

**COMHAIRLE CHONTAE DHUN NA nGALL**

Oifig Riarthóir na  
gCruinnithe  
Aras an Chontae  
LEIFEAR  
17 Feabhra 2009

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain, 23 Feabhra, 2009, ag  
**12.00 meán lae in Áras an Chontae, Leifear**

**DO GACH BHALL DEN CHOMHAIRLE**

**A Chara**

Iarrtar ort a bheith i láthair ag an chruinniú seo den Chomhairle. Ta Clár an chruinnithe leis seo.

Beidh Clár Orduithe an Bhainisteora Contae le feiceáil ag an gcruinniú.

**Mise, le meas**

**A. MacSuibhne**

**Riarthóir Cruinnithe(RÚNAI CHONTAE)**

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**DONEGAL COUNTY COUNCIL**

Office of Meetings Administrator  
County House  
Lifford  
17<sup>th</sup> February, 2009

**NOTICE OF MEETING**

A Meeting of Donegal County Council will be held on Monday 23<sup>rd</sup> February, 2009 at **12.00 noon in the County House, Lifford.**

**TO EACH MEMBER OF DONEGAL COUNTY COUNCIL**

**Dear Councillor**

You are summoned to attend this meeting of the Council. The Agenda is attached.

The Register of County Manager's Orders will be available for inspection at the meeting.

**Yours sincerely**

**E. Sweeney**

**Meetings Administrator (County Secretary)**

## **AGENDA**

### **1. Confirmation of Minutes**

- a) Confirmation of Minutes of Meeting of Stranorlar Electoral Area Committee held on 15<sup>th</sup> July, 2008.
- b) Confirmation of Minutes of Meeting of Inishowen Electoral Area Committee held on the 19<sup>th</sup> September, 2008.
- c) Confirmation of Minutes of Meeting of Stranorlar Electoral Area Committee held on the 11<sup>th</sup> November, 2008.
- d) Confirmation of Minutes of Meeting of Donegal Electoral Area Committee held on the 17<sup>th</sup> November, 2008.
- e) Confirmation of Minutes of Meeting of Letterkenny Electoral Area Committee held on the 17<sup>th</sup> November, 2008.
- f) Confirmation of Minutes of Meeting of Glenties Electoral Area Committee held on the 18<sup>th</sup> November, 2008.
- g) Confirmation of Minutes of Meeting of Rural Water Monitoring Committee held on the 26<sup>th</sup> November, 2008.
- h) Confirmation of Minutes of Meeting of Donegal Electoral Area Committee held on the 28<sup>th</sup> November, 2008.
- i) Confirmation of Minutes of Meeting of Inishowen Electoral Area Committee held on the 1<sup>st</sup> December, 2008.
- j) Confirmation of Minutes of Meeting of Stranorlar Electoral Area Committee held on the 16<sup>th</sup> December, 2008.
- k) Confirmation of Minutes of Budget Meeting of Donegal County Council held on the 9<sup>th</sup> January, 2009.
- l) Confirmation of Minutes of Meeting of Donegal County Council held on the 26<sup>th</sup> January, 2009.

### **2. Disposal of Land – Section 211 Planning and Development Act, 2000**

Notice under Section 183 of the Local Government Act, 2001 to dispose of land in Lifford to Meret Healthcare, 19 Fitzwilliam Square, Dublin 2.

### **3. Planning and Economic Development**

To consider the Manager's Report on submissions received in respect of the published proposed Material Alterations to the Draft Ballyshannon and Environs Local Area Plan 2008-2014 and to make the said Local Area Plan."

### **4. Housing and Building**

To adopt Traveller Accommodation Programme 2009-2013.

## **5. Water Environment and Emergency Services**

To consider the adoption of:-

- Regulation and Control of Certain Beaches Bye-Laws 2009.
- Regulation and Control of Certain Maritime Craft Bye-Laws 2009.

## **6. Community Cultural and Enterprise**

To note update from County Development Board Economic Sub-Committee on employment.

