

COMHAIRLE CHONTAE NA GAILLIMHE
MINUTES OF MONTHLY MEETING OF GALWAY COUNTY COUNCIL
Held via Microsoft Teams
Monday, 28th March 2022 at 10.00am

CATHAOIRLEACH:	Cllr. Peter Keaveney 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, G. Cronnelly, D. Ó Cualáin, J. Cuddy, S. Curley, T. Ó Curraoin, Albert Dolan, G. Donuhue, G. Finnerty, D. Geraghty, S. Herterich Quinn, M. Hoade, C. Keaveney, D. Kelly, D. Killilea, M. Kinane, G. King, P. Mac an Iomaire, M. Maher, E. Mannion, J. McClearn, K. McHugh Farag, A. McKinstry, P. Murphy, E. Francis Parsons, A. Reddington, P. Roche, J. Sheridan, N. Thomas, S. Walsh and T. Welby.
Oifigh:	Mr. J. Cullen, Chief Executive, Mr. M. Owens, Director of Services, Mr. L. Hanrahan, Director of Services, Mr. D. Pender, Director of Services, Mr. G. Mullarkey, Head of Finance, Ms. J Brann, Meetings Administrator, Ms. B. Ryan, Staff Officer, Ms. E. Hoffman, Clerical Officer, Mr P. Scannell, Clerical Officer.

Thosnaigh an cruinniú leis an paidir.

ITEM NO.1 CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS

3942

Cllr. Welby read a statement to the Members relating to the proposed amendments by Cllr. Walsh to the minutes of the Special Meeting held on the 17th December presented at the February Plenary Meeting. In the interest of clarity Cllr. Welby agreed to circulate his statement via email to all Members. It was unanimously agreed to defer Item No.1 to facilitate circulation of the statement.

ITEM NO.2 CONSIDERATION OF REPORTS AND RECOMMENDATIONS

3943

- (a) Minutes of Community and Culture Strategic Policy Committee held on 26th November 2021.

On the **PROPOSAL** of Cllr. Herterich Quinn **SECONDED** by Cllr. Carroll the minutes of the Community and Culture Strategic Policy Committee held on 26th November 2021 were **AGREED**.

ITEM NO.3 TO CONSIDER AND APPROVE IF DEEMED APPROPRIATE, THE GALWAY COUNTY COUNCIL COMMUNITY SUPPORT SCHEMES 2022 PROPOSED LIST OF APPROVALS, IN ACCORDANCE WITH THE PERFORMANCE OF ITS FUNCTIONS UNDER SECTION 67 OF THE LOCAL GOVERNMENT ACT 2001 AS AMENDED.

3944

Report dated 28th March was circulated prior to the meeting.

Mr. Hanrahan gave a brief overview of the proposed Community Support Scheme 2022 allocations totalling €253,250 listed under the individual categories of funding.

- Economic Development
- Community Development
- Cultural Development

Mr. Hanrahan advised the grants will provide investment and support to community-based groups across the county. He advised the total amount sought exceeded the available budget. He confirmed feedback had been given to the unsuccessful applicants and advice was offered in relation to other funding sources.

The Cathaoirleach welcomed the funding. He said Community Groups were the lifeblood of our communities through their voluntary work. He said it was important that they were recognised and supported.

On the **PROPOSAL** of Cllr. Hoade **SECONDED** by Cllr. Byrne the Galway County Council Community Support Schemes 2022 proposed list of approvals, in accordance with the performance of its functions under section 67 of the Local Government Act 2001 (as amended) was **AGREED**.

ITEM NO.4 TO CONSIDER THE LOCAL COMMUNITY DEVELOPMENT COMMITTEE (LCDC) ANNUAL REPORT ON PERFORMANCE OF FUNCTIONS FOR 2021, IN ACCORDANCE WITH SECTION 128B (1)(I) OF THE LOCAL GOVERNMENT ACT 2001 AS AMENDED BY THE LOCAL GOVERNMENT REFORM ACT 2014.

3945

The LCDC Annual Report was published on the Extranet prior to the meeting.

The Chairperson of LCDC, Cllr. Thomas, gave a brief overview of the work of the LCDC in the past year in the following areas:

- Covid 19 Supports
- Social Inclusion and Community Activation Programme (SICAP)
- Healthy Ireland Fund

Cllr. Thomas noted it had been a challenging but also a positive year for the LCDC. He welcomed the emergency funding received from the Government which was vital in keeping local community facilities operating during the pandemic. He welcomed the one-year extension to SICAP which had done great work identifying and targeting where supports were most needed. Cllr. Thomas noted the LCDC had also recently been called on to get involved to support the Ukrainian Crisis.

Cllr. Thomas thanked the LCDC Committee Members, the SICAP Committee and the Local Development Companies who administer the programs put in place. He thanked the Local Authority staff, in particular Ms. Mary McGann, for their work and continued support.

Mr. Hanrahan thanked Cllr. Thomas for his work and comprehensive report. He noted a large part of LCDC work had been concentrated on Covid Supports and the LCDC had transformed itself into a community response led committee which will be of huge benefit in the current Ukrainian crisis.

On the **PROPOSAL** of Cllr. Maher **SECONDED** by Comh. Mac Iomaire the Local Community Development Committee (LCDC) Annual Report on performance of functions for 2021, in accordance with section 128b (1)(i) of the Local Government Act 2001 as amended by the Local Government Reform Act 2014 was **NOTED**.

ITEM NO.5 APPOINTMENT OF REPLACEMENT IRISH FARMERS ASSOCIATION (IFA) NOMINEE TO THE LOCAL COMMUNITY DEVELOPMENT COMMITTEE (LCDC). 3946

Report dated 14th March 2022 was published on the Extranet prior to the meeting.

On the **PROPOSAL** of Cllr. M Connolly **SECONDED** by Cllr. Maher it was **AGREED** to appoint Ms. Anne Mitchell, IFA Nominee, to the Local Community Development Committee to replace Mr. Tom Hurley.

