

**Minutes of the Northern & Western Regional Assembly Meeting
held on 16th September 2022 at 11am in the NWRA Chamber, Ballaghaderreen.**

Present:

Cllr. David Maxwell	Cllr. John Naughten	Cllr. Jimmy McClearn
Cllr. Declan Bree	Cllr. Declan McDonnell	Cllr. Patrick McGowan
Cllr. Orla Leyden	Cllr. Brian McKenna	Cllr. Jarlath Munnally
Cllr. Joe Sheridan	Cllr. Justin Warnock	Cllr. Enda Stenson
Cllr. Christy Hyland	Cllr. Clifford Kelly	
Cllr. Enda McGloin	Cllr. Jack Murray	

Presided: Cllr. Declan McDonnell (Leas Cathaoirleach)

Apologies: Cllr. Tim Broderick, Cllr. David Collins, Cllr. Donal Gilroy, Cllr. Donal Lyons, Cllr. Niall McNelis, Cllr. Sean Smith, Cllr. John Caulfield, Cllr. Michael Crowe, Cllr. Frank McBrearty, Mr Brendan McGrath (Chief Executive Galway City Council)

Officials: Northern & Western Regional Assembly:

Mr David Minton (Director)
Mr. Gerry Doyle (Assistant Director)
Mr. Denis Kelly (Assistant Director/Senior Planner)
Mr Frank Flanagan (Senior Executive Planner)
Mr. Conall Mc Gettigan (Senior Executive Planner)
Mr. Barry Guckian (Programme Executive)
Ms. Fiona Timoney
Ms Pauline Grennan

1) Adoption of the Minutes of the Meeting of the Northern & Western Regional Assembly held on the 15th July 2022 (circulated):

Proposed by: Cllr. Enda Stenson
Seconded by: Cllr. John Naughten

Resolved:

“That the Minutes of the Meeting of the Northern & Western Regional Assembly held on 15th July 2022 be adopted”.

2) Matters Arising

There were no matters arising

3) Colm Markey MEP update to Assembly

- Mr. Colm Markey MEP gave a talk on European affairs and issues he considers essential for the role of the Regional Assembly to be enhanced. He stated that the EU really places a value on regional government and that central Government should only perform task that cannot be done effectively at local level. He added that Numerous reports, including one from the Commission in 2020 show Ireland to be one of the most centralised governments in Europe.
He stated that Ireland has fewer Local Authorities per person, fewer elected members per person and fewer functions than other countries. He added that only 8% of public spending occurs at local government level – EU Average is over 23% (Denmark 67%)
- Mr Markey identified future Key Issues and Challenges as being;
 - Energy - Secure and sustainable energy source
 - Food security and sustainability

- Changing nature of work
- Biodiversity – West best placed – best opportunity to maintain biodiversity
- Harnessing the opportunities of the West
- Funding – European Office in each Council
- Research Capacity – Atlantic TU
- Networking – European Commission Network of Local Authorities

A Q&A session followed Colm Markey’s update to the Assembly and the following key issues were discussed

- Renewable Energy Development and Investment - Decarbonisation
- The European Green Deal – impact at local level - local energy projects need to be community driven
- Wind Farms and solar power – Community element best
- Green Investments important - Investment at EU level - Insufficient grant aid from EU
- Investment in Energy Network
- Electricity generated - Issues with selling electricity back to the grid - regulatory issues
- ESB Networks and ownership – more investment needed at EU level
- Local government reform – stronger powers for Local Government - Policy needs to change
- National Government control and national co-ordination role
- Local Representatives - principles of good local government - networks and local knowledge important
- Government Policy - trend not going in the right direction – Local representatives need more powers
- Engagement with Regional Assemblies and Local Authorities critical
- Abolition of Town Councils - Municipal system not working
- Local infrastructure important – issues need to be raised at European Level
- Sustainable Agriculture and Government Policy
- Issues around replacing family farms with forestry - Importance of sustainable food production
- Common Agricultural Policy – drawdown from the new CAP scheme more restrictive
- Sustainable Transport and the Western Rail Corridor - Freight Rail Claremorris-Athenry (now freight hub) would be more sustainable
- Derrybrien windfarm being removed – could it be in community ownership as alternative
- Development of Tourism - Small businesses struggling
- Need to invest more in the Regional Airports
- Leader Funding – significant challenges with gap in funding

A report by Mr. Markey MEP on the overview of European Funding was circulated at the meeting and Mr. Markey MEP informed the members that he was available for support and would raise any relevant issues at European level

4) Draft 2021 Annual Financial Statement

Mr. Gerry Doyle gave a brief presentation on the Draft 2021 AFS which will be the subject to audit by the Local Government Auditor in October.

Following a query raised in relation *other* Income, Mr Doyle agreed to follow up with the full breakdown of same at the meeting in November where the final AFS will be considered by the Members after the Audit is completed.

