

**MINUTES OF MAYO COUNTY COUNCIL SPECIAL MEETING HELD ON
FRIDAY, 12th AUGUST, 2005, AT 9.00 a.m.**

The Cathaoirleach, Cllr. H. Kenny, was in the Chair.

The other Councillors present were:-

Cllrs. M. Mulherin, J. Munnelly, E. Staunton, S. Weir, P. O'Brien, D. Ryan, H. Walsh, G. Coyle, M. Holmes, T. Quinn, C. Burke, P. McGuinness, J. Mee, M. Carty, T. Connolly, J. Cribbin, J. Maloney, J. Mellett, G. Murray, M. Adams, F. Chambers, A.F. O'Malley, John O'Malley.

Apologies received from Cllrs. S. Bourke, E. Lavin, A. McDonnell and P. McHugh for inability to attend the Meeting.

The Council Staff in attendance were:-

Mr. J. Beirne, Deputy Co. Manager, Mr. J. Condon, A/Dir. of Services, Mr. R. Norton, Dir. of Services, Mr. P. Duggan, Head of Finance, Mr. N. Burke, A/Dir. of Services, Mr. M. Keating, A/Dir. of Services, Ms. K. O'Malley-Harlow, A/Sen. Planner, Mr. P. Flanagan, Sen. Ex. Officer, Mr. P. Philbin, A/Sen. Ex. Engineer, Mr. D. Turnbull, Comm. & Enterprise, Mr. J. Moran, Sen. Staff Officer, Mr. M. Gavin, Staff Officer, Ms. C. Kenny, Asst. Staff Officer, Mr. P. O'Shea, Cler. Officer.

Mr. M. Browne, Solicitor, was also in attendance.

ITEM NO. 1.
MOTION SUBMITTED BY THE CATHAOIRLEACH, COUNCILLOR HENRY KENNY.

At the outset of the Meeting, it was -

Proposed by Cllr. G. Coyle

Seconded by Cllr. T. Quinn

Resolved:-

“That some members of the public from the Rossport area be allowed to address the Meeting”.

It was agreed that three speakers from the public gallery would address the Meeting for a total of twelve minutes between them.

The Cathaoirleach welcomed everybody to the Meeting and said he hoped there would be a meaningful, democratic discussion. He tendered apologies for Cllrs. S. Bourke, A. McDonnell and P. McHugh for their inability to attend the Meeting and he wished Mr. Seamus Granahan, Director of Services, every Good Wish for a speedy recovery from his illness.

Dr. Mark Garavan, Mr. Ed Moran and Mrs. Mary Corduff voiced their concerns regarding the safety issue of the gas pipeline which is being laid in close proximity to a number of houses in the Rossport area.

The Cathaoirleach thanked the speakers for their contribution to the debate.

Proposed by Cllr. H. Kenny

Seconded by Cllr. P. McGuinness

“Noting the continuing imprisonment of five residents of this county, and being concerned at the division the jailing of the ‘Rossport 5’ is having in Erris and throughout Mayo, this council welcomes the decision by Minister Noel Dempsey to order an independent safety review of the proposed upstream pipeline, and further welcomes the announcement by Shell E&P Ireland Ltd. that they have unconditionally suspended all work on the Corrib Gas project until next year, and, being aware that some people are using the issue to further their own ends, this council now calls on all sides in this controversy to direct all their energies towards securing the release of the jailed men and offers the goodwill, offices and resources of this council in pursuit of that objective.

Should be offer be taken up, this Council will (a) regard the release of the ‘Rossport 5’ as the No. 1 priority, (b) respect the integrity of current planning permission(s), and (c) will support examination of all other options for the cleaning of the gas in the event of the independent expert enquiry finding that bringing the unrefined gas to Ballanaboy cannot be done safely”.

Proposed by Cllr. H. Kenny

Seconded by Cllr. P. McGuinness

Resolved:-

“That the word “all” be removed from the sentence “have unconditionally suspended all work on the Corrib Gas project”.

Proposed by Cllr. P. McGuinness

Seconded by Cllr. M. Holmes

Resolved:-

“That the line “and, being aware that some people are using the issue to further their own ends” be removed from the Motion as proposed by Cllr. H. Kenny and seconded by Cllr. P. McGuinness”.

Proposed by Cllr. T. Quinn

Seconded by Cllr. F. Chambers

“That the second Paragraph of Motion proposed by Cllr. H. Kenny and seconded by Cllr. P. McGuinness, be deleted”.

A Vote was taken on the amendment which resulted as follows:-

<u>FOR</u>	<u>AGAINST</u>
Cllr. M. Adams	Cllr. T. Connolly
Cllr. M. Carty	Cllr. G. Coyle
Cllr. F. Chambers	Cllr. J. Cribbin
Cllr. J. Maloney	Cllr. M. Holmes
Cllr. T. Quinn	Cllr. H. Kenny
Cllr. D. Ryan	Cllr. P. McGuinness
	Cllr. J. Mee
	Cllr. J. Mellett
	Cllr. M. Mulherin
	Cllr. J. Munnely
	Cllr. G. Murray
	Cllr. P. O'Brien
	Cllr. A.F. O'Malley
	Cllr. John O'Malley
	Cllr. E. Staunton
	Cllr. H. Walsh
	Cllr. S. Weir
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6	17
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As the Vote resulted in 6 for and 17 against, the Cathaoirleach declared the amendment as proposed by Cllr. T. Quinn and seconded by Cllr. F. Chambers, lost.