ITEM NO.6 APPOINTMENT OF REPLACEMENT ÚDARÁS NA GAELTACHTA NOMINEE TO THE LOCAL COMMUNITY DEVELOPMENT COMMITTEE (LCDC). 3947

Report dated 14th March 2022 was published on the Extranet prior to the meeting.

On the **PROPOSAL** of Comh. Mac Iomaire **SECONDED** by Cllr. Maher it was **AGREED** to appoint Mr. Sean O'Coisdealbha, Údarás na Gaeltachta Nominee, to the Local Community Development Committee to replace Mr. Ruairi O'Neill.

ITEM NO.7 TO CONSIDER A DATE(S) FOR A SPECIAL MEETING IN RELATION TO THE CONSIDERATION UNDER SECTION 12(9) OF THE PLANNING AND DEVELOPMENT ACT (AS AMENDED) OF THE CHIEF EXECUTIVE'S REPORT ON THE SUBMISSIONS RECEIVED ON THE MATERIAL ALTERATIONS ON THE GALWAY COUNTY DEVELOPMENT PLAN 2022-2028. 3948

On the **PROPOSAL** of Cllr. Maher **SECONDED** by Cllr. Roche it was **AGREED** to convene a Special Meeting in relation to the consideration under section 12(9) of the Planning and Development Act (as amended) of the Chief Executive's Report on the

submissions received on the Material Alterations on the Galway County Development Plan 2022-2028 on the following dates:

- 21st April 2022 11:00 am – 6:00 pm
- 22nd April 2022 2:00 pm – 8:00 pm
- 4th May 2022 11:00 am – 6:00 pm
- 5th May 2022 11:00 am – 6:00 pm
- 9th May 2022 2:00 pm – 8:00 pm
- If required provision was made for:
- 11th May 2022 11:00 am – 6:00 pm

It was also agreed to recommend to the Corporate Policy Group that the Special Meeting would be held via Microsoft Teams.

ITEM NO.8 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).

3949

Report dated the 16th March was published on the Extranet prior to the meeting.

- (a) On the **PROPOSAL** of Cllr. Maher **SECONDED** by Cllr. Roche it was **AGREED** to authorise Cllr. Maher to attend Celtic Conferences, 'Tourism & Digital Marketing' at The Four Seasons Hotel, Carlingford, Co. Louth on 4th-6th January 2022 (Retrospective Approval).

- (b) On the **PROPOSAL** of Cllr. Geraghty **SECONDED** by Cllr. Maher it was **AGREED** to authorise Cllr. Geraghty to attend Rural Regeneration Post Pandemic, 'The Challenges and Opportunities to Unlocking our Potential' at the Abbey Hotel, Roscommon. 27th - 28th April 2022

ITEM NO.9 TO CONSIDER AND IF DEEMED APPROPRIATE AUTHORISE THE ATTENDANCE AT TRAINING IN ACCORDANCE WITH SECTION 142(5A) OF THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED).

3950

Report dated the 16th March was published on the Extranet prior to the meeting.

- (a) On the **PROPOSAL** of Cllr. Maher **SECONDED** by Cllr. McClearn it was **AGREED** to authorise Comh. O 'Curraoin to attend LAMA 'Spring Training Seminar 2022' at Hotel Kilkenny, Kilkenny on 11th - 12th April 2022.
- (b) On the **PROPOSAL** of Cllr. Maher **SECONDED** by Comh. O Cualáin it was **AGREED** to authorise Cllrs McClearn, O 'Curraoin and Herterich Quinn to attend AILG 'Annual Training Conference 2022' at Inisowen Gateway Hotel, Buncrana, Co. Donegal on 23rd - 24th March 2022. (Retrospective Approval)
- (c) On the **PROPOSAL** of Cllr. Maher **SECONDED** by Cllr. McKinstry it was **AGREED** to authorise Cllr. Maher to attend AILG Module 1 'Elected Member's Personal Safety and Risk' at The Clayton Silver Springs Hotel, Co. Cork on 19th February 2022. (Retrospective Approval)

ITEM NO.10 TO CONSIDER THE MANAGEMENT REPORT – MARCH 2022 IN ACCORDANCE WITH SECTION 136(2) OF THE LOCAL GOVERNMENT ACT 2001 (AS AMENDED). **3951**

Report dated the 24th March was published on the Extranet prior to the meeting.

The Management Report – March 2022 was **NOTED** in accordance with section 136(2) of the Local Government Act 2001 (as amended).

The following queries and points were raised by Cllrs. Donohue, Cuddy, Canning, Kinane, McKinstry, Byrne, C. Keaveney, Broderick, McClearn, Cronnelly, Collins, Sheridan, Finnerty, Geraghty, and Herterich Quinn

- The East Galway Greenway Action Group raised a number of queries. They considered their concerns have not been listened regarding the greenway.
- Who is responsible for the funding and maintenance of fencing on the greenway. Concern raised that CPOs will be used and farms will be divided.
- Engagement with people regarding the greenway is ongoing. There is lot of work going on in the background with meetings and consultations.
- Greenway routes should not be ruled out along the main roads.
- The issue of emergency accommodation for the people arriving from Ukraine should become a standard item on the Agenda for Plenary meetings