## **7. Deputations**

Deputation from Sligo Borough Council to address the Council on the Retention of Cancer Care Services in Sligo General Hospital (2.30/2.45pm)

## **8. Conferences**

Authorisation of representation at a seminar, meeting or event under Section 142 (5) of Local Government Act, 2001 and S.I. No 668 of 2006, Local Government (Expenses of Local Authority Members) Regulations 2006:-

### **a) HOME**

- Training Seminar for Councillors, Election 2009: The Challenges to be held Wednesday 25<sup>th</sup> to Friday 27<sup>th</sup> February, 2009 at the Ballsbridge Inn, Ballsbridge, Dublin.
- Training Seminar for Councillors, Building Energy Regulations Seminar for Councillors to be held Friday 13<sup>th</sup> March to Sunday 15<sup>th</sup> March, 2009 at The Glenlo Abbey Hotel, Bushypark, Co. Galway.
- Training Seminar for Councillors, Planning and Development Control Seminar for Councillors to be held Friday 20<sup>th</sup> to Sunday 22<sup>nd</sup> March, 2009 at The Glenlo Abbey Hotel, Bushypark, Co. Galway.

- Training Seminar for Councillors, “Climate change, alternative energies and the nuclear experience” Seminar to be held Friday 6<sup>th</sup> to Sunday 8<sup>th</sup> March, 2009 at the Raheen House Hotel, Clonmel, Co. Tipperary.
- Colmcille Heritage Trust, 20<sup>th</sup> Colmcille Winter School to be held Friday 27<sup>th</sup> February to Sunday 1<sup>st</sup> March, 2009 at the Colmcille Heritage Centre, Gartan, Churchill, Letterkenny.
- Clonakilty Tourism Conference, Local Sustainable Tourism Management in a Global Economic Slowdown to be held Friday 6<sup>th</sup> to Sunday 8<sup>th</sup> March, 2009 at the Celtic Ross Hotel, Rosscarbery, West Cork.
- “Ireland and Its People 2010-2015 (jobs, economics, and skills for the future) to be held Friday 6<sup>th</sup> March, 2009 at the Sligo Park Hotel.
- Monaghan County Council, Conference in regard to the Irish Language, to be held Thursday 19<sup>th</sup> and Friday 20<sup>th</sup> March in the Four Seasons Hotel, Monaghan Town.
- Association of County and City Councils Annual Conference 2009 to be held Thursday 2<sup>nd</sup> and Friday 3<sup>rd</sup> April, 2009 at the Kilkenny Ormonde Hotel.
- Border, Midland and Western Regional Assembly Annual Conference to be held Thursday 2<sup>nd</sup> April, 2009 at the Abbey Hotel, Roscommon.

## **9. Conference Reports**

- Clr. David Alcorn – NASC Annual Conference held Thursday 5<sup>th</sup> June, 2008.
- Clr. Joe Kelly – “Housing in a changing Climate” held Thursday 5<sup>th</sup> June, 2008.
- Clr. Thomas Pringle – Environment Ireland 2008 held Tuesday 9<sup>th</sup> and Wednesday 10<sup>th</sup> September, 2008.
- Clr. David Alcorn,  
Clr. Joe Kelly – A.M.A.I. Annual Conference held Thursday 11<sup>th</sup> to Saturday 13<sup>th</sup> September, 2008.
- Clr. Thomas Pringle – 7<sup>th</sup> Annual Rural Water Services Conference held Thursday 18<sup>th</sup> September, 2008.
- Clr. Jimmy Harte – “Addiction Proofing our Communities” held Thursday 2<sup>nd</sup> and Friday 3<sup>rd</sup> October, 2008.

