

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR
22 Meán Fómhair 2020

FÓGRA CRUINNITHE

DO GACH BHALL DEN CHOMHAIRLE

A Chara

Beidh Cruinniú de Chomhairle Contae Dhún na nGall ar siúl Dé Luain, 28 Meán Fómhair 2020, ag **11.00am in in Ionad Fóillíochta an Aura, Salach an Ghráin, Leitir Ceanainn.** Ta Clár an chruinnithe leis seo.

Beidh Clár Orduithe an Phríomh-Fheidhmeannaigh le feiceáil ag an chruinniú

Mise, le meas



Seosamh Ó Piobla
Riarthóir Cruinnithe

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
22nd September, 2020

NOTICE OF MEETING

TO EACH MEMBER OF DONEGAL COUNTY COUNCIL

Dear Councillor

A Meeting of Donegal County Council will be held on Monday 28th September, 2020, at **11.00am in the Aura Leisure Centre, Sallaghagrane, Letterkenny.** The agenda for the meeting is attached.

The Register of Chief Executive's Orders will be available for inspection at the meeting.

Yours sincerely



Joe Peoples
Meetings Administrator

AGENDA

1. Confirmation of Minutes

- a) Confirmation of the Minutes of the July Meeting of Donegal County Council held on the 20th July 2020.

2. Filling of Casual Vacancy in the membership of the Council

- a) Filling of casual vacancy occasioned by the resignation of Cllr Donal Kelly.
- b) Filling of consequential vacancies arising from a) above:-
 - Letterkenny – Milford Municipal District Committee.
 - Donegal Health Committee
 - Donegal County Council Value for Money Committee
 - Cultural Committee.
 - Community Social & Cultural Strategic Policy Committee.

 - County Enterprise Fund
 - Colmcille Heritage Trust

3. Disposal of Land – Section 211 of the Planning and Development Act, 2000

- a) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose of Specific Instance Cottage at Meencrumlin, Ballybofey to Ann Mc Kay.
- b) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose of Specific Instance Cottage at Mullaghfin, Convoy to Anthony Cullo.
- c) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to lease property in Dungloe Public Services Centre to the Health Service Executive.
- d) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose of plot of land at Tullagh, Carrigart to John Reilly.
- e) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose of plot of land at Leckenagh, Burtonport to Denis Boyle, Burtonport and Michael Boyle, Burtonport.
- f) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose of plot of land at Burtonport to Burtonport Fishermen's Co-Operative Society Ltd.

- g) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose of lands located to the rear of Oznam House, Bundoran to the St Vincent De Paul Society, Bundoran.

4. Taking of decision pursuant to the Planning and Development Act, 2000 (Part XI), and the Planning and Development Regulations, 2001 Part 8

- a) To approve the carrying out of improvement works so as to facilitate the development of a one-way system in Donegal Town in the Donegal Municipal District.
- b) To approve the carrying out of works with regard to the installation of new controlled and uncontrolled pedestrian crossings together with the construction of a new 3 meter wide footpath on the eastern side of the Millbrae Road, Stranorlar in the Lifford – Stranorlar Municipal District.

5. Corporate

- a) To fill casual vacancy on Coiste na Gaelige arising from the resignation of Cllr Michael Mc Clafferty.
- b) To fill casual vacancy on Coiste na Gaeilge arising from the resignation of Cllr Frank Mc Brearty.
- c) To fill casual vacancy on the Disability Strategy Committee arising from the resignation of Cllr Frank Mc Brearty.
- d) To fill casual vacancy on the Emergency Response Committee arising from the resignation of Cllr Frank Mc Brearty

6. Housing

To approve updated standard cost limits for the Housing Adaptation Grant, Mobility Aids Grant and Housing Aid for Older People Grant Schemes.

7. Finance

- a) To agree date for 2021 statutory Budget Meeting.
- b) That Members consider whether they wish to pass a resolution to vary the Local Property Tax in County Donegal in respect of 2021.

8. Planning

Progress Report on proposed variation to the County Donegal Development Plan 2018 - 2024 in respect of the TEN-T Priority Route Improvement Project, Donegal.

9. Endorsement of Minutes

- a) To note minutes of the meeting of the Corporate Policy Group held on the 13th July, 2020.

10. Attendance at Conference, Seminar or Event

Authorisation of representation at a seminar, meeting or event under Section 142 (5) of Local Government Act, 2001, S.I. No. 668 of 2006, Local Government (Expenses of Local Authority Members) Regulations 2006, S.I. No. 37 of 2010, Guidelines given by the Minister for the Environment, Heritage and Local Government in relation to the Local Government Act,

2001 (Section 142) Regulations 2010, and the Local Government (Expenses of Local Authority Members) Regulations, 2014(as amended)

Training

- AILG Elected Members Training Programme Module 3 – Moorhead Report held July/August 2020. (Details received after July 2020 Council Meeting)

MOTIONS

DONEGAL MUNICIPAL DISTRICT

Economic Development

11. **Cllr Noel Jordan**

“To call on the Minister for the Marine that he must ensure a fair and just penalty points scheme.”

Water & Environment

12. **Cllr Michéal Naughton**

“That Donegal County Council request an official from Irish Water to attend our next Council meeting or have a workshop with us the elected councillors to address the issues in the County.”

Roads & Transportation

13. **Cllr Michael Mc Mahon**

“That the Chief Executive of this Council meet with the Chief Executive of Leitrim County Council regarding the structure of the bridge between Bundoran and Kinlough, also known as Lennox's Bridge. This bridge is a hazard and there have been several serious accidents over the last number of years.”

LIFFORD-STRANORLAR MUNICIPAL DISTRICT

Corporate

14. **Cllr Gerry Crawford**

“Buildings on site at Old Army Barracks - Lifford

1. The Prior School
2. Mc Intyre Building

As both buildings have been known as such I propose that these be officially confirmed.”