- The Failte Kinvara group has welcomed 80 Ukrainian refugees into the Kinvara community. The refugees face several challenges. The group are working with businesses interested in employing the new members of the community.
- Suggest a formal request is made to ask religious orders to come forward to assist in the humanitarian response. The council should engage with religious orders to acquire accommodation for short term emergency use. Many own significant properties including boarding schools adjacent to towns and villages which are currently vacant and maybe suitable for use.
- How does the influx of refugees affect the County Development Plan in terms of the Core Strategy? What is being done to address this.
- In light of the influx of refugees over one weekend the County Development Plan is not fit for purpose. Members have a responsibility to agree the CDP but it is now no longer fit for purpose. In terms of housing, we were challenged before the Ukrainian refugees and we are now further challenged.
- Have modular homes been considered as an option for housing provision? Is planning permission required by people for mobile homes, log cabins etc.
- A lot of industries require skilled workers. We need to engage with people arriving from Ukraine to try and match their skills to potential employers.
- Vintner Federation Ireland (VFI) are running a programme which provides accommodation and work for refugees that may have expertise in the sector. There is a system in place through VFI HQ in conjunction with the Department.
- The influx of Ukrainian Refugees will place impact on the provision of housing, education and schooling. There are also concerns that the use of hotels for housing refugees will have considerable impact on the Tourism industry.
- Acknowledge the generosity of Irish people assisting to bring Ukrainian refugees out of a war zone. Commend all local communities, the local authority and the government on their response to the crisis.
- Request report on the Public Art Management Group.
- Blackweir pier in Maree is very dangerous and works need to be done. If the Council's application for funding to carry out remedial works is unsuccessful, where will the funding come from?
- Can tourism groups to submit their work and reports to Tourism Strategy?

- Clarification sought on the procedures regarding Exempted Development, commercial to residential which has been extended to December 2025.

Members queries were responded to as follows by Mr. Pender

- Regarding signage on greenways Galway County Council are obliged to comply with the Department guidelines on signage along route.
- Galway County Council will be responsible for the maintenance and fencing on greenways. Funding will be provided by Infrastructure Ireland.
- Regarding the location of greenway routes road routes are not the preferable option. There is a requirement to delivery on the 5 “S”s - Sustainable, Segregated, Safe, See and Do and Scenic.
- Regarding Greenways Galway County Council are willing to meet anyone to discuss any issues or concerns raised.
- Regarding Blackweir Pier we will await the outcome of the application for funding.

Members queries were responded to as follows by Mr. Owens:

- Regarding the Exempted Development Regulation 2022 the change is to extend the category of works that may avail of an exemption to include for the conversion of a public house to residential use and to extend the timeframe for the completion of works undertaken with the benefit of the exemption to December 2025. The obligation is on the person to satisfy themselves that they the proposed work qualify to avail of the exemption. There is guidance available in relation to the criteria.
- If a person requires clarification, they can apply to the Planning Authority for a determination in relation to whether the particular works are deemed exempt with the option of appeal. It was noted that this was not a requirement to avail of the exemption. Mr. Owens undertook to circulate further details of the exemption and Section 5 application process.

Members queries were responded to as follows by Mr. Hanrahan:

- The Public Art Management Group have met once. They will be reporting back through the Community and Cultural Development SPC as they progress.
- Tourism Consultants have been appointed for the Tourism Strategy. Submission can be made directly. Consultations will be held with interested groups including Members.
- Galway County Council have met with the Interagency Forum made up of a number of relevant agencies – HSE, TUSLA and Social Protection, to examine what is required for Ukrainian refugees arriving. The Interagency Forum recommend allowing a 2 to 3 week recuperation period following refugees arrival in Ireland. The agencies will then visit centers to see what is required in terms of specialist supports.
- Galway County Council are liaising with IPAS (International Protection Accommodation Services) and have identified a list of buildings for accommodation that could be turned around quickly.
- Galway County Council has an internal committee which includes Housing, Fire Service and Civil Defence staff, who are ready to respond at short notice if required e.g the arrival of a large number of refugees overnight requiring accommodation.

Members queries were responded to as follows by the Chief Executive:

- The Ukrainian situation will bring significant changes both nationally and locally. Galway County Council has a role to play. Nationally the Government approach is coordinated by the Department of Children, Equality, Disability, Integration and Youth.
- IPAS has responsibility to source accommodation, and they have a presence at all points of entry into the country to meet refugees.
- Religious and any other groups or state-owned vacant properties will be considered. Initial inspections have been made to see what is available and what is required to make properties suitable. These properties will be brought to the attention of the National Response Unit.
- Acknowledge and compliment the local response of the communities, the state authorities, and the response from the Housing Department.

- The Ukrainian refugee situation is evolving. All local authorities are liaising at a central level through the CCMA and responding through the Community Response Forum. It is very important the Council act as part of a coordinated response.

ITEM NO.11 CHIEF EXECUTIVE'S BUSINESS & CORRESPONDENCE. **3952**

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

- Letter dated 26.01.22 to Minister for Housing, Local Government and Heritage, Darragh O'Brien T.D. Resolution - More inclusive Regional Assembly.
- Letter dated 02.03.22 from Minister for Planning and Local Government, Peter Burke T.D. Response - More inclusive Regional Assembly.
- Mayors for Peace. February 2022 Newsflash.
- Letter dated 28.02.22 from Kerry County Council. Resolution – LNG Infrastructure in Ireland.
- Letter dated 07.03.22 to Minister for Finance, Pascal Donohue T.D. Resolution – Increase in fuel prices.
- Letter dated 08.03.22 from Leitrim County Council. Resolution – Reduction of VAT rate on diesel and petrol request.
- Letter dated 10.03.22 from Westmeath County Council. Resolution - Spina Bifida and/or Hydrocephalus.
- Letter dated 11.03.22 to Liam Hanrahan, Director of Services, Housing and Economic, Rural and Community Development. Resolution - Team of Vacant Home Officers.
- Letter dated 22.03.22 from County Secretary to Cllr Collins. Response - Team of Vacant Home Officers.
- Letter dated 11.03.22 to Minister for Housing, Local Government and Heritage, Darragh O'Brien T.D. Resolution - Social Housing Income Thresholds.
- Email dated 14.03.22 from David Oliver, EO to Minister for Housing, Local Government and Heritage, Darragh O'Brien T.D. Acknowledgement - Social Housing Income Thresholds.