A Vote then took place on the amended Motion which resulted as follows:-

<u>FOR</u>	<u>AGAINST</u>
Cllr. T. Connolly	Cllr. F. Chambers
Cllr. G. Coyle	Cllr. G. Murray
Cllr. J. Cribbin	Cllr. T. Quinn
Cllr. H. Kenny	
Cllr. J. Maloney	
Cllr. P. McGuinness	
Cllr. J. Mee	
Cllr. J. Mellett	

FOR

Cllr. M. Mulherin
Cllr. J. Munnely
Cllr. P. O'Brien
Cllr. A.F. O'Malley
Cllr. John O'Malley
Cllr. E. Staunton
Cllr. S. Weir

15

AGAINST

3

There were 5 abstentions.

As the Vote resulted in 15 for and 3 against, the Cathaoirleach declared the amended Motion as proposed by Cllr. H. Kenny and seconded by Cllr. P. McGuinness, carried.

ITEM NO. 2.

MOTION SUBMITTED BY COUNCILLOR TIM QUINN.

Mr. J. Beirne, Deputy Co. Manager, stated that he regarded Councillor Quinn's Motion as unhelpful as it would make it difficult for Mayo County Council to attract inward investment in the future. He said that he did not need to remind the Members of the benefits which have accrued to the County by large Companies investing in industrial and other projects in County Mayo and the need for further investment.

He pointed out that the Members of the Council are aware that this Project has gone through all the necessary regulatory processes and major substantial investment works have already been carried out in relation to this Project. The Council's decision to grant Planning Permission was upheld by An Bord Pleanala subject to 42 conditions. All works which have been carried out are being monitored by the Council to ensure that all conditions are being complied with. Substantial infrastructural works, paid for by Shell E&P Ireland Ltd., have already been carried out or are under construction by the Council.

Having considered the matter and taken advice, he said he now believes that the Motion submitted by Councillor Quinn is unlawful for the following reasons:-

- (1) It contravenes Objective TI-G 1 of the County Development Plan which reads as follows:-

“It is an objective of the Council that it fully supports the realisation of the Corrib Gas Field find and any other gas find in the County either on or off-shore. It also supports the provision of an on-shore gas terminal in North Mayo and the related pipe network through the County to maximise the benefits for the County”.

The Council is obliged by law to implement its County Development Plan.

- (2) In the event of a litigation arising involving the Council, other parties could sue the Council on various grounds including the following:-
- (a) A claim that there was a legitimate expectation that the provisions of the County Development Plan and the relevant conditions of the Planning Permission would be honoured and implemented;
 - (b) The Council is obliged by law to have regard to Government Policy;
 - (c) Any attempt to interfere with Planning Permission breaches Shell E&P Ireland Ltd.’s property and constitutional rights.
- (3) Again, he said, Members will be aware that the cost of this Project is approximately €900,000,000 and, therefore, the cost of any litigation would have major impact on the Council’s finances and therefore effect our ability to continue our delivery of services.

In light of the above, he recommended that the Motion be withdrawn.

Proposed by Cllr. T. Quinn

Seconded by Cllr. G. Murray

“That Mayo County Council call on Shell E & P (Ireland) Ltd. to process the gas offshore”.

Mr. Michael Browne, Solicitor, outlined to the Members the implications of Mayo County Council passing such a Resolution. He recommended that the Motion be withdrawn or that the Councillors would vote against it.

Following a lengthy discussion, it was -

Proposed by Cllr. T. Quinn

Seconded by Cllr. F. Chambers

Resolved:-

“That “Standing Orders” be suspended in order to allow some members of the public from the Rosspport area to address the Council following the debate”.

Dr. Mark Garavan and Mr. Ed Moran then addressed the Council on behalf of the Rosspport residents and expressed their views on the debate.

The Cathaoirleach thanked and congratulated the Members of the Council, Staff and the people from the Rosspport area on a very balanced Meeting. He also thanked his Fine Gael colleagues in the Chamber.

Mr. Michael Browne, Solicitor, again advised against passing the Motion proposed by Cllr. T. Quinn.

A Vote was then taken on the Motion as proposed by Cllr. T. Quinn and seconded by Cllr. G. Murray which resulted as follows:-

<u>FOR</u>	<u>AGAINST</u>
Cllr. M. Adams	Cllr. T. Connolly
Cllr. M. Carty	Cllr. G. Coyle
Cllr. F. Chambers	Cllr. J. Cribbin
Cllr. M. Holmes	Cllr. H. Kenny
Cllr. J. Maloney	Cllr. P. McGuinness
Cllr. G. Murray	Cllr. J. Mee
Cllr. John O'Malley	Cllr. J. Mellett
Cllr. T. Quinn	Cllr. M. Mulherin
Cllr. D. Ryan	Cllr. J. Munnely
	Cllr. P. O'Brien
	Cllr. A.F. O'Malley
	Cllr. E. Staunton
	Cllr. S. Weir
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9	13
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As the Vote resulted in 9 for and 13 against, the Cathaoirleach declared the Motion lost.

The Meeting concluded at 2.00 p.m.