

19<sup>th</sup> January, 2006

TO : EACH MEMBER OF DONEGAL COUNTY COUNCIL

A Special Meeting of Donegal County Council, requisitioned by the Cathaoirleach, will be held on *Thursday 26<sup>th</sup> January*, 2006 at 10.00am in the County House, Lifford, to consider the appended agenda.

You are hereby requested to attend.

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J. Peoples  
A/Meetings Administrator

### AGENDA

1. Consideration of the Donegal County Council Draft Development Contribution Scheme 2006/2007 and Manager's Report. (Please note that the Draft Development Contribution Scheme, Report from Director of Planning and Economic Development, Mr. Francie Coyle (Managers Report on submissions received) have already been circulated on 15<sup>th</sup> December 2005. It is also essential that you bring your copy of the Capital Programme circulated on 16<sup>th</sup> December 2005).

MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY  
COUNCIL HELD ON THE 26<sup>th</sup> JANUARY 2006 IN THE COUNTY  
HOUSE LIFFORD.

C/24/06

MEMBERS PRESENT

Clrs. D. Larkin, Cathaoirleach, D. Alcorn, L. Blaney, A. Bonner, E. Bonnar, J. Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, Pearse Doherty, R. Donaghey, J. Harte, J. Kennedy, N. McBride, T. McDaid, . M. McDonald, S. McEniff, I. McGarvey, P. McGowan, B. McGuinness, P. MacLochlainn, B. O'Domhnaill, B. O'Neill, T. Pringle, T. Slowey.

C/25/06

OFFICIALS IN ATTENDANCE

Mr. Michael McLoone, County Manager, Mr. Francie Coyle, Director Planning & Economic Development, Mr. John McLaughlin, Director Roads & Transportation, Mr. Jim Holohan, Director Water, Environment & Emergency Services, Mr. Sean Sheridan, Director Corporate Services, Mr. Aidan McNicholas, Head of Finance, Mr. Joe Peoples A/ Meetings Administrator, Mr. Eunan Quinn, Senior Executive Planner, Mr. Paul Kilcoyne, Senior Engineer Water, Environment & Emergency Services, Mr. Denis Kelly, Senior Executive Planner, Ms. Anne Marie Conlon, Communications Officer, Ms. Anne Marie Crawford, Staff Officer.

C/26/06

APOLOGIES

Apologies were received from Clr. Larkin who had advised that he would absent for the initial stage of the meeting.

Clr. Blaney chaired the meeting in his absence.

C/27/06

CONSIDERATION OF THE DONEGAL COUNTY  
COUNCIL DRAFT DEVELOPMENT  
CONTRIBUTION SCHEME 2006/2007 AND  
MANAGER'S REPORT.

Mr. Francie Coyle, Director Planning and Economic Development advised members that the Draft

Development Contribution Scheme, together with the Manager's Report on submissions received, and his own report on the review of the Development Contribution Scheme had been circulated in December 2005. He proceeded to read into the record his report on the Review of the Development Contribution Scheme.

The County Manager outlined the benefits of the scheme for the Capital Development Programme. It was intended he added to publish a quarterly review, with the specific intention of keeping members, updated on the progress of projects funded by the D.C.S. This he advised was the most transparent way of doing business and would clearly depict the level of contributions to be accrued in each Electoral Area.

Members considered the reports previously circulated and raised a number of issues, namely: -

The allocation of monies collected under the scheme and the need to retain these finances within the area of collection. Need for efficient monitoring of the scheme. Concern that additional charges would be levied once the scheme was adopted.

The need to bring notification of any special development charge to the attention of the relevant Electoral Area members. Necessity of highlighting locations, which are deficient in basic services. Provide a discount for bona fide farm diversification projects and tourism product development.

Mr. Francie Coyle, Director of Planning and Economic Development proceeded to respond to a number of queries raised by individual members.

Clr. Pearse Doherty enquired as to whether all the amendments agreed and recorded in the minutes of the Council Meeting on the 26<sup>th</sup> September 2005 had been incorporated into the Draft Development Contribution Scheme prior to publication.

C/28/06

ADJOURNMENT OF MEETING.

On the proposal of Clr. Conaghan, seconded by Clr. Slowey it was resolved to adjourn the meeting until 2.30pm so as to allow Members deliberate further on the implications of the proposed scheme.

C/29/06

RESUMPTION OF MEETING

On the proposal of Clr. O'Domhnaill, seconded by Clr. Alcorn it was agreed to allow a TG4 Camera Crew access to the Council Chamber for short period prior to the resumption of business.

Clr. Larkin on his return chaired the remainder of the meeting.

Members offered their best wishes to the following and wished them a speedy recovery from their recent illnesses: -

Mr. Eunan Sweeney, Senior Executive Officer/County Secretary, Mr. Michael Heaney, Director Community Culture & Enterprise, and Clr. Marian McDonald.

C/30/06

ADOPTION OF SCHEME

Clr. Conaghan then proposed, seconded by Clr. Slowey that the Donegal County Council Draft Development Contribution Scheme 2006/2007 be adopted subject to: -

The monies collected being retained in each Electoral Area until the quarterly capital programme briefing is progressed in Mid Summer.

In the case of first time builders/purchasers that they be facilitated by the phased payment of contributions up to a three year period.

The protocol for Special Development Contributions to be agreed at local area level.

The same level of charges to be levied for rural as for urban as set out in the Draft Scheme and the inclusion of the following amendments: -

### **Level of Contribution – All areas.**

House/Apart 120m<sup>2</sup> or less per unit to be amended to 160m<sup>2</sup> or less per unit with a total charge of €2600.