- Email dated 15.03.22 from Niamh Redmond, Private Secretary to Minister for Housing, Local Government and Heritage, Darragh O'Brien T.D. Acknowledgement - Social Housing Income Thresholds.
- Letter dated 16.03.22 from President of Mayors for Peace, Mayor of Hiroshima. Message on the Tragic War in Ukraine.

ITEM NO.12 CATHAOIRLEACH'S BUSINESS.

3953

On the **PROPOSAL** of Cllr. Cuddy **SECONDED** by Cllr. Donohue the Members **AGREED:**

"that Galway County Council write to the Minister for Planning asking that the planning regulations be amended so that in future when City or County Development Plans are being drawn up that the landowner of any property that is being proposed for zoning changes either by the Local Authority or third parties should be informed so that they would be in a position to make whatever submissions they so wish in respect of the particular zoning of their property."

The following points were raised by Cllrs Byrne, McKinstry, O 'Curraoin, and M Connolly.

- Where lands are not registered, or transfers completed making it may be difficult to notify the owner.
- When zoning land a landowner may hide their beneficial ownership. If the landowner cannot be reached it should not be an impediment to zoning.
- A landowner should be notified when their land is going to be zoned or de-zoned.
- What does current legislation say - does the landowner have to be informed if the land is going to be zoned.

In response to the issues raised Mr. Owens advised the statutory requirement regarding consultation on zoning lands is for a public consultation process only. There is no requirement to contact directly the owners of the lands being zoned. He advised Members the only statutory requirement was to publish a notice in a local paper. He advised however that the local authority undertook additional and non-statutory

initiatives including notices on local radio stations, webinars, videos and social media to increase awareness and participation in the process.

The following motion was **PROPOSED** by Cllr. Donohue **SECONDED** by Cllr. Cronnelly:

"to ask the Chief Executive that Galway County Council promote Water Safety all year round in schools and in the community and that Galway County Council arrange for a presentation to be given to all Municipal Districts on Water Safety and to demonstrate that we are Summer ready.

I am also asking the Chief Executive is Galway County Council exposed from a Safety and Liability point of view of any dangerous blow holes, cliff etc and have they been assessed in accordance with best practice.

Note: Following an inquest into a death in Cork, The Coroner has called on Cork County Council to fence off a dangerous blowhole in Garrettsown, after a young man fell 60ft to his death while camping with his friends there last year. Link here: [Beach blowhole should be fenced off says coroner | Southern Star](#)

Following the serious incident where two teenage girls were swept out on paddle boards last year and the successful rescue of them, it would be prudent that Galway County Council are promoting Water Safety Awareness."

The following points were raised by Cllrs Herterich Quinn, Curley, Hoade, O'Cualáin, Kinane and Cronnelly

- Are we adequately resourced to provide this type of support with a part time Water Safety Officer? Suggest we apply for a full-time Water Safety Officer.
- Suggest sending a presentation to all schools in the county to raise awareness.
- Given the Water Safety Officer is a shared position between the city and the county the time for presentations maybe limited. It should be a full-time position.
- Requests for additional hours for lifeguards has not been accepted due to budgetary constraints. Is there a budget for this? Has a risk assessment of dangers in beaches around the county been undertaken?
- Bring the item to the Board of GRETB for discussion to promote this.

- One part time Water Safety Officer covering coastal and inland areas of the county and the city is not sufficient. It require one if not two. You cannot put a price on funding when it comes to public safety.

In response to the queries raised Mr. Owens advised Water Safety Ireland recently issued a suite of guidance notes relating to water safety. He confirmed that the guidance notes were currently under consideration, including the resource requirement associated with implementation of the guidance including a review of the role of Water Safety Officer. Mr. Owens said it was intended to have an update for the April Plenary meeting that would assist the Members in their consideration of the matter.

A revised motion was **PROPOSED** by Cllr. Donohue **SECONDED** by Cllr. Cronnelly and **AGREED** as follows:

"to ask the Chief Executive that Galway County Council promote Water Safety all year round in schools and in the community and that Galway County Council arrange for a presentation to be given to all Municipal Districts on Water Safety and to demonstrate that we are Summer ready.

I am also asking the Chief Executive is Galway County Council exposed from a Safety and Liability point of view of any dangerous blow holes, cliff etc and have they been assessed in accordance with best practice.

That Galway Council seek to put in place the appropriate staff numbers that will put Water Safety Awareness a priority for Galway"

On the **PROPOSAL** of Cllr. Thomas **SECONDED** by Comh O 'Cualáin the Members **AGREED**:

"that Galway County Council write to the Taoiseach to ask that he would put some compensation scheme in place for subcontractors and suppliers that are severely affected or going out of business themselves by Roadbridge going into receivership. "

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

"that this council will record meetings for the purpose of minute taking. For private meetings the recordings will be held until after the minutes have been agreed and

voted on, and then destroyed. For public meetings the recordings will remain available.”

Mr. Owens advised members the matter will require review by CPG and an amendment of Standing Orders. He noted recording of meetings could be facilitated but a number of issues would require consideration such as the purpose of recording, will it be made public, the retention period of the recording, data protection and privacy notice. He also noted there are contributions made to Plenary Meetings outside the Executive and Members and this would also need to be considered. The availability of technology would also have to be considered.

In response to a query from Cllr. Reddington regarding plans for charging point infrastructure around the county Mr. Pender advised that a national guidance document titled “LA Electrification of Fleet and EV Charging” was published by the CCMA prior to Christmas. This guidance will inform Council policy. Cllr. McKinstry noted the issue had been discussed at SPC. He said it was envisaged that most e-charging will be done at home with a few fast-charging points around the county. The Council will provide charging points in tourist areas such as Wild Atlantic Way to ensure there are no black spot in the county.

