

Minutes of the monthly meeting of the Mid West Regional Authority held at 1.30 P. M. on Wednesday 2nd September 2009 in the Council Chamber, Clare County Council, New Road, Ennis, Co. Clare.

Present:

Clare County Council:

Cllrs. G. Flynn, O. Garry, P. Keane, P.J. Kelly, P. McMahon, B. Meaney and S. Scanlon.

Limerick City Council:

Cllrs. G. Fahy, M. Hourigan, J. Leddin, K. Leddin, D. McCarthy and D. Scully.

Limerick County Council:

Cllrs. M. Donegan, J. Egan, N. Gleeson, S. Keary, W. O'Donnell and L. Walsh.

North Tipperary County Council:

Cllrs. P. Bugler, G. Darcy, S. Hanafin, M. Lowry, V. O'Dowd and M. Ryan.

Committee of the Regions: Cllr. C. Crowe.

Absent: Cllr. R. Butler.

Also Present.

Mr. L. Conneally, Director.

Mr. T. Mackey, Designated Manager

Mr. S. Treacy, Staff Officer

At the outset of the meeting the Cathaoirleach welcomed Cllr. K. Leddin to her first meeting of the Regional Authority as she had replaced Cllr. John Gilligan, who had resigned his seat.

1. Correspondence.

The Members noted the following schedule of correspondence which had been circulated with the agenda:

(A) Letter dated 9th June 2009 from Tralee Town Council re: Tralee Town Development Plan 2009-2015.

(B) Letter dated 23rd June 2009 from Carlow Town Council re: Carlow Town Development Plan 2009-2015.

(C) Letter dated 23rd June 2009 from Carlow County Council re: Carlow County Development Plan 2009-2015.

(D) Letter dated 22nd June 2009 from Longford County Council re: Longford County Development Plan 2009-2015.

(E) Letter dated 25th June 2009 from Kinsale Town Council re: Notice of Making the 2009 Kinsale Town Development Plan.

(F) Letter dated 23rd July 2009 from North Tipperary County Council re: Variation (No 5) of North Tipperary County Council Development Plan 2004-2010.

(G) Letter dated 13th August 2009 from Carlow County Council re Carlow County Development Plan 2009-2015.

(H) Letter dated 13th August 2009 from Carlow Town Council re Carlow Town Development Plan 2009-2015.

(I) Letter dated 7th August 2009 from Cobh Town Council re: Review of Cobh Town Development Plan 2005-2011 and preparation of a new Cobh Town Development Plan.

(J) Letter dated 10th August 2009 from Limerick County Council re: Proposed Variation to Limerick County Development Plan 2005-2011.

(K) Letter dated 4th August 2009 from Carlow County Council re Carlow County Development Plan 2009-2015.

(L) Letter dated 14th July 2009 from Tullamore Town Council re: Draft Tullamore Town and Environs Development Plan 2010-2016 and Strategic Environmental Assessment.

(M) Letter dated 28th July 2009 from Tullamore Town Council re: Draft Tullamore Town and Environs Development Plan 2010-2016 and Strategic Environmental Assessment.

(N) Letter ref. PPU/Housing and the attached Joint Housing Strategy for the Cork Planning Authorities.

(O) Letter dated 21st July 2009 from Kerry County Council re: Castleisland Functional Area DRAFT Local Area Plan.

(P) Letter dated 30th July 2009 from Shannon Development and the attached (2) copies of the Mid West Task Force Interim Report.

(Q) Letter dated 14th August 2009 from the Department of Transport re: Department of Transport Annual Report 2008.

(R) Letter dated 14th August 2009 from Clare Co. Co. re; Notice of Proposal to Amend the existing 2005 East Clare Local Area Plan.

(S) Letter dated 19th August 2009 from the Department of the Environment, Heritage and Local Government re European Communities Environmental Objectives (Freshwater Pearl Mussel) Regulations 2009 (S.I.296 of 2009).