5) Planning and Economic Development

a. Planning Reports

- **i. Draft Ministerial Direction – Mayo County Development Plan 2022-2028 (submission circulated for noting)**

Mr. Denis Kelly (Assistant Director/Senior Planner) gave a brief update on the Regional Assembly's final submission, finalised with consent of Cathaoirleach David Collins, on the Draft Ministerial Direction under the Mayo Co Development Plan 2022-28.

Proposed: Cllr David Maxwell

Seconded: Cllr Jarlath Munnely

Resolved: "That the Northern and Western Regional Assembly note the submission as circulated"

- **ii. Draft Ministerial Direction – Variation to Donegal County Development Plan 2018-2024**

Mr Conall McGettigan (Senior Executive Planner) presented on the Draft Ministerial Direction and advised that a two-week consultation period was provided to make a submission, which commenced on 9th September. Due to the timeline a full assessment was not complete but was well advanced and he presented the emerging considerations in respect of the Draft Direction, including:

1. Draft Direction requirements pertaining to Separation distances - Omit Policy E-P-24 and E-P-23 (those parts within subsections (2) and (3) thereof):

Mr McGettigan explained that these provisions seeks to omit the Policy on Ten Times turbine tip height (from the curtilage of a dwelling house). This policy is contained within E-P-24 but also referenced within Policy E-P-23 (2)(b) and (3).

He advised that the Assembly, in its original submission to the variation (June 2022), made 4 observations and one of the observations advised Donegal County Council to omit this element of the Variation. It was considered by the Assembly that there was no clear justification for it, it did not form part of any of the recommended standards set out in the Wind Energy Guidelines of 2006, nor was it a feature of the Draft Guidelines of 2019: the Draft Wind Energy Guidelines proposed to introduce the concept of a 500m setback from a residential curtilage (or alternatively 4 x Tip Height) as the industry norm on future Planning applications (See 6.18.1 – SPPR2 of 2019 Draft Wind Energy Guidelines). The Assembly also advised Donegal County Council that the relevant Guidelines were the Wind Energy Guidelines 2006 and the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017).

He advised that it should be noted the Draft Direction points out in the Statement of Reason that there is no adequate explanation provided by the Council for this policy measure. Mr McGettigan advised that the emerging view at this stage of the assessment is that it is a justified and proportionate action to require the deletion of Policy E-P-24 and E-P-23 (2)(b) and E-P-23(3). Furthermore, E-P-23(2(a)) should be deleted as it refers to what are the Draft Guidelines of 2019.

2. Draft Direction requirement to omit E-P-23 (1) (ie. Focusing upon the provisions other than within (2) and (3) thereof)

Mr McGettigan outlined that this part of the policy requires that wind farm developments:

(1) (i.) Must not be located within:

(a.) the zone of visual influence of Glenveagh National Park;

(ii.) Must not be located within the following areas, subject to the possible exceptions set out in Policy E-P-12(1)(c)(ii):

(b) the Gweebarra River Basin;

(c) areas contained within 'Especially High Scenic Amenity' on Map 7.1.2 'Scenic Amenity';

(d) Freshwater Pearl Mussel Catchments; and

(e) St. John's Point.

It also defines (a) above.

He advised that the Draft Direction does not provide a narrative or justification for the removal of these elements of Policy E-P-23. He said that the geographical areas referenced in subsection (1) are included as 'Not Normally Permissible' for windfarms in Map 8.2.1 but are not required to be removed within the Draft Direction. Therefore, he believed that as the removal of these parts of this policy has not been justified in the Draft Direction that it is probably not intended. Had it been intended then the decision to omit E-P-23 (1) would have to be informed by the assessment pursuant to the SEA and Habitats Directives but this was not alluded to in the associated documentation.

He advised that the Assembly has previously taken the view that this aspect of policy was consistent with the RSES and the emerging opinion is that the Assembly recommend that this subsection is retained within the Plan.

3. Draft Direction requirements pertaining to Map 8.2.1

The Draft Direction is to:

- (i) *Change of "Moderately Low" and "Moderately High" landslide susceptibility areas **from** 'Not Normally Permissible' **to** 'Open to Consideration'.*
- (ii) *Change of "Lifford -Stranorlar Municipal District Areas at Risk of Landslides and Associated Environmental and Ecological Concerns" **from** 'Not Normally Permissible' **to** 'Open to Consideration'*

He advised that it should be acknowledged that the background to this aspect of the Variation has its origins in the Meenbog Peat Slide, which resulted in significant transboundary environmental damage to the Mournebeg River System at the upper reaches of the Finn / Derg River system. He surmised that the measures being proposed by Donegal County Council may be well intentioned in the future protection of this River Catchment and also the Lough Mourne Water supply reservoir - which is the subject of a planned water supply augmentation scheme. However, on the basis of the evidence provided the justification for a blanket ban is not apparent and it was believed that there are other mechanisms within the Plan, and project assessment process, outlined within the Wind Energy Guidelines 2006 which should be followed to prevent a repeat incident.

