kelly asked if it is possible to take CPOs off the table and if it is a legal requirement.

Cllr. Byrne expressed his agreement with Cllr. McClearn and stated that a Plan B needs to be in place. He further stated that the Design Team should analyse where we are at presently and should give a presentation in a month's time. He stated that where lands are divided in two that this should not be considered an option. Cllr. Byrne suggested that a colour coded map be provided to detail the landowner agreements that were currently in place.

Cllr. Finnerty stated in respect of Kilbeacanty, there has been very little consultation from the Design Team and that we are a long way from the planning stage yet.

Councillors Murphy stated his agreement with Cllr. McClearn, he is not in favour of CPO mechanism, but it is necessary to leave it in place in order for the Greenway to go ahead, he further confirmed he is not satisfied where lands should be cut in half. Councillor Murphy also stated that Kilcolgan and Clarinbridge needs cycle lanes and there are wide roads there to facilitate same.

Cllr. Maher concurred with Cllr. McClearn regarding 90% agreement before the process could move any further. He stated that the Design Team need to advise of which route can provide 90% agreement and that a number of Landowners/farmers would be happy to see the Greenway being connected to Loughrea.

Cllr. Canning confirmed that he is 100% in favour of the Greenway. He stated that Landowners and Farmers required someone to go to talk to them on the ground as he understood they felt that they were not represented by representative groups. He wants it on the record that he does not think CPOs on the table is the way to go and that there may be some way of accommodating landowners without the use of CPOs.

Cllr. Donohue asked if Farmers have been consulted to identify if they are part of a representative group and if they are satisfied with agreements reached by the representative groups.

Cllr. Kinane stated that she feels it is necessary to have something positive to work towards out of the meeting and asked if Councillors, as a group, support the Kilcolgan-Clarinbridge-Oranmore route along the national route. Councillors Murphy and Byrne stated that they are on the same page about moving things on.

Cllr. Donohue raised concerns regarding small holdings, where Landowners have livestock within the vicinity of a walkway where cattle can get spooked. She asked for the issues to be addressed and if findings from other greenways have been considered.

Cllr. Donohue asked Mr. Pender about Signage for the routes and had this matter been raised and Mr. Pender said signage had not come up.

Mr. Pender stated that the Council does not want to go through the CPO mechanism but rather by Agreement but that there may be difficulties for example where lands to be acquired are owned by a Ward of Court or are unregistered lands. Mr. Pender stated that he cannot commit to 90% agreement and that the Council wishes to stay away from severance, he stated his understanding that land is a business.

Mr. Pender stated that the sustainability payment is a payment over and above the land acquisition payment. Mr. Pender clarified that one payment will be made to the Landowner when planning consent has been granted by An Bord Pleanála and any legal challenges have been successfully defended. The second payment is made when the greenway is opened. He confirmed that this payment is on top of the land acquisition cost. Mr. Pender stated that the Project Team Liaison Officers have been meeting people night, noon and morning and have had over 300 on site meetings/phone calls. He confirmed that these meetings will continue.

Cllr. McClearn sought clarification from Derek Pender regarding the issuing of CPOs, stating that he understood CPOs would not kick in until the 90% agreement rate is reached and Councillors voted for this type of CPO process 6 or 7 years ago as a group. He stated that he wants the principle agreed then to be agreed now and stated his dissatisfaction if this agreement is not now in place. Cllr. Canning sought confirmation in writing from Mr. Pender that CPOs would not be used until 90% Agreement is reached, Cllr. Maher sought clarification on this issue also. Mr. Pender confirmed CPOs will be used as a last resort. Cllr. Murphy sought clarification on whether the new protocol superseded 90% co-operation and if there is a minimum percentage figure for co-operation before the new protocol is effective.

Mr. Pender clarified that there is no set percentage figure and reminded members this is a national document implemented throughout the country and in many Municipal Districts which was signed up to by all stakeholders and was brought about by the initiation of this scheme.

Cllr. Kinane agreeing with Cllr. McClearn and said when she was involved with this process in Clarinbridge/Maree, there was a clean slate and stated that a huge negative could come from this. She said she did not realise the 90% Agreement figure was off and asked for clarification on the position now.

Mr. Pender confirmed that there is no definite figure that he would be disappointed if he didn't get 95%-97% agreement in a length of 100 kilometres.

Mr. Pender stated that previous agreements are no longer applicable as a result of the Code of Best Practice and that this document is implemented nationwide. Mr. Pender agreed to summarise his comments in an email.