15. **Cllr Liam Doherty**

“In light of the serious difficulties faced by families in Donegal in trying to secure places on school transport this year this Council: -

- commits to immediately raising concerns regarding the number of available places on school buses with the Minister for Transport and the Minister for Education

- calls on the Department of Transport and the Department of Education to review the current system of allocating places on school transport and to put an action plan in place to ensure that every child who pays for school transport receives a place for same;
- Supports the call for the fleet to be dramatically increased to accommodate those thousands of children who are so far left without transport and the need to plan ahead for future years.”

16. Cllr Gary Doherty

“That Donegal County Council supports the workers in the music, theatre, entertainment and events industries, and calls on the Government to recognise its importance and introduce supports to ensure the survival of the sector through the Covid-19 crisis and beyond.”

GLENTIES MUNICIPAL DISTRICT

Economic Development

17. Cllr Marie T Gallagher

“That this Council identify tourism projects of large, medium and small scale throughout the county, and work on cross directorate basis to ensure project development and infrastructure is put in place to ensure the continued development of the tourism sector in Donegal, following on from the huge success of projects developed over the past decade.”

Corporate

18. Cllr Michael Mc Clafferty

“That this Council write to all relevant Government Departments in regard to the construction of 2 No UK European Pressurised Reactor Units (UK EPR Reactor Units) planned for Suffolk England as I believe that these units will have serious health implications for us all.”

INISHOWEN MUNICIPAL DISTRICT

Community Services

19. Cllr Jack Murray

“That this Council recognises the huge adverse impact that the pandemic has had on sporting, voluntary and community organisations and affirms that there is a need for greater supports to help them maintain their services.”

Corporate

20. Cllr Albert Doherty

“Donegal County Council demands that the government initiate immediate actions to support families and students including,

- 1) An immediate reduction in Third Level fees,
- 2) An immediate increase in SUSI supports
- 3) Provide funding alleviation and recompense measures for students with partial access to campuses and student accommodation, and with the onset of increased online and blended learning further demands an urgent positive

support from Government including early action from NBI to provide for high speed broadband access in rural areas of Donegal.”

Roads & Transportation

21. **Cllr Terry Crossan**

“I propose that Donegal County Council as a matter of urgency seek emergency funding, from whatever source, to initiate remedial works to address coastal erosion that is having a serious impact on some of our regional roads and to implement safety measures where roads run parallel to foreshores and coastlines with steep inclines towards the sea.”

LETTERKENNY- MILFORD MUNICIPAL DISTRICT

Planning

22. **Cllr Donal Coyle**

“That this Council carry out a survey in each Municipal District to determine that the number of dishes erected on masts is compliant with Planning Regulations.”

Economic Development

23. **Cllr Ciaran Brogan**

“I propose that this Council in conjunction with NWRDG prepare our proposals and present the new Government and the Taoiseach's Department with them with a view to a meeting soon in light of the Brexit situation and the implications for us in the North West.”

24. **Cllr Michael Mc Bride**

“That Donegal County Council review the facilities we have available to our visitors, identify out shortfalls and put a plan in place to build on the success of our 2020 holiday season.”

Corporate

25. **Cllr Gerry Mc Monagle**

“That this Council now calls on the current Government to make the urgent investment needed to protect our health services. This investment must be substantial enough to allow for the expansion of our health service physical infrastructure, address the deficit in our bed capacity, our ever growing waiting lists and allow for the necessary recruitment and protection of health care workers.”

26. **Cathaoirleach’s Business**

27. **Chief Executive’s Management Report**

QUESTIONS

DONEGAL MUNICIPAL DISTRICT

Water & Environment

28. **Cllr. Michéal Naughton**

How many staff are employed in the water section in Donegal County Council?

(i) How much does it cost the Council in wages for the year for the water staff?

(ii) How much of this is funded by Irish Water?

LIFFORD – STRANORLAR MUNICIPAL DISTRICT

Roads & Transportation

29. **Cllr Gerry Crawford**

How many planned road restoration works on national primary, regional and county roads are on hold or delayed and at what locations due to planned, pending or delayed Irish Water works?

30. **Cllr. Patrick Mc Gowan**

Can I have details in relation to all low cost flooding measures and similar type works being undertaken by this Council to alleviate flooding in East Donegal having regard to recent decisions by An Bord Pleanála?

Housing

31. **Cllr Gerry Crawford**

What requests are there with this Council to (a) provide 4 or greater number bedroom homes and (b) the number of applications that exist for special accommodation requirements? Please advise in relation to the preferred locations for the applications concerned?

32. **Cllr Gary Doherty**

Can I have a breakdown per Municipal District of how much is paid out to landlords by Donegal County Council each month for Housing Assistance Payments (HAP)?

Finance

33. **Cllr Frank Mc Brearty**

What is the total amount of debt across all sections of the Council?

34. **Cllr Gary Doherty**

How much has been paid out to businesses in Donegal under the Restart Grant Scheme by Donegal County Council?

Planning

35. Cllr Patrick Mc Gowan

Can I have a list of derelict buildings across each MD that this council is actively targeting with a progress report on each case outlining the method being used in each case?

Water & Environment

36. Cllr Patrick Mc Gowan

Can a report be given on how the septic tank grant scheme is being operated in the county and explain why this conflicts with the scheme when it was first launched, as the vast majority of the county is not covered by the scheme? (Please include numbers by MD area and outline the criteria used)

Corporate

37. Cllr Frank Mc Brearty

How many members of staff have tested positive for Covid-19 that they are aware of?

GLENTIES MUNICIPAL DISTRICT

Water & Environment

38. Cllr Michael Mc Clafferty

Given that dog fouling has become a major problem in many public areas, can this Council look at increasing enforcement measures, making dog waste bags available in a number of public spaces and increasing the number of dog waste disposal bins available?