- Clr. David Alcorn – Greystones Town Council Autumn Seminar held Friday 3<sup>rd</sup> to Sunday 5<sup>th</sup> October, 2008.
- Clr. Jimmy Harte,  
Clr. Terence Slowey – “Local Authority Financing” held Thursday 16<sup>th</sup> to Saturday 18<sup>th</sup> October, 2008.
- Clr. Joe Kelly – “Ireland’s Water An Untapped Resource?” held Friday 17<sup>th</sup> October, 2008.
- Clr. Jimmy Harte – Irish Planning Institute Autumn Conference held Friday 24<sup>th</sup> October, 2008.
- Clr. Gareth Reid – Antisocial Behaviour and Associated Health and Safety Issues held Sunday 2<sup>nd</sup> November, 2008.
- Clr. Gareth Reid – Family Life Today “The Greatest Revolution” held Wednesday 5<sup>th</sup> November, 2008.
- Clr. Jimmy Harte – Green Infrastructure held Tuesday 4<sup>th</sup> and Wednesday 5<sup>th</sup> November, 2008.
- Clr. Joe Kelly – Armistice Visit held Sunday 9<sup>th</sup> to Wednesday 12<sup>th</sup> November, 2008.
- Clr. Joe Kelly – Lama Winter Seminar held Wednesday 26<sup>th</sup> and Thursday 27<sup>th</sup> November, 2008.
- Clr. Joe Kelly – “Co-operation and Integration” – The key to successful tourism held Thursday 27<sup>th</sup> to Saturday 29<sup>th</sup> November, 2008.
- Clr. Joe Kelly – NASC Conference held Monday 1<sup>st</sup> to Wednesday 3<sup>rd</sup> December, 2008.
- Clr. Joe Kelly,  
Clr. Gareth Reid – Homelessness In Ireland held Friday 5<sup>th</sup> and Saturday 6<sup>th</sup> December, 2008.
- Clr. Marion McDonald – Local Government Planning Services held Friday 9<sup>th</sup> to Sunday 11<sup>th</sup> January, 2009.
- Clr. Brendan Byrne – Effective Communications held Friday 30<sup>th</sup> January to Sunday 1<sup>st</sup> February, 2009.

## **10. Mayor’s Business**

## **11. Manager’s Report**

## **12. Motions from Other Councils**

### **DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL**

“That this Council supports the important role played by County and City Councillors and workers on Harbour Boards, condemns the government proposals to remove or reduce numbers of

Councillors and workers as outlined in the Harbours (amendment) Bill 2008 and calls on the Minister to ensure that these measures are not implemented.”

#### MUINEBHEAG TOWN COUNCIL

“Pursuant of an audit in FAS that any savings identified be used for the extension of a community employment programme with particular regard to the maintenance and upkeep of community facilities.”

#### KERRY COUNTY COUNCIL

“That the members of Kerry County Council call on the Government to introduce a one-off special tourist tax relief of up to 20% for Irish residents who will holiday at home this year in light of the current economic/financial climate which we are in.”

#### FINGAL COUNTY COUNCIL

“That this Council calls on the Government to reverse the massive cuts in education introduced in the Budget and also the increase in class sizes/reduction of teachers and that should this motion be passed by Fingal County Council that we would request all other Local Authorities to follow suit.”

#### FINGAL COUNTY COUNCIL

“That this Council condemns outright the proposed Government cutbacks in education and, in particular, their potentially devastating effects on schools within Fingal. These cuts in teaching posts and resources will lower the quality of education and exacerbate disadvantage and inequality. This Council calls for the withdrawal of these cuts which target children for a financial crisis not of their making.”

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD  
IN THE COUNTY HOUSE, LIFFORD ON 23<sup>rd</sup> February 2009

- C/99/09      MEMBERS PRESENT  
Clrs. G. Crawford, Mayor, D. Alcorn, L. Blaney, A. Bonner, E. Bonner, J. Boyle, C. Brogan, B. Byrne, F. Conaghan, P. Doherty, R. Donaghey, M.T. Gallagher, J. Harte, C. Harvey, J. Kelly, D. Larkin, M. Mc Donald, S. Mc Eniff, I. McGarvey, D. Mc Gonagle, P. Mc Gowan, B. Mc Guinness, P. Mac Lochlainn, B. O' Neill, T. Pringle, T. Slowey.
- C/100/09    APOLOGIES  
Apologies were received from Clr. Reid who was unable to attend the meeting.
- C/101/09    OFFICIALS IN ATTENDANCE  
Mr. Michael McLoone, County Manager, Mr. Liam Kelly, Assistant County Manager, Director of Housing, Mr. Francie Coyle, Director of Planning and Economic Development, Mr. Sean Sheridan, Director Corporate Services, Mr. John Mc Laughlin, Director Roads and Transportation, Mr. Michael Heaney, Director Community Culture and Enterprise, Mr. Seamus Neely, Director Water, Environment and Emergency Services, Mr. Gerry Richards, Senior Planner, Mr. Simon Harron, Executive Planner, Mr. Kevin O' Connor, Marine, Water and Leisure Co-Ordinator, Mr. Kevin Mc Closkey, Donegal Beach Manager, Mr. Eunan Sweeney, Meetings Administrator, Ms. Anne Marie Crawford, Staff Officer, Corporate Services.
- C/102/09    CONFIRMATION OF MINUTES OF MEETING OF STRANORLAR ELECTORAL AREA COMMITTEE HELD ON 15<sup>TH</sup> JULY, 2008  
On the proposal of Clr. Mc Gowan , seconded by Clr. E. Bonner, the Minutes of Meeting of Stranorlar Electoral Area Committee held on the 15<sup>th</sup> July, 2008, were adopted.