Mr. Pender confirmed that Galway County Council will make every effort to minimise the number of private land holdings directly affected by the proposed Athlone to Galway Greenway.

He stated that strategy of the Council, and as set out clearly in the recently adopted Code Of Best Practice for National And Regional Greenways, will be to use existing suitable State-

owned lands (Coillte, Bord na Móna, flood defence, etc.) along the proposed route corridors which will be prioritised in determining the preferred route option.

Mr. Pender stated that the members will be aware, due to the extensive scale of the proposed Greenway between Galway and Athlone (140km), and the absence of linear State-owned features (such as disused railways canals or), it is anticipated that a substantial number of private land parcels will also be required to deliver the project. These private lands need to be acquired in order to secure ownership and to protect the use of the strategic Greenway network and the substantial investment made by the State for future years.

Mr. Pender stated that where private land acquisition is necessary following the selection of the preferred route corridor, Galway County Council will engage with individual landowners in an effort to agree upon a route that minimises the impact on their respective farm / property holdings and enter into Voluntary Land Acquisition Agreements where possible. He stated that it is the absolute priority of Galway County Council to enter into VLAA's and he would encourage all property/landowners to liaise directly with the project team if they have any concerns over the acquisition of land. The project team, he stated, will meet everyone either face to face or remotely – whatever is the preference of the landowner, and the project team will be able to provide the most up to date, and more importantly accurate, information around the whole process.

The process of agreeing upon Voluntary Land Acquisition Agreements will be initiated in advance of Galway County Council making an application for planning consent to An Bord Pleanála.

Mr. Pender stated that the landowners must confirm title to the lands and that it is anticipated that the use of State-owned lands in conjunction with the lands acquired by Voluntary Agreements will deliver the majority of the lands necessary for the Greenway. He said that the Council is aware that many landowners and their representative bodies hold serious reservations and have legitimate concerns as to the use of Compulsory Purchase Powers in the provision of National and Regional Greenways, but he said, it is the absolute will of the Council that the strategy and commitments outlined in the Code of Best Practice will facilitate the acquisition of lands by way of Voluntary Agreements. He advised that, in the very rare occurrence where this does not prove possible, it may be necessary to exercise the compulsory purchase mechanism.

Mr. Pender advised that the CPO mechanism will only be exercised as a last resort where for example:

- Voluntary Agreement cannot be reached between the parties following a comprehensive negotiations process.
- An economically feasible alternative route that meets the scheme objectives and the Five S criteria (Scenic, sustainable, strategic, segregated, lots to see and do), as set out in the Code, does not exist.
- Legal title issues such as proof of ownership (clean title); unregistered land; ward of court; competing claims, etc.

If such circumstances arise, Mr. Pender stated, Galway County Council may be left with no alternative but to seek to acquire the outstanding plots of land using the existing legal mechanisms already available, including service of Notice to Treat under the relevant legislation in order to keep the project consent alive. He reiterated; this is completely as a matter of last resort.

Mr. Pender stated Voluntary Land Acquisition Agreements will be completed and the compensation paid when the scheme has obtained development consent from ABP and the required funding to implement the scheme is approved.

Mr. Pender advised that there have been approximately 330 individuals' submissions through the online portals, 270 letters denying access to lands and 3 petitions received most of which related to lands outside the corridor. He informed the meeting that Project Team member were meeting with residents from the Meelick area later today (14.03.2022).

Parking at Moore Street, Loughrea

LMD 2213

Councillor Maher raised a concern on behalf a number of residents of Moore Street, Loughrea who received parking tickets for parking on double yellow lines on the road outside of their properties. Cllr Maher sought clarification on when the double yellow lines were put in place and advised the meeting that video and photographic evidence was provided to An Garda Siochana by a member of the public which gave details of number plates of cars parked on the double yellow lines. Cllr. Maher stated that the residents wanted the yellow lines removed as there was very little parking in this area. Cllr. Donohue stated that she was happy that Cllr. Maher brought this matter to the attention of the meeting and asked when the decision to put double yellow lines in Moore Street was made. Cllr. Kelly asked for clarification on the parking situation on Moore Street. Cllr. Byrne stated that an amendment to the Traffic Management Plan is required before any such measures were implemented and asked if this amendment to the Plan was made.

Mr. Haugh confirmed that the installation of double yellow lines on Moore Street was included in the Traffic Management Plan adopted in 2004 and that the double yellow lines have been in place since that time. Mr. Haugh confirmed that parking tickets were issued by An Garda Siochana and not Galway County Council.