Cllr. B. Meaney sought clarification on the liability of elected representatives where a local authority failed to comply with these regulations.

The Director in reply referred to the penalties, outlined in Section 22 of the Regulations, for failure to comply with a requirement of the Regulations. He said that the most he could do was to quote the regulations, however it was for the Courts to legally interpret them.

He also stated that the review of the RPG's would be subject to the Strategic Environmental Assessment/Appropriate Assessment process.

2. Standing Orders.

The Members noted the revised Standing Orders copy of which had been circulated with Agenda.

It was proposed by Cllr. M. Ryan, seconded by Cllr. M. Hourigan and agreed unanimously that the Standing Orders as circulated be adopted.

The Cathaoirleach requested the Members to fully comply with Standing Orders to ensure that the business of the meetings of the Regional Authority is carried out in an orderly and efficient manner.

3. Regional Planning Guidelines (RPG's) Regional Economic Strategy (RES).

The Director informed the meeting that the statutory process of reviewing the RPG's had commenced. The Draft Issues Paper had been prepared in consultation with the Members of the Regional Authority. The Draft Issues Paper had been advertised and just under 40 submissions had been received. The Director's Report on the submissions received had

been prepared and discussed at the May 2009 monthly meeting. The Members adopted the report and gave the direction to proceed with the preparation of the Draft Regional Planning Guidelines.

Cllr. P.J. Kelly queried some of the language used in the Director's Report and in particular requested clarification on the definition of the terms "Sustainable Development" and "Proper Planning" as there were no statutory definitions of these terms.

In reply the Director stated that there are many definitions of "Sustainable Development" but that the Brundtland definition is the one most often used and that "Proper Planning" is the term addressed in the Planning and Development Acts/Regulations and published in the D.O.E.H. & L.G. Guidance material.

The Director stated that the purpose of the presentations today was to update the Members on progress to date particularly in the context that there were many new Members on the Regional Authority following the Local elections in June and that he was seeking their views and direction on the current review of the RPG's.

He then introduced R. Tobin, RPG's Project Manager, who gave a presentation on the RPG's Review.

(A) RPG's Review

R. Tobin gave a power point presentation. He referred to the large number of national/regional/local policies that had to be incorporated into the RPG's. such as the NSS/NDP, County and City Development Plans, Mid West Area Strategic Plan(MWASP), Retail Strategy, Housing Strategy, Dell Task Force Interim Report etc.

He gave an outline of the region as it is at present.

He outlined the key development issues for the region, many of which are still relevant, that had been identified in the 2004 RPG's. and referred to the impact of development in recent years on groundwater/surface water status.

He referred to the development options recommended in the 2004 RPG's which had identified 9 development zones and had identified the development potential and needs of each zone.

He said that the DOEH&LG had specified the population targets for each region to be apportioned between the local authorities and that it was a

matter for the local authorities to apportion these allocated population targets.

(B) Regional Economic Strategy.

The Director then introduced B. Callanan, Shannon Development, who gave a presentation on the recently completed Forfás Regional Competitiveness Agenda under the following headings (copy circulated at the meeting):

Factors of Competitiveness: Enterprise Dynamic, Economic Infrastructures, Skills and Education, Leadership and Strategic capacity, Quality of Life, Knowledge and Innovation and Enterprise Dynamic.

Harnessing Capabilities: Medical Devices, Energy and Environmental products and services, Food Sector, ICT and other services, Logistics and Supply Chain Management and Tourism.

(C) RPG's Review-Strategic Environmental Assessment (SEA)/Habitats Directive Assessment (HDA).

The Director then introduced C. Lynch, Tipperary Institute, who made a power point presentation under the following headings.

C. Lynch outlined the Terms and Background of SEA/HDA.

He showed maps of the SPA and SAC sites in the region.

He also showed Water Quality Maps giving the ecological status, chemical status and ground water status in the Shannon River Basin District.