He advised that the emerging opinion is that the Draft Direction is justified and proportionate in requiring the change from 'Not Normally Permissible' to 'Open to Consideration' – no adequate evidence based justification has been provided to justify what is essentially a blanket ban. The designation as 'Open to Consideration' will afford suitable protection, whilst enabling the suitability of any proposal that may emerge to be determined at project level.

Cllr Patrick McGowan criticised the absence of up-to-date national guidance that is clear and did not believe that the OPR or the Minister fully understand the justification for the protection that the Council wants to afford to the area of Lough Mourne water supply and the area of the landslide.

Cllr McDonnell stated that the job of the Assembly was to ensure the NWRA submissions were correct and agreed by Members.

Councillor Murray noted that the windfarm policy issue was longstanding, that a decision had been made by the Council as part of a democratic process and that that the NWRA should support the Council in defending its decisions.

The Director, David Minton, noted the balance needing to be struck between supporting the individual Council's decision-making and the mandate of the Assembly (including the RSES).

Mr Denis Kelly (Senior Planner) said he would make himself available to Members prior to the report being finalised and that in accordance with agreed process the finalised report would be furnished to the Cathaoirleach for agreement prior to a response being issued to Donegal County Council. The report would be then be brought to the October Assembly Meeting for noting.

Proposed: Cllr David Maxwell

Seconded: Cllr Jimmy Mc Clearn

Resolved: *"That the Draft Ministerial Direction – Variation to Donegal County Development Plan 2018-2024 be finalised and discussed with the Cathaoirleach, and that the executive would make themselves available to any Member of the Assembly prior to finalising the report."*

iii. Proposed Material Alterations to Draft Galway City Development Plan 2023-2029

Mr. Frank Flanagan (Senior Executive Planner) gave a presentation on the Proposed Material Alterations to the Draft Galway City Development Plan 2023-2029 and explained that the Assembly had been notified on 8th September and thus the assessment was not complete at this stage - The closing date for receipt of submissions being 6th October. He then set out the initial emerging position.

- Very extensive consideration has been made by the Council on the CDP.
- 230 submissions were received on the draft. Through 5 or 6 meetings, the Council agreed to publish 184 proposed material amendments.
- The Council has provided the NWRA with a letter explaining the reasons for decision in relation to its previous submissions.
- The Council took on board 4 of the 5 previous comments and didn't accept one comment on water.
- There were 4 main groups of material alterations. Many were relatively minor amendments/alterations which the Planning Department would support.
- The submission will focus on regional issues, for example zoning changes and the airport.
- Galway City Council are very conscious of the RSES and that has come through in the plan unlikely that there will be many issues arising.

Following detailed discussions and queries raised by the members in relation to the proposed material alterations to the Draft Galway City Development Plan, Mr Denis Kelly, advised that an SPA West meeting was to be held in advance of the closing date for submissions. The report could be tabled at that meeting and any comments of Members would be conveyed to the Cathaoirleach for his consideration when he considers the finalised report before a submission is made. The finalised report will then be placed on the October Assembly Meeting for noting in accordance with agreed procedure. This suggestion was welcomed by Members.

Proposed: Cllr Declan McDonnell

Seconded: Cllr David Maxwell

Resolved: *"The Draft Report on the Proposed Material Alterations to Draft Galway City Development Plan 2023-2029 be finalised and discussed in more detail at the scheduled West SPA meeting before being considered by the Cathaoirleach"*

b. LECs - Briefing Notes to Local Authorities (update)

Mr. Denis Kelly (Assistant Director/Senior Planner) updated the members on the LECs - Briefing Notes to Local Authorities, which was circulated to the members. He advised that each Local Authority had received its own bespoke document that should be of benefit to them in reviewing their existing LEC and preparing a new LEC.

6) Association of Irish Regions – Conference / Training event update

The members were informed that the AIR Conference was scheduled to be held in Monaghan on the **8th and 9th February 2023**.

7) Partnership Agreement - Commissioner Ferreira's visit to Ireland (for noting)

The members were informed of Commissioner Ferreira's visit to Dublin on Tuesday 20th September for the EU Partnership Agreement with Ireland under the 2021 – 27 Programming period

8) Correspondence

As no reply was yet received to the correspondence issued to Eirgird it was agreed that the Regional Assembly would follow up and request a reply to the letter which was issued during the summer.

9) AOB

Following the meeting with Darragh O'Brien, Minister for Housing & Local Government, where John Daly presented, it was agreed that Mr. Daly would provide feedback from this meeting to the Members at the next Assembly Meeting.

A vote of sympathy and condolences was extended to Teresa Lennon IRO, whose father passed away recently

It was agreed that a vote of Vote of sympathy be offered to the family of Queen Elizabeth II, deceased.

Proposed: Cllr. Patrick McGowan

Seconded: Cllr. Jimmy McClearn

Resolved that: "Northern and Western Regional Assembly extend condolences to the family of Queen Elizabeth II who passed away recently".

This concluded the business of the meeting.

Signed: _____ (Cathaoirleach)

Date: _____