Cllr. Maher further stated that residence of Moore Street never had those problems previously. Cllr. Donohue asked if there was something that could be done for Moore Street residents, Mr. Haugh advised that they could apply for Resident Parking Permits. Mr. Mitchell advised that there isn't sufficient space to allow for parking on Moore Street, and that it is an embedded situation but that doesn't mean it is right, and that he is sure this issue was considered in 2004 at the time of the adoption of the Traffic Management Plan. Cllr. McClearn stated that if people have been parking there for years, where can they now park and their parking cannot just be taken away. Cllr. Kelly agreed with Cllr. McClearn's comment and stated that some accommodation should be made for parking for Moore Street residents. Cllr. Donohue stated that she would be concerned for the safety of Moore Street residence walking to their properties late at night.

Cathaoirleach's Business

LMD 2214

Cllr. Byrne highlighted that parents and teachers have serious safety concerns for children going to school due to traffic going through red lights in villages, for example in Ballinderreen where Gardaí intervention was required. He also raised similar concerns regarding Kinvara National School where there are 400 children attending school. Cllr. Byrne stated that the Parent's Council in Ballinderreen National School issued a Notice to Mr. Pender, and he requested a meeting regarding these concerns. Cllr. Byrne also stated that the flashing lights in Kiltartan National School were out of order from September until approximately two weeks ago which is unacceptable. Cllr. Kinane also expressed her concerns regarding the road safety of children in the area.

Cllr. Maher advised the Members that the Loughrea St. Patrick's Day Parade will commence at 1.00pm and invited all Members to attend.

Cllr. Finnerty raised the issue of two caravans parked at the back of Courtney's Lane, he stated he has no issue with them, but those caravans do not have parking services available to them and said that it needs to be established who owns them.

Mr. Mitchell advised that there should be engagement with the Housing Unit in relation to this matter and it will be followed up with the Roads Section if required.

Cllr. Kinane stated that the Oranmore Parade is not proceeding this year and asked for clarification on if it was blocked by Galway County Council. Mr. Mitchell clarified that generally a road closure is not required for a St. Patricks Day Parade, but the organising committee develop a traffic management plan in consultation with An Garda Síochána. If a Road Closure is required, the submission should be made at least eight weeks in advance of the planned closure to allow sufficient time to process same. He stated Oranmore did not look to close the road previously. Cllr. Kinane acknowledged the matter was now clarified and stated the road closure was required for setting up tables and chairs for the festival.

Cllr. Kinane enquired regarding parking along the N67 Clarinbridge, she stated there were almost 2 very serious incidents in the last couple of weeks involving two cyclists. Cllr. Kinane stated that Coillte have a duty of care and additional parking spaces should be provided, she stated when walking trails open up the overflow of cars could use the additional parking facilities. Cllr. Kinane asked for Galway County Council to request Coillte to review traffic safety outside Stradbally with a view to providing car parking spaces. Mr. Mitchell advised in relation to Kilcornan Woods, these are privately owned lands and while a car park can be requested, it cannot be directed. Mr. Haugh confirmed that additional parking was being made available as part of current works at the entrance to the Brothers of Charity.

Cllr. Canning advised that he met with parents in the Portumna area who highlight concerns regarding the playground in Portumna which needs attention, he stated its condition is run down and needs funding to expand and be overhauled. Mr. Mitchell clarified that the matter should be referred to the Corporate Services Section of Galway County Council.

Cllr. Donohue asked when will bins be arranged for Gort. Niall Kennedy advised that 1 bin is installed and they are in the process of repositioning other bins in the town.

The minutes of the Roads Programme Meeting 28.02.2022 were adopted having been proposed by Cllr. Donohue and seconded by Cllr. Kinane.

Any Other Business

Cllr. Donohue requested an update on the Loughrea Townhall.

She stated that she was hopeful of progress on an inventory of the contents which could be put on public display.

Mr. Haugh confirmed that additional Cycle Parking infrastructure had been installed in Portumna, Loughrea (Corrys Field, Main Street, Barrack Street and the Long Point). Works at Renville were on-going.

It was agreed that the next meeting will be held on 11th April 2022 at 11.00 am and a decision has been made to hold the meeting online.

CHRIOGHNAIGH AN CHRUINNIU ANSIN


CLLR GERALDINE DONOHUE
CATHAOIRLEACH, LOUGHREA MD