39. Cllr Marie T Gallagher

Will this Council through its Chief Executive appeal to the Department for a meeting between Department Officials, Irish Water and this Council, to discuss and highlight the need for policy change in Irish Water regarding water connections and costings, and the need for better communication?

Economic Development

40. Cllr Michael Mc Clafferty

Can the Council come up with any solutions ahead of the 2021 holiday season in relation to camper vans e.t.c. as our beaches were simply not able to cope with the huge volume of tourists that travelled to Donegal this year?

Community Development

41. Cllr Marie T Gallagher

When do the Council expect to assign personnel to develop the Burtonport to Letterkenny Greenway?

INISHOWEN MUNICIPAL DISTRICT

Water & Environment

42. Cllr Jack Murray

Can this Council provide the information supplied to Irish Water which was used to decide the list of priorities for investment in the county's water mains?

43. Cllr Albert Doherty

What decisive actions will Donegal County Council take to assist links clubs along Donegal's Wild Atlantic Way confront the imminent threat of sea erosion issues to their links courses? (National Treasures) and will the Council seek the support and assistance from national Government, from the OPW, from National Parks and Wildlife to assist clubs wishing and willing to protect their lands and SAC areas.?

44. Cllr Terry Crossan

What is the breakdown regarding illegal dumping enforcement actions since the covid outbreak? Warning letters / fines / legal actions?

Roads & Transportation

45. Cllr Jack Murray

What is the estimated total number of vehicles which crosses the border on roads from Donegal to Derry, Tyrone and Fermanagh on a weekly, monthly or annual basis?

46. Cllr Terry Crossan

Will Donegal County Council seek funding for a number of coastal erosion projects especially where roads are being damaged, as a matter of urgency?

Housing

47. Cllr Albert Doherty

MICA (Council Housing Stock/Remedial Works Plan)

What funding requisite to date has the Council submitted to the Department of Housing, Local Government and Heritage to enable the immediate commencement of remedial works on council houses and family homes and is the necessary funding secured to permit and progress preparatory works on all council homes including the testing of block samples, the assessment of the structural condition and the dates for the remedial works plans to the housing stock agreed?

LETTERKENNY – MILFORD MUNICIPAL DISTRICT

Cultural Services

48. Cllr Michael Mc Bride

In light of the 1500th Colmcille celebrations planned for June 2021 what funding has been committed to date for preservation works at sites associated with St Colmcille and will the works in question be completed prior to June 2021?

49. Cllr Gerry Mc Monagle

How many Heritage Funding applications were made by this Council since 2014, how many were successful, amounts received and projects that were supported by these Grants?

Corporate

50. Cllr Ciaran Brogan

Can I have an updated report on our proposal as a Council to employ our own in-house Executive Solicitor?

Roads & Transportation

51. Cllr Ciaran Brogan

Can we have an updated progress report on the proposed Ten-T Project and the scheduled timeframe for same?

52. Cllr Gerry Mc Monagle

How many funding applications have been submitted by this Council to the Department of Marine or any other body in relation to the strengthening of or repair of piers in Donegal, and how many have been successful and where are their locations?

53. **Motions from Other Councils/Bodies**

DERRY CITY AND STRABANE DISTRICT COUNCIL

That Council believes that care homes and the organisation and operation of domiciliary care services across the North should be brought back into the public ownership as part of the National Health Service.

DERRY CITY AND STRABANE DISTRICT COUNCIL

That the COVID 19 crisis presents an unprecedented threat to public health. The scale of the crisis clearly demonstrates the critical role of the fully funded and protected public health service.

DERRY CITY AND STRABANE DISTRICT COUNCIL

Council agrees that two divergent public health strategies to deal with a pandemic on the island of Ireland, North and South, is irrational, impractical and dangerous. Council calls for a fully integrated all-Ireland public health strategy.

DERRY CITY AND STRABANE DISTRICT COUNCIL

Council supports the campaign for an all-Ireland health service free at the point of delivery from the cradle to the grave.

DERRY CITY AND STRABANE DISTRICT COUNCIL

Council agrees to invite representatives from the all-Ireland health service campaign to make a presentation to Council.

KERRY COUNTY COUNCIL

That Kerry County Council write to the Minister for Finance and request that a state pension public service fund be put in place for public service workers as a matter of urgency.

KILDARE COUNTY COUNCIL

That the members of Kildare County Council supports the request from Féileacáin to waive the fees for family grave plots where a baby will be buried and that we write to the Department of Housing, Planning and Local Government to request that; all local authorities waive the fees for family grave plots where a baby is buried, that the Department should instruct all local authorities to waive the fees for planning permission for headstones where a baby will be buried and that a Children's Funeral Fund be established in Ireland.

KILDARE COUNTY COUNCIL

That Kildare County Council requests that the Minister undertakes the following: That the stillbirth register and stillbirth certification be removed and be replaced with a birth certificate and death certificate for babies who are stillborn, so that babies who are stillborn can be registered on the birth and death register and can receive the same state records of their existence as everyone else. Parents whose babies who are currently listed on the stillbirth register should be given the opportunity to have their babies placed on the birth and death register and to receive a birth and death certificate for their babies.

LOUTH COUNTY COUNCIL

That Louth County Council establishes a special taskforce with the relevant stakeholders and the local community in light of the impact COVID 19 is having and will continue to have on people's mental health and well being.

LIMERICK CITY AND COUNTY COUNCIL

The Economic Development, Enterprise and Planning Strategic Policy Committee recommends that Limerick City and County Council request an urgent meeting with the Minister with responsibility for Planning to outline the Council's opposition to the National Planning Framework on Rural Housing Policy; the SPC also recommends that the request be circulated to all local authorities.

LIMERICK CITY AND COUNTY COUNCIL

That Limerick City and County Council totally reject the National Planning Framework policy regarding once-off rural housing based on social and economic need; (b) a meeting be arranged with the Minister responsible to highlight the issues around this policy; and (c) this motion be circulated to all Local Authorities to discuss and support same.