- C/103/09     CONFIRMATION OF MINUTES OF MEETING OF INISHOWEN ELECTORAL AREA COMMITTEE HELD ON 19<sup>TH</sup> SEPTEMBER, 2008  
On the proposal of Clr. Mc Donald, seconded by Clr. Mc Eniff, the Minutes of Meeting of Inishowen Electoral Area Committee held on the 19<sup>th</sup> September, 2008, were adopted.
- C/104/09     CONFIRMATION OF MINUTES OF MEETING OF STRANORLAR ELECTORAL AREA COMMITTEE HELD ON 11<sup>TH</sup> NOVEMBER, 2008  
On the proposal of Clr. Mc Gowan, seconded by Clr. Byrne, the Minutes of Meeting of Stranorlar Electoral Area Committee held on the 11<sup>th</sup> November, 2008, were adopted.
- C/105/09     CONFIRMATION OF MINUTES OF MEETING OF DONEGAL ELECTORAL AREA COMMITTEE HELD ON 17<sup>TH</sup> NOVEMBER, 2008  
On the proposal of Clr. Mc Eniff, seconded by Clr. Byrne, the Minutes of Meeting of Donegal Electoral Area Committee held on the 17<sup>th</sup> November, 2008, were adopted.
- C/106/09     CONFIRMATION OF MINUTES OF MEETING OF LETTERKENNY ELECTORAL AREA COMMITTEE HELD ON 17<sup>TH</sup> NOVEMBER, 2008  
On the proposal of Clr. Crawford, seconded by Mc Garvey, the Minutes of Meeting of Letterkenny Electoral Area Committee held on the 17<sup>th</sup> November, 2008, were adopted.
- C/107/09     CONFIRMATION OF MINUTES OF MEETING OF GLENTIES ELECTORAL AREA COMMITTEE HELD ON 18<sup>TH</sup> NOVEMBER, 2008  
On the proposal of Clr. Alcorn, seconded by Clr. Slowey, the Minutes of Meeting of Glenties Electoral Area Committee held on the 18<sup>th</sup> November, 2008, were adopted.
- C/108/09     CONFIRMATION OF MINUTES OF MEETING OF RURAL WATER MONITORING COMMITTEE HELD ON 26<sup>TH</sup> NOVEMBER, 2008  
On the proposal of Clr. Slowey, seconded by Clr. Pringle, the Minutes of Meeting of Rural Water Monitoring Committee held on the 26<sup>th</sup> November, 2008, were adopted.

- C/109/09 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL ELECTORAL AREA COMMITTEE HELD ON 28<sup>TH</sup> NOVEMBER, 2008  
On the proposal of Clr. Mc Eniff, seconded by Clr. Byrne, the Minutes of Meeting of Donegal Electoral Area Committee held on the 28<sup>th</sup> November, 2008, were adopted.
- C/110/09 CONFIRMATION OF MINUTES OF MEETING OF INISHOWEN ELECTORAL AREA COMMITTEE HELD ON 1<sup>ST</sup> DECEMBER, 2008  
On the proposal of Clr. Mc Donald, seconded by Clr. Mc Eniff, the Minutes of Meeting of Inishowen Electoral Area Committee held on the 01<sup>st</sup> December, 2008, were adopted.
- C/111/09 CONFIRMATION OF MINUTES OF MEETING OF STRANORLAR ELECTORAL AREA COMMITTEE HELD ON 16<sup>TH</sup> DECEMBER, 2008  
On the proposal of Clr. Mc Gowan, seconded by Clr. Alcorn, the Minutes of Meeting of Stranorlar Electoral Area Committee held on the 16<sup>th</sup> December, 2008, were adopted.
- C/112/09 CONFIRMATION OF MINUTES OF BUDGET MEETING OF DONEGAL COUNTY COUNCIL HELD ON 9<sup>TH</sup> JANUARY, 2009  
On the proposal of Clr. Alcorn, seconded by Clr. Mc Garvey, the Minutes of Budget Meeting of Donegal County Council held on the 09<sup>th</sup> January, 2009, were adopted.
- C/113/09 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 26<sup>TH</sup> JANUARY, 2009  
On the proposal of Clr. Slowey, seconded by Clr. Mc Garvey, the Minutes of Meeting of Donegal County Council held on the 26<sup>th</sup> January, 2009, were adopted.
- C/114/09 DISPOSAL OF LAND AT LIFFORD, TO MERET HELTHCARE, 19 FITZWILLIAM SQUARE, DUBLIN 2  
Members considered the report, circulated with the agenda, in relation to the above.  
On the proposal of Clr. Crawford, seconded by Clr. Mc Eniff, it was resolved to transfer a plot of land at Lifford to Meret Healthcare, in accordance with Section 211 of the Planning

& Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/115/09 TO CONSIDER REPORT ON SUBMISSIONS IN RESPECT OF MATERIAL ALTERATIONS TO THE DRAFT BALLYSHANNON AND ENVIRONS LOCAL AREA PLAN 2008-2014

*Submission 1- Allan Curran Architects*

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No 23 and zone the lands in question as "Medium Density Residential"

*Submission 8- ESB Co/Anne Mulcahy*

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No 32 and rezone the lands in question from "Amenity" to "Utilities"

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No 33 and rezone the lands in question from "Tourism" to "Utilities".

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration 47, subject to consultation with the ESB having regard to impacts upon public safety and introduce a new objective to facilitate the development of a riverside park/walkway with associated ancillary infrastructure and extensive car/coach and bus parking, in addition to provide for a riverside walk to connect the footbridge with Allingham Bridge.

*Submission No 2- John Byrne*

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No 16 and zone the lands in question as "Low Density Residential".

*Submission No 3- National Roads Design Office*

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to delete Material Alteration No. 24.

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No. 31 and zone the lands as "Strategic Opportunity Site 3"

*Submission No 5- Conall Newman, Harley Newman Planning Consultants, Co/ Martin Treacy and Cecil Vaughan.*

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to reject the published Material Alteration Nos 11 and 22 and rezone the lands in question as "Strategic Opportunity Site 4 (with Convenience Retailing)"

*Submission No 7-Various as per County Manager's Report*  
On the proposal of Clr. Mc Eniff, seconded by Clr. O' Neill, it was resolved to reject the published Material Alteration No.5 and zone the lands in question as "Amenity"

*Submission No 9- National Roads Authority Co/Michael Mc Cormack*

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to delete Material Alteration No 24

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to reject the published Material Alteration No 1 and amend the zoning to "Town Centre"

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No 9(3) and introduce a new indicative access link, A to B as agreed at meeting.

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No 2 with the omission of the "Town Centre" zoning designation and zone the lands in question as "Opportunity Site 8".

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No 10 and zone the lands in question "Industry/Employment/Retail –Warehousing Non Convenience Retail Park"

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No 12 and zone the lands in question "Bus Interchange/Park and Ride and Retail Warehousing /Manufacturing (Non Convenience Sales)

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to reject the published Material Alteration No 25 and instead to define a 150m radius of "Town Centre" from the roundabout at the bridge.

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No. 31 and zone the lands in question as "Strategic Opportunity Site 3"

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No. 34 with the omission of the "Town Centre" zoning designation.

On the proposal of Clr. Mc Eniff, seconded by Clr. O' Neill, it was resolved to accept the published Material Alteration No. 21 and zone the lands in question as "Strategic Opportunity Site No. 5", and to include some residential uses within those lands.

*Submission No 10 – Department Of the Environment Heritage and Local Government.*

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept, with amendments, the published Material Alteration No. 11 and rezone the lands in question as "Strategic Opportunity Site 4 (with Convenience Retailing)".

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No. 17(1) and zone the lands in question as "Amenity".

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to reject the published Material Alteration No. 17(2) and zone the lands in question as "Tourism".

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to reject the published Material Alteration No. 17(3) and zone the lands in question as "Opportunity Sites".

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to reject the published Material Alteration No. 17(4) and zone the lands in question as "Low Density Residential".

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No. 17(5) and introduce a new objective to support tourism related activities such as walking, equestrianism and marine leisure based activities.

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No. 17(6) and relocate the Marina to lands in the vicinity of Portnason House.

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No. 17(7) and introduce a new policy to support equestrian activities.