In response to a query from Cllr. Killilea regarding the Council's ability to deliver the Roads Programme in light of rising costs, Mr. Pender advised tender documents had gone out. He noted inflation had been take into account but since the works had gone to tender, fuel costs, bitumen and all road making material cost have increased which would impact on resources. He advised on receipt of tenders he will have the information to calculate the difference in rate per square meter from previous years.

Cllr. Donohue thanked the Environment Section, Brendan Goode, Ann Dolan and Loughrea Municipal District for their work organising the removal of 14 tons of illegal waste from Sonnagh Bog.

Members discussed the recently aired RTE Primetime TV programme titled “Council Chamber Secrets”.

The following queries and points were raised by Cllrs. Killilea, McClearn, Dolan, Cuddy, Kinane, C Keaveney, Thomas, O 'Cualáin, and Roche

- The name of the programme was disingenuous as it referred more to the Executive than Members. Suggest the Executive inform Members when such report is being done internally.
- Is it appropriate the Members were not informed of the issues until the day the programme was aired? Are there any other inquiries within the local authority we should be informed of?
- It is the Members duty to uphold public confidence. Our number one job is oversight. Members would never have known there was a report only for the TV programme. If the disclosure of investigations is not a policy, it needs to be.
- The programme reflected badly on elected members when the matter had nothing to do with the elected members. RTE should correct that.
- Welcome the update from the Executive.
- Understandable the information was kept tight regarding the report and the information wasn't given in any greater detail than what was shared. There is nothing preventing Members from sharing these details.
- The Programme was damning for local authorities. It suggested there is no accountability. It can be often difficult to get answers to FOI requests and this leads to distrust among the public.
- Regarding a sewerage on the Inis Mor what the plans are to address this issue.
- Commend the executive on how they handled the matter. Some information is very sensitive.

Members referenced An Bord Pleanála's refusal of substitute consent for the wind farm development at Derrybrien.

The following queries and points were raised by Cllrs. M. Connolly, Geraghty, Roche, McKinsty, Donahue, Sheridan , O Curraoin.

- The turbines need to be left on the site. There are 70 turbines which cost €1,000,000 to the state. They have 15 to 20 years use left in the them and they are now left idle. To remove them will cause more damage to the site.
- Derrybrien windfarm is built and is generating energy supply to homes. It is making a profit and contributes significantly in rates to Galway County Council.

- We need to take a common sense approach to this. To take it down makes no sense in an energy crisis.
- ESB are in a bind legally Substitute Consent was turned down by An Board Pleanála. They can't leave it there and they don't have planning permission to dismantle it. The matter is out of the hands of the local authority.
- Concern regarding slippage in event the development has to be taken down.
- Acknowledge mistakes have been made regarding the Derrybrien site but it is a half a billion-euro asset for the West of Ireland. It is incumbent on Members to put pressure on politically.
- Derrybrien is staple now and there is no sense taking it down. It will have to be replaced somewhere else.

The Cathaoirleach noted the ruling regarding the Derrybrien wind farm had put the ESB in a no-win situation. In a time of an energy crisis, he stressed it was not the time to shut it down. He understood that there was another 20 years use left in the turbines and said it made no sense to put extra pressure on the grid by adding a further 50,000 homes which had been powered by the Derrybrien wind turbines.

Members queries were responded to as follows by the Chief Executive:

- The substitute consent for Derrybrien site refused by An Board Pleanála has created a situation not envisaged in the legislation. Galway County Council will have to take advice on the matter and the Council will have to operate within the legislative framework.
- Regarding Primetime the issue was identified in-house prior to the third-party complaint because of robust controls in place. A thorough investigation was carried out in house followed by an external investigation which made findings. Recommendation were made regarding the contract of employment and the person left the organisation.
- Under every contract of employment, the Chief Executive has to balance obligations to the employee and the public. The information which could be provided in this case would have to be so lacking in detail it would be of little use because of the obligation to protect people's personal information.

- The governance controls regarding staff performance and staff complying with contract of employment is fully in place. This case is an example where we were following the steps in place.
- The sewerage issue on Inis Mor has been ongoing for some time and the solution to the problem is the provision of a municipal wastewater plant which is the responsibility of Irish Water.

ITEM NO.13 NOTICE OF MOTION

3954

On the **PROPOSAL** of Cllr. Finnerty **SECONDED** by Comh O 'Cualáin the Members **AGREED**:

"that Galway County Council call on all Banks to immediately assist in setting up cashless transaction and issue Debit cards at low-cost fees, to all OAP and Credit Unions, so that they are allowed to enter to a competitive Banking market and allowed to have current account so as to be able to issue Debit/ Credit cards to their account holders. This is in response to the huge amount burglaries many with violence been carried out across the Country on our senior citizens. I ask this motion be circulated to all local Authorities across the Country. I ask it be forward to our Finance ministers and our minister for Justice"

Cllr. Welby sought confirmation that his written statement regarding the proposed amendments by Cllr. Walsh to the minutes of the Special Meeting held on the 17th December was received by all Members present. The statement read as follows:

"Statement March meeting:

Observation: Cllr's Walsh amended minutes wants to omit reference to Roscahill on thought is that if Cllr Walsh didn't mention Roscahill why would Cllr Broderick (a councillor in Ballinasloe) raise it?