ROSCOMMON COUNTY COUNCIL

It was agreed that Roscommon County Council call on the present or incoming government to financially support all Tidy Towns 7 Voluntary Group in County Roscommon to ensure maintenance of all public areas not

under the remit of the Local Authority. The future of ongoing support from Local business and fundraising will be seriously impacted due to COVID 19. In the interest of visual appearance and tourism after this pandemic, we need to attract visitors to the country to support our local business (ratepayers). The good work of many volunteers both in County Roscommon and nationwide needs to be supported.

SLIGO COUNTY COUNCIL

For Sligo County Council to write to the relevant Ministers to address the issue of extending the timescale and conditions of employment of Tús and CE participants and helping out in so many ways, and are also benefiting socially from these schemes. However after a certain period of time they must leave the scheme and cannot avail of it again until another period of time has passed. This is unsatisfactory for many participants and also for the sponsor groups in the communities where they work. Can this motion be shared with all other local authorities.

**MINUTES OF THE SEPTEMBER MEETING OF DONEGAL COUNTY COUNCIL,
HELD IN THE AURA LEISURE CENTRE LETTERKENNY ON 28TH SEPTEMBER,
2020**

C/139/20 MEMBERS PRESENT

Cllrs R Donaghey (Cathaoirleach), L Blaney, C Brogan, P Canning, T Conaghan, D Coyle, G Crawford, N Crossan, T Crossan, A Doherty, L Doherty, M Farren, Maire T Gallagher, M Harley, N Jordan, J Kavanagh, D M Kelly, N Kennedy, M C Mac Giolla Easbuig, F Mc Brearty Jnr, M Mc Bride, M Mc Clafferty, I Mc Garvey, N Mc Garvey, P Mc Gowan, G Mc Monagle, A Molloy, J Murray, M Naughton, J O'Donnell, J S Ó Fearraigh, and B Sweeny.

C/140/20 APOLOGIES

Cllrs K Bradley, G Doherty, B McGuinness and M McDermott.

C/141/20 OFFICIALS IN ATTENDANCE

John McLaughlin, Chief Executive, Joe Peoples, Director of Housing, Corporate and Cultural Services / Meetings Administrator, Liam Ward, Director Community Development & Planning Services, Brendan O'Donnell, A/Director of Roads & Transportation, Richard Gibson, A/Head of Finance, Garry Martin, Director of Economic Development, Information Systems & Emergency Services, Michael McGarvey, Director of Water & Environment, Paul Christy, Senior Ex. Planner, John McFeely, Ex. Planner, Sean O'Daimhin, Rannóg na Gaeilge, Anne Marie Crawford, Staff Officer, Corporate.

C/142/20 CATHAOIRLEACH'S INTRODUCTION

The Cathaoirleach welcomed the members and expressed disappointment that Donegal had moved to Level 3 of the Covid-19 restrictions. It was vital, she said, that transmission of the virus was reduced in Donegal and that everybody complied with the public health guidance including the avoidance of any unnecessary travel in the coming weeks.

Compliance was essential, she said, if people were to get back to work and economic and social stability going forward. She acknowledged the joint effort being made by Derry City & Strabane District Council and Donegal County Council to encourage people on both sides of the border to adhere to the guidelines issued by the respective Governments.

She alluded to the Standard Operating Guidance issued in advance of the meeting and asked members to co-operate with the protocols in place. Thus she said it was imperative that the meeting was concluded by 1pm and called for members support to progress the business of the day with that in mind.

Motions, she advised, should be proposed and seconded and, where there was no division agreed, on the basis that the issues raised would be dealt with by the executive in due course.

C/143/20 **VOTE OF SYMPATHY**

Members proposed a vote of sympathy to the Cathaoirleach on the sudden death of her brother Liam Mc Callion and to Cllr Patrick Mc Gowan on the death of his mother-in law Elizabeth Devine.

A minutes silence was observed by all present.

C/144/20 **CONFIRMATION OF THE MINUTES OF THE JULY MEETING OF DONEGAL COUNTY COUNCIL HELD ON 20TH JULY, 2020.**

On the proposal of Cllr McGowan, seconded by Cllr Crawford the minutes of the July meeting of Donegal County Council held on 20th July, 2020 were adopted.

Cllr Mc Brearty at this juncture queried the legality of the meeting in the light of current Covid-19 national protocols and asked where in the Donegal County Council Guidance document there was reference to the number of people that could attend a public meeting. The National Public Health Emergency Team, he stated, had made recommendations that no more than 25 people could attend a funeral yet this meeting was going ahead with a number in excess of that. This, he contended, sent out the wrong message to all those businesses that had remained closed and to teachers who were struggling to cope with the regulations in classrooms up and down the County. Clarity was needed, he said, regarding the number of people that could be accommodated in the public gallery. He expressed disappointment that members did not have the opportunity to review the guidance document prior to circulation.

Mr Joe People's, Meetings Administrator said that the meeting was a local authority statutory meeting and that many such meetings were being held up and down the country. The Chief Executive, he added, had engaged with the Department of Health and the Director of Public Health Northwest regarding the holding of the meeting. There had been at no time, he advised, any indication that the meeting should not proceed. All of the practical advice received, he noted, had been incorporated into the guidance document which was circulated in advance of the meeting to members.

Careful planning, he stated, had taken place to ensure the safety of all attendees at the meeting. The protocols in the guidelines were being closely monitored for compliance at the meeting.

Cllr Mc Brearty again expressed concern that the guidance document had not been presented to full Council prior to circulation.