He then outlined what SEA and HDA involved:

SEA and HDA at Regional level:

- RPG's supposed to operate at regional level with regard to SEA and HDA
- Not intended to second-guess the work of the Planning Authorities with respect to these matters which are also addressed in development plans
- The more specific projects and proposals in the RPG's the more detailed the SEA and HDA has to be

- RPG's are not an executive instrument so some policies and projects will have to be made conditional on certain mitigation measures being put in place

He then outlined the types of policies not requiring EHDA:

- Will not lead to development,
- Are intended to protect the natural environment, including biodiversity,
- Are intended to conserve or enhance the natural, built or historic environment and are unlikely to have an effect on a Natura 2000 site,
- Positively steer development away from Natura 2000 sites and associated sensitive areas,
- Positively make provision to ensure that the policy/objective implementation will not have a significant effect or adverse effect on the integrity of a Natura site, or
- Policies or objectives that can be dealt with by using a caveat or conditional approach requiring, where necessary, a case by case HDA
- However policies and projects must be reasonably capable of meeting these requirements

In conclusion he said:

- SEA and HDA must be considered by the Authority in adopting the RPG's
- SEA needed to assist in making policy decisions
- HDA scoping needed to ensure that policies and objectives will not have a negative impact on Natura 2000 sites
- For RPG's these operate at a strategic level
- Most policies and objectives are expected not to require an EHDA
- Overriding Public Interest expected to be used only in very rare cases

The Cathaoirleach thanked R. Tobin, B. Callanan and C. Lynch for their presentations.

The following are some of the issues raised by the Members:

- Need to look at Renewable Energy-Energy Storage Options.
- Lack of powers to implement RPG's- Need to put RPG's on a statutory basis. Local Authorities ignored the 2004 RPG's resulting in urban sprawl. Similarly public bodies do not have to comply with RPG's.
- Need for Limerick to be centre of development for region to survive and prosper.
- Thurles/Limerick road (R 503) included amongst the critical routes to be developed in last RPG's but no improvements carried out.
- Relief road for Thurles essential.
- What will be the impact of the RPG's for Joint Housing Strategy and Limerick Regeneration Plans that have already been completed or are in the process of completion.
- Essential that retention and upgrade of Limerick/Ballybrophy rail line included in RPG's.
- Queries were raised regarding the correlation between development and water quality.
- Need for support for small indigenous industry.
- Impact of RPG's for rural housing.

The Director suggested that workshops be held to allow Members to put forward their views and assist the executive in drafting the RPG's .

It was unanimously agreed not to hold Workshops.

The Director stated that the Draft RPG's will be prepared, taking into account the views expressed by the Members, and the Draft RPG's would be circulated with the Agenda for the October monthly meeting.

4. Regional Bioenergy Strategy.

The Director stated that the current RPG's were being implemented through a number of sub groups. The role of one of the sub groups was to develop a common approach to renewable energy. This sub group, chaired by T. O'Niadh, County Manager North Tipperary County Council, had prepared a Climate Change Strategy and Energy and Emissions Balance for the Mid West region and this report has been shortlisted for an Excellence in Local Government Awards in 2009. The sub group had then engaged consultants to assist in the preparation of a Bioenergy Strategy and Action Plan for the Mid West region (copy circulated with the Agenda).

He stated that the region had the potential to develop small and medium sized enterprises in renewable energy. He stated that initial discussions had taken place with the DOEH & LG and Sustainable Energy Ireland regarding the establishment of a Revolving Loan Fund to implement the Bioenergy Strategy. He stated that he would keep the Members updated on progress.

Cllr. B Meaney welcomed the Strategy and referred to the potential for wind Energy in the Mid West region.

5. Interreg 1V B North West Europe Programme-Climate Change: Mitigation and Adaption.

The Director outlined the Interreg IV B North West Europe Programme, which involves Territorial Development under 4 priorities-Innovation, Natural Resources, Connectivity and Strong Communities. He stated that various regions participate in projects under the Programme and stated that he would update the Members on any participation by the Mid West Regional Authority.