- *Cllr Walsh's amended text attributes the wording "beneficial interest" to Michael Owens*
- *Cllr Welby wants to make it absolutely clear that at no time did he mention "beneficial interest"*
- *Cllr Walsh's amended text includes 7 people - Cllr Walsh - Colm Keaveney - Peter Keaveney - Michael Owens - Note taker - Cllr Broderick - Cllr Welby.*

- *Cllr. Welby notes the minutes are the elected members minutes to be accepted or amended*
- *Quotes in the amended text included in Cllr Walsh's piece, in order, "actually breaking the law" - "beneficial interest in a site" - accusation being made" - "Law agent to be called" - "protected from such an attack"*
- *Quotes from Cllr. Colm Keaveney, in order "require members to rigorously adhere to the process" - " " called on Cllr. Welby to cease from this personalise attack and withdraw allegations" - "Cllr C Keaveney warned Cllr Welby that he was threading on dangerous ground"*
- *These comments have far reaching consequences and it is surprising that a professional note taker would miss their utterances and not included in official text.*
- *As I stated earlier the minutes are the elected members minutes, the executive only facilitate their taking, we as leaders in our community adopt or accept them.*
- *As a councillor of 18 years I have seen councillors support other members in various guises. Some do it to support a colleague in a vote they know they are going to lose - because they might like the member. Other support a colleague because they might not like the opposing councillor, they might not have supported them in a vote. Or some councillors are looking for a soft vote for the Seanad election.*
- *In conclusion the wording presented is clearly constructed for a legal case and whereas we don't vote on "absolute accuracy" a Judge in the court of Law will scrutinise it for absolute accuracy so when members vote on this proposed amendment be very aware you will be grilled at a later stage where you cannot hide behind "supporting a colleague" - "voting against another Cllr because I don't like them" - " " or I want a soft vote for the Seanad".*
- *All of this nonsense can stop here if Cllr Walsh withdraws his flawed proposed amendment and apologises to all his colleagues today."*

Cllr. Kinane expressed her dismay at Cllr. Welby's statement and in particular the comment suggesting that a Councillor would vote or be influenced in a decision because they disliked another Councillor. Cllr. Kinane said this was never her experience. She stressed she was never influenced to vote on a decision only by what

she considered was right. She found it offensive that Members were being asked by another Member 'to exercise their minds' before voting. Cllr Kinane noted that all Members had been elected by people who placed their trust in them, the suggestion an area might lose out if someone did not like another councillor was offensive.

Cllr. C. Keaveney concurred with Cllr. Kinane and said an intervention was required as there was a degree of self-harm around the discussion. He said he was surprised at the suggestion of council policy not progressing because Members not liking someone. He noted this was not representative of the vast majority of Members. In his experience the decisions made were well-meaning in the favour of citizens. Cllr C. Keaveney said he found the discussion damaging.

Cllr. Welby noted that his name had been degraded in a written amendment.

The Cathaoirleach adjourned the Meeting for 10 mins

ITEM NO.1 CONFIRMATION OF MINUTES OF THE FOLLOWING MEETINGS

3942

(a) Minutes of Special Meeting held on 6th, 10th, 13th, 17th, 20th December 2021 and the 5th, 6th, 7th, 10th, 11th, 12th and 13th January 2022.

On the **PROPOSAL** of Cllr. Walsh **SECONDED** by Cllr. Killilea the following amendment to the minutes of the Special Meeting held on the 17th December 2021 was proposed:

"Mr. Dunne advised that this proposal was contrary to CE recommendation. He advised that the text in red was new text being added in. He stated that RH 19 in Draft Plan already covers this (lands in family ownership). Regarding wording in 1(f), he stated that the CE and Planning Department would have serious reservations regarding same. He stated that the wording was ambiguous and was contrary to NPF and overall principal of Sustainable Development within the Development Plan and was diluting down policy objectives for rural housing. He stated that the Urban Fringe was removed following discussions on Draft Plan earlier this year but the OPR had requested that it would be reinstated. He stated that there was no reference to urban fringe in this proposal. He advised that another motion had come in from Cllr. Donohue regarding urban fringe. He explained that urban fringe was there for a particular reason and was discussed in workshops regarding necessity to retain buffer around towns, so they are not subsumed with single rural houses. Cllr. McClearn stated that he was

concerned how they were going with this motion. He stated that unfortunately the Members don't have the autonomy over the plan they had previously. He stated that the urban fringe was in a number of previous plans, and it was obvious that was tightening up and suggested that if they were to disregard urban fringe then there wasn't much point in dealing with urban generated housing. He said while he understood what his colleagues were trying to achieve, he didn't think they could do it. He said that they were going to end up with a plan that would be so far removed from what they actually wanted. Cllr. Walsh stated that he initially had a discussion with Mr. Dunne when the submission was handed in July. Mr. Dunne stated that for purposes of clarity, there was a five-minute discussion on the submission and the merits thereof. Mr. Dunne advised the Meeting that concerns were raised at that time also. The submission handed in as part of the Draft Development Plan in July reflects the motion above. Ms. Loughnane stated that this motion was introducing new terminology that was creating ambiguity, particularly in relation to villages and nodes. Cllr. Welby queried if the Motion was going to be broken down or was it going to be taken as one motion. Mr. Owens advised that it was a matter for the Proposer and Seconder whether it was multiple motions or one motion. Cllr. Walsh confirmed that it was one motion. In relation to villages, he explained that he was referring to those that don't have a town plan. Cllr. Walsh confirmed that it was one motion. In relation to villages, he explained that he was referring to those that don't have a town plan. ~~He stated that he was referring specifically to Rosscahill and stated that he was trying to safeguard the rights of local people.~~

~~Cllr. Broderick stated that Cllr. Walsh appeared very worried about Rosscahill. Cllr. Walsh stated that he was referring to the villages that don't have a town plan, such as Tullokyne, Maam, Recess, Tully and others throughout the county. Cllr. Walsh stated that he was trying to safeguard the rights of local people.~~

Cllr. Broderick referring to a previous motion passed by Cllr. D. Connolly at Meeting on 6th December 2021 proposing that all villages and nodes become part of 7(a) and were all eligible for village settlement plans if resources became available, queried what would the impact of voting on this motion with regard to the villages and nodes that were outlined? Ms. Loughnane stated that Cllr. Walsh would need to clarify this and advised that there was a motion already voted on. She advised that there was a policy objective on urban settlement framework also. She stated that the policy objective in relation to 7(a)/7(b) Rural Settlements and Nodes had not referenced village in the wording and there was a discrepancy in relation to motion adopted prior to Christmas and the wording referenced above in Cllr. Walsh's Motion (i.e. reference to word "villages" above). Cllr. C. Keaveney suggested getting advice from the Executive on the matter.