C/145/20 **FILLING OF CASUAL VACANCY OCCASIONED BY THE RESIGNATION OF CLLR DONAL KELLY.**

Cllr Brogan said that Donal Kelly was fine young man from Glenswilly who would bring a fresh approach and new energy to the Council and that he was delighted to propose him for the position vacated by his father Donal Snr. He wished former Cllr Kelly well and thanked him for his service to the

Council. Cllr Coyle concurred with this and said that Donal Kelly would be a welcome addition to Donegal County Council.

Cllr Brogan proposed, seconded by Cllr Kelly that Donal Mandy Kelly be selected to fill the casual vacancy on Donegal County Council occasioned by the resignation of Cllr Donal Kelly Snr.

This was unanimously agreed.

Members wished him all the very best on what was a proud day for the Kelly family noting that current restrictions prevented his wife Ashling and family circle from attending the meeting.

The Chief Executive welcomed Cllr Kelly to the Chamber and extended his thanks and best wishes to former Cllr Kelly Snr.

C/146/20 **FILLING OF CASUAL VACANCY ON THE LETTERKLENNY - MILFORD MUNICIPAL DISTRICT COMMITTEE**

On the proposal of Cllr Brogan, seconded by Cllr Coyle it was resolved that Cllr Donal Mandy Kelly fill the casual vacancy on the Letterkenny-Milford Municipal District Committee arising from the resignation of Cllr Donal Kelly Snr.

C/147/20 **FILLING OF CASUAL VACANCY ON THE DONEGAL HEALTH COMMITTEE**

On the proposal of Cllr Brogan, seconded by Cllr Coyle it was resolved that Cllr Donal Mandy Kelly fill the casual vacancy on the Donegal Health Committee arising from the resignation of Cllr Donal Kelly Snr.

C/148/20 **FILLING OF CASUAL VACANCY ON THE DONEGAL COUNTY COUNCIL VALUE FOR MONEY COMMITTEE**

On the proposal of Cllr Brogan, seconded by Cllr Coyle it was resolved that Cllr Donal Mandy Kelly fill the casual vacancy on the Donegal County Council Value for Money Committee arising from the resignation of Cllr Donal Kelly Snr.

C/149/20 **FILLING OF CASUAL VACANCY ON THE CULTURAL COMMITTEE**

On the proposal of Cllr Brogan, seconded by Cllr Coyle it was resolved that Cllr Donal Mandy Kelly fill the casual vacancy on the Cultural Committee arising from the resignation of Cllr Donal Kelly Snr.

C/150/20 **FILLING OF CASUAL VACANCY ON THE COMMUNITY SOCIAL AND CULTURAL STRATEGIC POLICY COMMITTEE**

On the proposal of Cllr Brogan, seconded by Cllr Coyle it was resolved that Cllr Donal Mandy Kelly fill the casual vacancy on the Community Social & Cultural Strategic Policy Committee arising from the resignation of Cllr Donal Kelly Snr.

C/151/20 **FILLING OF CASUAL VACANCY ON THE COUNTY ENTERPRISE FUND**

On the proposal of Cllr Brogan, seconded by Cllr Coyle it was resolved that Cllr Donal Mandy Kelly fill the casual vacancy on the County Enterprise Fund arising from the resignation of Cllr Donal Kelly Snr.

C/152/20 **FILLING OF CASUAL VACANCY ON COLMCILLE HERITAGE TRUST**

On the proposal of Cllr Brogan, seconded by Cllr Coyle it was resolved that Cllr Donal Mandy Kelly fill the casual vacancy on Colmcille Heritage Trust arising from the resignation of Cllr Donal Kelly Snr.

C/153/20 **DISPOSAL OF SPECIFIC INSTANCE COTTAGE AT MEENCROMLIN, BALLBOFEY TO ANN MCKAY.**

Members considered the report circulated with the agenda in relation to the above.

On the proposal of Cllr McGowan, seconded by Cllr Harley, it was resolved to dispose of Specific Instance Cottage at Meencrumlin, Ballybofey to Ann McKay in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and under Section 183 of the Local Government Act 2001, (as amended).

C/154/20 **DISPOSAL OF SPECIFIC INSTANCE COTTAGE AT MULLAGHFIN, CONVOY TO ANTHONY CULLO.**

Members considered the report circulated with the agenda in relation to the above.

On the proposal of Cllr L Doherty, seconded by Cllr Harley, it was resolved to dispose of Specific Instance Cottage at Mullaghfin, Convoy to Anthony Cullo, in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and under Section 183 of the Local Government Act 2001, (as amended).

C/155/20 **LEASING OF PROPERTY IN DUNGLOE PUBLIC SERVICES CENTRE TO THE HEALTH SERVICE EXECUTIVE.**

Members considered the report circulated with the agenda in relation to the above.

On the proposal of Cllr N Mc Garvey, seconded by Cllr Gallagher, it was resolved to lease property in Dungloe Public Services Centre to the Health Service Executive, in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and under Section 183 of the Local Government Act 2001, (as amended).

C/156/20 **DISPOSAL OF PLOT OF LAND AT TULLAGH, CARRIGART TO JOHN REILLY.**

Members considered the report circulated with the agenda in relation to the above.

On the proposal of Cllr Blaney, seconded by Cllr Crawford, it was resolved to dispose of plot of land at Tullagh, Carrigart to John Reilly, in accordance

with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and under Section 183 of the Local Government Act 2001, (as amended).

C/157/20 **DISPOSAL OF PLOT OF LAND AT LECKENAGH, BURTONPORT TO DENIS BOYLE, BURTONPORT AND MICHAEL BOYLE, BURTONPORT**

Members considered the report circulated with the agenda in relation to the above.

On the proposal of Cllr Mac Giolla Easbuig, seconded by Cllr Gallagher, it was resolved to dispose of plot of land at Leckenagh, Burtonport to Denis Boyle and Michael Boyle, in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and under Section 183 of the Local Government Act 2001, (as amended).