6. Nomination of Members to the RPG Steering Committee.

It was agreed that the following Members would be nominated to the RPG Steering Committee:

Cllr. R. Butler, Limerick County Council.

Cllr. M. Hourigan, Limerick City Council.

Cllr. P. Bugler, North Tipperary County Council.

Cllr. B. Meaney, Clare County Council.

7. Nomination of Members to the Regional Drugs Task Force.

It was agreed that the following be nominated to the Mid West Regional Drugs Task Force:

Cllr. J. Egan, Limerick County Council.

Cllr. K. Leddin, Limerick City Council.

Cllr. P. Bugler, North Tipperary Council.

Cllr. B. Meaney, Clare County Council.

8. Nomination of Members to the Shannon Tourism Council.

It was agreed that Cllrs. P. McMahon and G. Flynn be nominated as Members of the Shannon Tourism Council.

9. Nomination of Members to the Finance/Conference Sub Committee.

It was agreed that the following be nominated as Members of the Finance/ Conference Sub Committee:

North Tipperary County: Cllrs. P. Bugler and G. Darcy.

Limerick County Council: Cllrs. S. Keary and W. O' O'Donnell.

Limerick City Council : Cllrs. G. Fahy and D. Scully.

Clare County Council : Cllrs. P.J. Kelly and P. McMahon.

10. Dates, Times and Venues of Regional Authority meetings.

The Members noted the schedule setting out the Dates, Times and Venues of Regional Authority meetings that had been circulated with the agenda.

11. C.A.P. Post 2013.

The Members noted the Draft response prepared for submission to the post 2013 Common Agricultural Policy (CAP) Public Consultation Process (copy of which had been circulated at the meeting).

It was noted that the latest date for receipt of submissions was the 28th September 2009. It was agreed that Members would forward the submissions/ observations to the Director by the 20th September 2009 to allow him time to co-ordinate the responses and prepare the submission. It was also agreed that Cllrs. J. Egan and N. Gleeson would liaise and meet with the Director to formulate the submission to the Department.

12. Submission on the Planning and Development Bill 2009.

The Members noted the Draft observations on the Planning and Development (Amendment) Bill 200, copy of which was circulated at the meeting.

It was agreed to defer discussion to the next meeting.

13. Mid West Regional Authority response to Report of the Special Group on Public Service Numbers and Expenditure Programmes (McCarthy Report).

The Members noted the Draft response to the Report of the Special Group on Public Service Numbers and Expenditure Programmes (McCarthy Report), copy of which was circulated at the meeting.

14. Notice of Motion.

"That the Mid West Regional Authority declares its support for the Lisbon Treaty"- Cllr. B. Meaney.

Cllr. B. Meaney outlined his support for the Lisbon Treaty, he referred to the importance of the E.U. in the economic development of Ireland and that it was vital that all political bodies give leadership in supporting the Lisbon Treaty. He stated that while there were no substantive changes in the Treaty, assurances had been given on issues raised by the Government and overall he welcomed the Lisbon Treaty.

Cllr. G. Flynn pointed out that the Irish people had already rejected the Lisbon Treaty in a referendum. He stated that he did not support the motion and he requested that his opposition to the Notice of Motion be recorded.

15. Conferences.

(A) Annual Conference 2010.

The Director stated that the Mid West Regional Authority held an Annual Conference.

It was agreed that the Finance/Conference Sub Committee and the Regional Authority Executive would make the arrangements for the 2010 Annual Conference.

(B) Attendance at Conferences.

The attendance of Members at the following conferences was noted and approved:

The Facts about the Lisbon Treaty-European Union Treaty House, 18 Dawson Street, Dublin 2: Cllrs. L. Walsh, P. McMahon, P. Keane, B. Meaney and P.J. Kelly.

16. A.O.B.

Cllr. N. Gleeson pointed out that with so many new Members on the Regional Authority, following the Local Elections, this was not the most appropriate time to be reviewing the RPG's. He acknowledged that the timeframe for the RPG Review had been laid down by the DOEHLG.