Cllr. Welby stated that Cllr. Walsh had made numerous references to planning in Rosscahill and asked him did he believe that he had a conflict of interest in this particular motion?. ~~Cllr. Welby stated that Cllr. Walsh was actually breaking the law here because he stated that Cllr. Walsh had a beneficial interest in a site in Rosscahill. Cllr. Welby stated that Cllr. Walsh had made a planning~~

application in Rosscahill that was refused and that this proposal was clearly in relation to that planning application. Mr. Owens advised that if there was any Member at any point in time where they have a conflict of interest or beneficial interest, there was a requirement on them to declare their interest and thereafter withdraw from the meeting for the duration of the consideration of the related matter. He stated that it was a matter for each Member to decide if there was a conflict of interest or beneficial interest to be declared.

Cllr. Walsh stated that he had not made a planning application in Rosscahill and that he did not have any beneficial interest in the proposal.

Cllr. Walsh stated that he wanted to make it clear that an accusation had been made against him and that he wanted it dealt with. He stated that he was not going to be accused of having a beneficial interest in a policy that he did not have. He stated that as Public Representatives, they have all been approached by the public to make representations on behalf of their constituents.

Cllr. Walsh called on the Chairman, Cllr. Peter Keaveney to adjourn the meeting until this was dealt with. Cllr. Walsh stated that he was not happy with the accusation being made and he asked for the protection of the council. Cllr. Walsh called on the CEO to intervene. Cllr. Walsh asked for the Law Agent to be called. Cllr. Walsh stated that as a Director of this Council sitting here at a meeting of the council he should be protected from such an attack.

Cllr. Colm Keaveney stated to the Chairman Cllr. Peter Keaveney, 'you are going to have to require Members to rigorously adhere to this process. What is an absolute privilege and the allegations made today?'. Cllr. Colm Keaveney called on Cllr. Welby to cease from this personalised attack and withdraw his allegations. Cllr. Colm Keaveney warned Cllr. Welby that he was treading on dangerous ground as absolute privilege did not apply to county council meetings. Cllr. Colm Keaveney invited advice from the Executive on the matter.

Cllr. Welby stated that he was referring to Planning Reference 19/1764. Cllr. Walsh stated that he had not made that planning application. Cllr. Welby stated that he had a document here which was the Planning Application and that it was signed by Seamus Walsh BE. with the email address esperanzaenterprises@gmail.com dated 14/11/2019. Cllr. Welby stated that this application was refused as urban generated rural housing in Roscahill. Cllr. Walsh queried where was his beneficial interest in this and asked if there was a live planning application in front of the Council. Cllr. Walsh stated that he had no beneficial interest in Rosscahill and that he had no planning application there.

Mr. Owens advised the Members that it was a matter for each Member to determine at any point in the Meeting if they have a beneficial interest or conflict of interest and to withdraw from the Meeting if this was the case. He stated that it was a decision for each Member to make. He referred to Part 15 of the Local Government Act and again advised that it was up to each individual to declare their interest. He stated that his understanding was that Cllr. Walsh has considered the matter and had indicated that he didn't have a conflict of interest

in this case and that would be placed on the record of the meeting. Cllr. Walsh advised that he was stating clearly that he had no beneficial interest in the motion in front of the Meeting.

Cllr. Peter Keaveney asked that the Members proceeded to a vote."

Referring to the Special Meeting held on the 17th December, Cllr. Walsh considered Standing Order no. 50 should have been invoked when an accusation was made against him. He noted he had asked the executive to intervene and had asked for an adjournment and neither happened. As a director of Galway County Council with rights and responsibilities he said the situation should never have been allowed happen. Referencing a headline regarding the accusation in the Tuam Herald dated 5th January 2022 he said the matter had caused stress to both himself and his family. He queried what avenues were open to him to clear his name.

Cllr. Walsh said he never denied he had referenced "Roscahill" at the Special Meeting on the 17th December. He stressed his proposal was not specifically about Roscahill. He clarified his original proposal was for the county including small villages like Roscahill. He noted that is why he asked to have the reference to Roscahill deleted.

Cllr. Walsh confirmed that the Cathoirleach and the Chief Executive had contacted him to try resolve the issue. He noted he was not looking for any apology, but he requested the accusation was withdrawn. He considered a cloud remained over himself and his family noting it may appear to an ordinary person that he had a beneficial interest in a planning application in Roscahill. He stressed he could not allow anyone say that.

Cllr. Welby reminded Members that the minutes presented were the Members' minutes not the executive's minutes. Cllr. Welby asserted his right to ask questions as an Elected Member of Galway County Council. At the Special Meeting held on the 17th December he said he simply asked a question. He said if Cllr. Walsh interpreted the question as an accusation or the Tuam Herald took it as an accusation it did not make it an accusation.

Cllr. Broderick reiterated that at no stage had he made a comment that Cllr. Walsh '*appeared very worried about Roscahill*'.

As agreement could not be reached on the proposed amendment to the Minutes of the Special Meeting held on the 17th December 2021, the Cathoirleach called for a vote to be taken. The amendment was displayed on screen for ease of reference.