C/158/20 **DISPOSAL OF PLOT OF LAND AT BURTONPORT TO BURTONPORT FISHERMEN'S CO-OPERATIVE SOCIETY LTD**

Members considered the report circulated with the agenda in relation to the above.

On the proposal of Cllr Mac Giolla Easbuig, seconded by Cllr N Mc Garvey, it was resolved to dispose of plot of land at Burtonport to Burtonport Fishermen's Co-Operative Society Ltd, in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and under Section 183 of the Local Government Act 2001, (as amended).

C/159/20 **DISPOSAL OF LANDS LOCATED TO THE REAR OF OZNAM HOUSE, BUNDORAN TO THE ST. VINCENT DE PAUL SOCIETY, BUNDORAN.**

Members considered the report circulated with the agenda in relation to the above.

On the proposal of Cllr Jordan, seconded by Cllr O'Fearraigh, it was resolved to dispose of lands to the rear of Oznam House, Bundoran to St. Vincent De Paul Society, Bundoran, in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and under Section 183 of the Local Government Act 2001, (as amended).

C/160/20 **TO APPROVE THE CARRYING OUT OF IMPROVEMENT WORKS SO AS TO FACILITATE THE DEVELOPMENT OF A ONE-WAY SYSTEM IN DONEGAL TOWN IN THE DONEGAL MUNICIPAL DISTRICT.**

Members considered the report circulated with the agenda in relation to the above.

On the proposal of Cllr Naughton, seconded by Cllr Conaghan, the carrying out of improvement works so as to facilitate the development of a one-way system in Donegal Town in the Donegal Municipal District under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) was approved.

C/161/20 **TO APPROVE THE CARRYING OUT OF WORKS WITH REGARD TO THE INSTALLATION OF NEW CONTROLLED AND UNCONTROLLED PEDESTRIAN CROSSINGS TOGETHER WITH THE CONSTRUCTION OF A NEW 3 METER WIDE FOOTPATH ON THE EASTERN SIDE OF THE MILLBRAE ROAD, STRANORLAR IN THE LIFFORD-STRANORLAR MUNICIPAL DISTRICT.**

Members considered the report circulated with the agenda in relation to the above.

On the proposal of Cllr McGowan, seconded by Cllr Harley, the carrying out of works with regard to the installation of new controlled and uncontrolled pedestrian crossings together with the construction of a new 3 meter wide footpath on the eastern side of the Millbrae Road, Stranorlar in the Lifford-Stranorlar Municipal District, under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) was approved subject to provision being made for the inclusion of a cycle lane.

C/162/20 **TO FILL CASUAL VACANCY ON COISTE NA GAELIGE ARISING FROM THE RESIGNATION OF CLLR MICHAEL MC CLAFFERTY**

It was unanimously agreed to defer the matter for consideration at the November Council Meeting.

C/163/20 **TO FILL CASUAL VACANCY ON COISTE NA GAELIGE ARISING FROM THE RESIGNATION OF CLLR FRANK MC BREARTY**

It was unanimously agreed to defer the matter for consideration at the November Council Meeting.

C/164/20 **TO FILL CASUAL VACANCY ON THE DISABILITY STRATEGY COMMITTEE ARISING FROM THE RESIGNATION OF CLLR FRANK MC BREARTY.**

On the proposal of Cllr Mac Giolla Easbuig, seconded by Cllr Crossan, it was resolved that Cllr Mac Giolla Easbuig fill the casual vacancy on the Disability Strategy Committee arising from the resignation of Cllr Mc Brearty.

C/165/20 **TO FILL CASUAL VACANCY ON THE EMERGENCY RESPONSE COMMITTEE ARISING FROM THE RESIGNATION OF CLLR FRANK MC BREARTY**

It was unanimously agreed to defer the matter for consideration at the November Council Meeting.

C/166/20 **TO APPROVE UPDATED STANDARD COST LIMITS FOR THE HOUSING ADAPTATION GRANT MOBILITY AIDS GRANT AND HOUSING AID FOR OLDER PEOPLE GRANT SCHEMES.**

Members considered the report circulated with the agenda in relation to the above.

On the proposal of Cllr Sweeny, seconded by Cllr Harley it was resolved to approve the updated standard cost limits for the Housing Adaptation Grant,

Mobility Aids Grant and Housing Aid for Older People Grant Schemes effective from 1st October, 2020.

There was general welcome for the increased grant limits and in particular the proposed new limits for central heating. Cllr Mc Monagle said that he hoped the updated standard cost limits could be implemented as soon as possible.

C/167/20 TO AGREE DATE FOR 2021 STATUTORY BUDGET MEETING.

It was unanimously agreed to hold the 2021 Statutory Revenue Budget Meeting on Wednesday 25th November 2020 at 10.00am in the Aura Leisure Centre, Letterkenny.

C/168/20 THAT MEMBERS CONSIDER WHETHER THEY WISH TO PASS A RESOLUTION TO VARY THE LOCAL PROPERTY TAX IN COUNTY DONEGAL IN RESPECT OF 2021.

Members considered the report circulated with the agenda in relation to the above.

Mr John Mc Laughlin, Chief Executive advised that the Council had taken a structured approach to financial management over the years with money being invested in services and funding made available to co-fund important strategic capital projects. This long-term strategic view had, he said, served the county well and allowed the Council plan ahead and compete nationally for many projects. He noted that the COVID-19 pandemic had considerably altered the financial position including its ability to collect income from commercial rates and other sources. Thus it was acknowledged that there would be significant challenges facing the Council in terms of achieving a balanced outturn for 2020 and in balancing the budget for 2021. This, he contended, would mean holding the rate of LPT at the base figure plus 15% in line with the decision taken in 2019.