The level of contribution for water and sewerage charges to be set at €100 per House/Apart (160m<sup>2</sup> or less) for developments providing their own private water supply. Total overall contribution to be €100.  
House/Apart 121m<sup>2</sup> – 160m<sup>2</sup> per unit to be amended to 161m<sup>2</sup> – 200m<sup>2</sup> per unit with a total charge of €3400.

House/Apart >160m<sup>2</sup> to be amended to > 200m<sup>2</sup> with a total charge of €5400.

Group Holiday home/apartments planning applications for five or more will attract a charge of €10,000 per unit.

Caravan/Mobile Home per unit to remain the same.

Commercial Development per m<sup>2</sup> to be amended to €3.50 for water and sewerage, and €3.50 for roads and marine with a total charge of €7.00

Industry per m<sup>2</sup> to be amended to €3.50 for water and sewerage, and €3.50 for roads and marine with a total charge of €7.00

Warehousing/Storage per m<sup>2</sup> to be amended to €3.50 for water and sewerage, and €3.50 for roads and marine with a total charge of €7.00.

Council to put arrangements in place to deal with developers/applicants who wish to carry out works in lieu of payment of contributions.

Car Parking charges to be charged at €4000 per space in Donegal Town, and €1500 per space within the control points in Ballyshannon.

In the case of water and sewer charge the sewer element to be €300 except for Houses/Apartments less

than 160m<sup>2</sup> which will attract a €100 charge for sewer. No sewer charge in the case of caravans /mobiles.

### **Amendments Page 9**

#### **Exemptions:**

Failte Ireland approved Holiday Homes provided for letting to be removed from the list of exemptions and added to list of reduction on page 10, and amend as follows:

Failte Ireland and Farm Diversification Scheme approved Holiday Homes provided for letting, subject to Section 47 Agreement in accordance with the Planning & Development Act 2000 will attract a 30% reduction on the standard charges. Written confirmation required from Failte Ireland and Teagasc or the Department of Agriculture and Food.

### **Amendments Page 10**

#### **Reductions:**

Item 1 – Developments that connect to a Group Water Supply Scheme.

Wording to be amended to read as follows: -

Developments that connect to a Group Water Scheme not taken in charge by the Council, or maintained by the Council, or developments that do not consume public water - (100%) of the water contribution only.

### **Amendments Page 11**

Paragraph 10 (c) – the following to be added to no. 10 (c):

In the case of first time homeowners, the Council shall facilitate the phased payment of contributions up to a three year period.

Addition of the following text to 10 (d):

A designated member of staff to be assigned to monitor the provision of specific infrastructural works

and facilities by a developer in lieu of payment of development contributions as outlined in paragraph (d).

### **Paragraph 12 –Review of Scheme**

Paragraph to be amended to read as follows: -

The Scheme may be reviewed from time to time by the Council having regard to circumstances prevailing at the time.

Clr. Pearse Doherty stated that the scheme was in itself flawed, and an unfair tax on the people of Donegal.

The following amendment was then proposed by Clr. Doherty, and seconded by Clr. MacLochlainn. -

“That the Draft Development Contribution Scheme 2006/2007 be adopted at the current level of charges, subject to the proposed contribution of €15,000 for Holiday Home/Apartment Developments being included, and the inclusion of a specific fee of €30,000 for Communication Masts”

The Cathaoirleach commended those present on their realistic assessment of the situation and noted that the transparency of the charges proposed would augur well for the development of infrastructure and services in all Electoral Areas.

In accordance with standing orders a vote was taken on the amendment first:-

This resulted in 4 for, 19 against with 1 abstention.

Those voting in favour were: -

Clrs. Pearse Doherty, T. McDaid. P. MacLochlainn. T. Pringle. (4)

Those voting against were: -

Clrs. Alcorn, Blaney, A. Bonnar, E. Bonner, Boyle, Brogan, Byrne, Conaghan, Crawford, Donaghey,

Harte, Kennedy, Larkin, Mc Bride, McGowan, McGuinness, O' Domhnaill, O'Neill, Slowey. (19)

Clr. McGarvey abstained.

The Cathaoirleach declared the amendment lost.

The motion to adopt the Donegal County Council Draft Development Contribution Scheme 2006/2007 with amendments was then put to the meeting and a recorded vote taken which resulted in 19 for, 4 against with 1 abstention.

Those voting in favour were: -

Clrs. Alcorn, Blaney, A. Bonnar, E. Bonner, Boyle, Brogan, Byrne, Conaghan, Crawford, Donaghey, Harte, Kennedy, Larkin, Mc Bride, McGowan, McGuinness, O'Domhnaill, O'Neill, Slowey. (19)

Those voting against were: -

Clrs. Pearse Doherty, T. McDaid, P. MacLochlainn, T. Pringle. (4)

Clr. McGarvey abstained.

The Cathaoirleach declared the motion carried.

Mr. Francie Coyle in response to Clr. Pearse Doherty's query on the legal status of the published Draft Development Contribution Scheme advised that there had been no legal defect in the scheme presented to the members. Section 48 of the Planning and Development Act 2000 clearly set out the procedure he noted, and the council had fulfilled its executive function in preparing and publishing the plan. Members had he advised agreed to publish the plan at the Meeting of Donegal County Council held on the 26<sup>th</sup> September, 2005. A number of issues had been raised at this meeting with member's deliberations on farm diversification being taken on board, and various other items considered before the Draft Scheme was

published. The County Manager advised that the Members had the opportunity at the meeting to vary or modify the Scheme.

Mr. Coyle confirmed that he had consulted with the Council's legal advisors and that the scheme was in order.

Clr. Pearse Doherty thanked Mr. Coyle and the County Manager for their speedy clarification of the matter, but advised that he was extremely disappointed that Donegal County Council had agreed to adopt the scheme as amended.

This concluded the business of the meeting.