The following was the result:

For – 14

Cllr. M. Connolly	Comh. Ó 'Cualáin	Cllr. Curley
Cllr. Dolan	Cllr. Finnerty	Cllr. Herterich Quinn
Cllr. Hoade	Cllr. Killilea	Cllr. Kinane
Cllr. King	Cllr. Roche	Cllr. Sheridan
Cllr. Thomas	Cllr. Walsh	

Against – 10

Cllr. Broderick	Cllr. Byrne	Cllr. Carroll
Cllr. Charity	Cllr. Cuddy	Cllr. Kelly
Cllr. McClearn	Cllr. McKinstry	Cllr. Reddington
Cllr. Welby		

Abstain - 9

Cllr. Cronnelly	Comh. Ó 'Curraoin	Cllr. Donohue
Cllr. Geraghty	Cllr. P. Keaveney	Comh. Mac an Iomaire
Cllr. Mannion	Cllr. Murphy	Cllr. Dr. Francis Parsons

Absent for vote - 5

Cllr. Collins	Cllr. D. Connolly	Cllr. C. Keaveney
Cllr. Maher	Cllr. McHugh Farag	

Available & not eligible to vote - 1

Cllr. Canning

The Meetings Administrator confirmed the Minutes of the Special Meeting of 17th December were adopted with the amendment inserted.

Cllr. Canning's vote was initially reported as 'For' however, as Cllr. Canning had conveyed apologies for the Special Meeting held on 17th December he was deemed not eligible to vote.

Cllr. Welby **PROPOSED** the following amendment to the Minutes of the Special Meeting held on 6th January 2022 to insert the following text in relation to GLW C10-686:

"Cllr. Walsh started a discussion regarding a derelict site that was visually unsightly on the outskirts of Spiddal and that he wished to zone a section of land beside it.

He said he believed it was owned by Hyman Properties and he stated - and I don't know them".

The amendment was read out and displayed on screen for ease of reference.

Cllr. Carroll and Cllr. Walsh said they understood the Minutes of the Special Meeting held on 6th January had already been adopted at the February plenary meeting. Mr. Owens clarified that the decisions reflected in the minutes of the Special Meeting held on 6th January were agreed at the February meeting to allow the statutory process in relation to the County Development Plan continue. He confirmed the formal minutes for the 6th January had not been adopted.

Cllr. Walsh considered the proposed amendment was another attack on him. He stressed Hyman Properties meant nothing to him. He said he didn't know anything about them or didn't know who owned them. He considered there was no logic to the text. Cllr. Walsh said it was possible he referred to Hyman Properties in the context of a question put to him by the Senior Executive Planner regarding two submissions, to identify a particular site. He requested the item be deferred and asked for a transcript of the shorthand notes of the minutes.

Cllr. Welby asked that the same procedure would be applied to his proposed amendment as applied to the proposed amendment by Cllr. Walsh at the previous meeting. He noted the proposed amendment by Cllr. Walsh was presented to him at

the last meeting without advance notice. Cllr. Welby clarified that his proposed amendment did not affect the land being zoned - he was not asking for it to be de-zoned. He also noted the proposed amendment would not affect the minutes of the Special Meeting of the 7th January.

Cllr. Byrne informed the meeting that as a group leader he had tried with others to resolve the issue regarding the minutes of the Special Meeting on 17th of December but had failed. Referring to the vote on the minutes he advised he did not vote based on what either Member had said. He noted that in the relevant extract from the shorthand notes circulated to Members from the Special Meeting of the 17th of December consisted of 32 lines of wording, the minutes amended and approved had 52 lines. Cllr Byrne considered the minute taker couldn't have got it that wrong on one particular item. He voted against the amendment on that basis.

Cllr. Walsh rejected Cllr. Byrne's statement on how he had dealt with the matter from the 17th December. He rejected comments which had been made by Cllr. Byrne about "writing fairy tales". Cllr. Walsh considered Cllr. Byrne had acted as a facilitator and not as mediator.

Cllr. Welby confirmed Cllr. Byrne and others had contacted him to try resolve the issue but noted the gulf was too wide. He thanked Cllr. Byrne and the other Members for their efforts to resolve the issue.

Noting that the decisions contained in the minutes of the Special Meeting held on the 6th and 7th January were previously agreed the minutes were deferred to a later meeting to allow for final consideration and adoption.

(b) Minutes of Monthly Plenary Meeting held on 28th February and adjourned meeting on 7th March 2022.

Comh. O 'Curraoin sought a correction to the Minutes of Plenary Meeting held on 28th February and adjourned meeting on 7th March 2022. Referring to the adoption of the minutes of the Special Meeting held on 5th January 2022 and the amendment recorded on page 27 of the draft minutes, he noted the setback in relation to Bearna Pier should

read '15m' and not '50m' as stated. Comh. O 'Curraoin clarified that that he had proposed a 15m meter setback from inside the wall at Mags Boreen to Bearna Pier for amenities and walking. He advised that landowners had agreed to provide this 15m setback free of charge. He stressed any additional lands required would have to be purchased.

On the **PROPOSAL** of Comh O 'Cualáin **SECONDED** by Cllr. Thomas the minutes of the of Monthly Plenary Meeting held on 28th February and adjourned meeting on 7th March 2022 were **AGREED** subject to the following amendment by Comh O 'Curraoin:

*"... Comh. O' Curraoin proposed the **15m** setback in Bearna not Comh O Cualain ..."*

ITEM NO.14 VOTES OF SYMPATHY/CONGRATULATIONS

3955

A resolution of sympathy was extended to the following:

- Mr. Pat Connolly, Letterfrack, Co Galway
- Fahy family Rathbane, Ardahan,
- Pauline Naughton Heavy and Tom Heavy, Derrydonnell, Oranmore
- Catherine Brady, Ballydavid South, Athenry, Co. Galway
- John Kennedy, Swangate, Athenry, Co. Galway
- Br. Brendan Callanan, Redemptorist Community, Esker, Athenry
- The Family of Pete St. John (Pete Mooney)

On the **PROPOSAL** of Cllr. Dr Francis Parsons **SECONDED** by Cllr. Cuddy Members extended congratulations to Cllr. O Cualáin and his wife Mary on the birth of their baby.

Chriochnaigh an Cruinniú Ansin.

Submitted, Signed and Approved

Cathaoirleach:



Date:

25/4/2022