He proceeded to inform members that the Council had in September 2019 obtained a further €1.7 million from the Local property Tax for Budget 2020 and that this additional income had allowed for the following:-

- €500,000 additional income for the co-funding of successful capital projects.
- €500,000 additional monies had been provided for housing maintenance.
- €500,000 had been provided to replace diminishing income from NPPR charges.
- €200,000 was provided for the "Public Lights and Minor Infrastructure Fund" (€5,500 per member)

Details were provided in relation to the extensive range of projects which had been approved for capital funding. It was noted that approvals were in place for projects with a delivery value of between €100m and €150m.

The success of the Strategic Investment Programme was, he said, critically

reliant on own resource funding. It was further noted that the Council would have a significant role to play in the county's response to Brexit and in the recovery from the current public health emergency.

He informed members that the decision on the Local Property Tax was a first step in the making of a budget and work programme for 2021 and that it was extremely important that the Council did not worsen its position on the LPT Fund and maintain the same level for 2021.

A lengthy debate ensued with members raising a number of issues.

Cllr Mac Giolla Easbuig said that he was totally opposed to this form of tax and that the public had effectively been coerced into accepting same. Much had been promised, he said, and little achieved in terms of the income generated from the LPT over the last few years.

He thus proposed, seconded by Cllr Mc Brearty that the rate of the Local Property Tax for 2021 be reduced by 15% below baseline.

Cllr Mc Brearty asked if there was any indication at this stage if there was to be an increase in the 2021 budget requirement and if members would be informed of same prior to the budget meeting.

Cllr Gallagher speaking on behalf of the Sinn Fein grouping said it was widely accepted that the capital projects outlined in the report needed to be progressed, however the imposition of the property tax was not the way do this. The LPT in its current format was not fit for purpose, she said, and required considerable review at national level. She called on the Executive to clarify the implication that a €1.7m reduction would have on the 2021 budget.

Cllr Gallagher proposed, seconded by Cllr Mc Monagle that the Council does not pass a resolution to vary the Local Property Tax for 2021 by plus or minus 15%.

Cllr N Crossan addressing members contended that this year more than ever there needed to be sufficient capability in the fund. He cited the importance of maintaining the LPT at the 2020 level given that the impact for 51% of the population in Donegal would be less than 4c per day and for 31% less than 10c. He thus proposed, seconded by Cllr Conaghan that the Council pass a resolution to vary the rate of the LPT in Donegal for 2021 by +15%.

A number of issues were raised in the ensuing debate. These included:-

- Income from the LPT was essential going forward to ensure that businesses remained open and jobs were preserved in light of the economic difficulties generated by Covid-19.

- The LPT was an unfair tax particularly for those living in homes blighted by mica.
- Further discussion and detail was needed in relation to the various projects outlined.
- A cohesive approach was needed and active collaboration with the Oireachtas members to ensure that Donegal gets its fair share of funding at national level.
- The Council needed to be innovative and have access to capital so that it could borrow and invest and maintain its ability to pay going forward.
- Income generated from the LPT had not addressed many of the issues and that many of the projects listed were merely aspirational at this stage with little progress over the past number of years.

The Chief Executive said that the Council would have to budget with the available monies with a corresponding impact on the levels of work that could be carried out. At this stage, he said, there was no indication of what supports would be available from Government in respect of the 2021 budget.

The Meetings Administrator called on members to consider the various proposals before the meeting.

Cllr Mc Brearty at this juncture withdrew his support for Cllr Mac Giolla Easbuig's motion.

A recorded vote was then taken by the Meetings Administrator firstly in relation to the proposal by Cllr Gallagher, seconded by Cllr Mc Monagle not to pass a resolution to vary the rate of the Local Property Tax for 2021.

This resulted in 13 voting for with 19 voting against.

Those voting for were:-

Cllrs T Crossan, A Doherty, L Doherty, Gallagher, Jordan, Kennedy, Mac Giolla Easbuig, Mc Brearty, Mc Bride, Mc Clafferty, Mc Monagle, Murray, and Ó Fearraigh (13)

Those voting against were:-

Cllrs Blaney, Brogan, Canning, Conaghan, Coyle, Crawford, N Crossan, Donaghey, Farren, Harley, Kavanagh, Kelly, I Mc Garvey, N Mc Garvey, Mc Gowan, Molloy, Naughton, O' Donnell and Sweeny (19)

The motion fell.

A recorded vote was then taken on the proposal by Cllr N Crossan, seconded by Cllr Conaghan to vary the rate of the Local Property Tax by +15% for 2021.

This resulted in 20 voting for with 12 against

Those voting for were:-

Cllrs Blaney, Brogan, Canning, Conaghan, Coyle, Crawford, N Crossan, Donaghey, Farren, Harley, Kavanagh, Kelly, Mc Clafferty, I McGarvey, N McGarvey, Mc Gowan, Molloy, Naughton, O' Donnell and Sweeny (20)

Those voting against were:-

Cllrs T Crossan, A Doherty, L Doherty, Gallagher, Jordan, Kennedy, Mac Giolla Easbuig, Mc Brearty, Mc Bride, Mc Monagle, Murray, and Ó Fearraigh (12)

Thus it was resolved in accordance with Section 20 of the Finance (Local Property Tax) Act 2012 to vary the rate of the Local Property Tax by +15% for 2021.

C/169/20 **PROGRESS REPORT ON PROPOSED VARIATION TO THE COUNTY DONEGAL DEVELOPMENT PLAN 2018-2024 IN RESPECT OF THE TEN-T PRIORITY ROUTE IMPROVEMENT PROJECT, DONEGAL**

Members considered the reports circulated with the agenda in relation to the above.

Mr Liam Ward, Director Community & Planning Services informed members that they were being asked to (a) approve the document entitled "Introduction to the Proposed Variation to the County Donegal Development Plan, 2018-2024 in respect of the TEN-T Priority Route Improvement Project, Donegal known as (Variation No. 1) (b) approve the Proposed Variation subject to supplemental textual and mapping amendments.

He advised that they should note that the Strategic Environmental Assessment, Appropriate Assessment and the Strategic Flood Assessment processes commenced after the July Meeting and based on an earlier working draft of the proposed variation were now no longer being proceeded with. He said that they should now approve the commencement of the updated SEA, AA and Strategic Flood Assessment in conjunction with the report now circulated.

These in turn required members, he said to approve subject to the outcome of the screening processes for Strategic Environmental Assessment and Appropriate Assessment, the preparation of an Environmental Report (for SEA), Natura Impact report (for AA) and Strategic Flood Risk Assessment Report.

On the proposal of Cllr Brogan, seconded by Cllr Harley it was resolved to

1. Approve the contents of the document entitled “Introduction to the Proposed Variation to the County Donegal Development Plan, 2018-2024 in respect of the TEN-T Priority Route Improvement Project, Donegal known as (Variation No. 1)
2. Approve the Proposed Variation as contained in the documentation circulated.
3. Note that the SEA, AA and Strategic Flood Risk Assessment processes commenced immediately after the July meeting based on an earlier working draft of the Proposed Variation were no longer being proceeded with.
4. Approve the commencement of the new SEA, AA and Strategic Flood Risk Assessment processes in respect of the “Proposed Variation” outlined above.
5. Subject to the outcome of the screening processes for Strategic Environmental Assessment and Appropriate Assessment, approve the preparation of an Environmental Report (for SEA), Natura Impact Report (for AA) and the Strategic Flood Risk Assessment Report.

Cllr Canning alluded to the fact that the Preferred Route Corridor was in fact sterilised with regard to planning and asked that clarification be provided as to the impact of same on existing farms, dwellings, businesses etc. He cited the need for ongoing consultation with local landowners and business people.

Cllr Mc Brearty expressed concern that members had not been provided with all the facts and asked for clarification in relation to the situation with swans at Tullyrap. He expressed concern also in relation to the lack of consultation with landowners.

Cllr Crawford queried as to whether the current variation would alter areas sterilised in the previous plan.

Cllr McGowan queried the status of realignment works on the N15 Lifford to Stranorlar.

Cllr Coyle asked for clarity in relation to the position of service and link roads and whether or not they were part of the proposed variation.

Mr Liam Ward, Director of Community & Planning Services responding drew members attention to textual changes in the Proposed Variation namely Reference 111 Part B, Chapter 5 Infrastructure Policies and the fact that the specific policy of the Council was to reserve the preferred route corridors of the TEN-T Priority Route Improvement Project as shown on maps 5.1.4, 5.1.5 and 5.1.6 for the purposes of the project and the ancillary facilities to service same and not permit other development within those

corridors where such development may prejudice the carrying out/implementation of the said project. Small project development, he said, was only not permitted where it prejudiced the carrying out of the project and the County Development Plan allowed the Planning Office to consider such development.

Acknowledging the comments made by Cllr Mc Brearty in relation to the issue of swans at Tullyrap he said that a further workshop would be held with the Lifford-Stranorlar MD members. The variation, he confirmed, would come before members again on a number of occasions and the matters before Council at this point in time were to progress the carrying out of the Environmental Report and the Flood Risk Assessment process.

Approval would be sought, he confirmed, at the November Council Meeting to proceed with the public consultation element of the process with formal adoption of the variation scheduled to take place in March 2021.

Cllr Mc Brearty said that he had been led to believe that the item on today's agenda was a progress report only and expressed concern regarding the specific decisions required. The Director of Service said it was clear from the documentation circulated that resolutions were required.

Cllr Mc Monagle at this juncture drew attention to the fact that the meeting had reached the 2 hour deadline referred to in the Standard Operating Guidelines.

C/170/20 **MOTION UNDER URGENT BUSINESS**

A request signed by Cllrs Mac Giolla Easbuig , Mc Brearty, Mc Bride, T Crossan, A Doherty, Gallagher, Mc Monagle, Jordan, L Doherty and O' Fearraigh to have the following motion discussed as urgent business in accordance with Standing Order No. 27 was submitted to the Meetings Administrator :-

“Donegal County Council notes with concern the ongoing protests by Republican prisoners in Portlaoise, Maghaberry and Hydebank Prisons. We acknowledge the distress being caused to the families of prisoners currently on hunger strike in the 6 and 26 counties and because of the failure of the Northern Ireland Office and Prison Authorities to provide regular updates on the prisoner's ongoing welfare and conditions. Donegal County Council shall write to the N.I.O – calling on the Prison Service to release updates on the prisoner's status/conditions.

Donegal County Council has concerns that the facility (Foyle House) and procedures currently being used at Maghaberry poses a risk to the physical and mental health and welfare of prisoners.

Donegal County Council call on the administration in the 6 counties to do all in its power to resolve these issues and bring about an end to the current hunger strike.

It was unanimously agreed to consider same prior to the close of business

C/171/20 **MOTION UNDER URGENT BUSINESS**

A request signed by Cllrs I Mc Garvey, A Doherty, Mc Gowan, Canning, Conaghan, Crossan, Mac Giolla Easbuig , Mc Brearty, Mc Bride, T Crossan, Mac Giolla Easbuig, Kelly, Mc Bride, Donaghey, Coyle and Sweeny to have the following motion discussed as urgent business in accordance with Standing Order No. 27 was submitted to the Meetings Administrator :-

“That this Council devise a structure that motions by members become more effective in dealing with the problems raised and that the response states the following:

- Approach to be pursued.
- Who will deal with the issue and when.
- Relevant time scale.
- That the Elected Member be kept advised.
- Outcome is sent to the relevant members.”

It was unanimously agreed to consider same prior to the close of business.

C/172/20 **ADJOURNMENT OF THE MEETING**

On the proposal of Cllr Brogan, seconded by Cllr Mc Monagle it was agreed to adjourn the meeting to 11.00am on Monday 12th October, 2020.