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No. 17(8) and zone lands for Tourist Activities and a Public Walkway.

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No. 19 and zone the lands in question as "Medium Density Residential".

*Submission No 11 – Department of the Environment  
Heritage and Local Government. Teresa Halloran  
Development Applications Unit*

On the proposal of Clr. O' Neill, seconded by Clr. Mc Eniff, it was resolved to accept the published Material Alteration No. 17(6) and relocate the Marina to lands in the vicinity of Portnason House.

On the proposal of Clr. Mc Eniff, seconded by Clr. O' Neill, it was resolved to make the Ballyshannon and Environs Local Area Plan 2009-2015 subject to all the recommendations set out in the Manager's Report on the Material Alterations and amendments made during the meeting, and to publish said Plan in accordance with the Planning and Development Acts 2000-2007.

The dedicated efforts of all involved in the production of the Ballyshannon and Environs Local Area Plan 2009-2015 was acknowledged.

C/116/09

ADOPTION OF TRAVELLER ACCOMMODATION  
PROGRAMME 2009 – 2013

Members considered the report, circulated with the agenda in relation to the above. A number of concerns were raised in relation to Transient Sites and the provision of traveller accommodation in the county.

The Director of Housing and Building informed the meeting that all options were being considered in relation to the disposal of the accommodation at Dromore but noted that there were certain difficulties arising from the current market climate.

He agreed to liaise with Clr. Larkin in relation to the provision of a dedicated Transient Site in the Letterkenny Electoral Area. Members advised that the Big Isle site should be closed immediately and everything possible done to assist with this closure. Mr. Kelly advised that the site in question was an indigenous one and not, as often alluded to, a form of transient accommodation.

It was intended, Mr. Kelly affirmed, to close the Lisfannon Site in the Inishowen Electoral Area before the end of the year and open the facility at Elaghbeg.

He also confirmed that the High Level Group formed to deal with travellers issues comprised Senior Officials from Donegal County Council, The Donegal Travellers Project, An Garda Siochana, The HSE, and the Education Services.

Responding to members concerns in relation to the location of transient accommodation in the south of the county it was confirmed that no specific location had been earmarked for

this facility. Members asked that the Rathmore site in the Donegal Electoral Area be closed as soon as possible.

The County Manager advised that he would review the operation of a number of the sites initiated under the Emergency Powers legislation.

On the proposal of Clr. Larkin, seconded by Clr. Conaghan, it was resolved to adopt the Traveller Accommodation Programme 2009- 2013, subject to the recommendations set out in the updated Managers Report.

C/117/09

TO CONSIDER THE ADOPTION OF CERTAIN BEACHES BYE-LAWS AND MARITIME CRAFT BYE-LAWS

Members considered the report, circulated with the agenda, together with the report circulated prior to the meeting.

The Director of Water and Environment informed the Council that it was being asked to adopt the Bye-Laws based on the recommendation of the Water and Environment SPC as per “Change to Bye Laws Option 2” outlined on page 4 of report dated 12<sup>th</sup> February, 2009.(Circulated).

He advised that both Mr. Kevin O’ Connor Marine, Water and Leisure Co-Ordinator, and Mr. Kevin Mc Closkey, Donegal Beach Manager were in attendance today and would deal with any queries that arose.

A lengthy debate ensued with concern being raised in relation to regulation for the control of jet skis and a number of members calling for the Bye-laws to be adopted on a Electoral Area basis.

On the proposal of Clr. Mc Eniff, seconded by Clr. Brogan, it was resolved to break for lunch and adjourn the meeting to 2.30pm.

Mr. Kevin O’ Connor addressed the meeting and informed members that the updated draft circulated prior to the meeting was based on Change to Bye Laws Option 2, with the 1<sup>st</sup> May 2009 being the most feasible date for the implementation of the Bye-laws. Mr. Kevin O’Connor provided clarifications to queries raised by members.

On the proposal of Clr. Mc Guinness, seconded by Clr. Mc Eniff, it was resolved to make the **“Regulation and Control of Beaches Bye-Laws 2009** in accordance with Section 199 (1) of the Local Government Act, 2001 being in the form of the draft published previously, incorporating the changes as outlined in “Change to Bye Laws Option 2” as per page 4 of the report dated 12<sup>th</sup> February 2009, in accordance with Section 202 of the Act but subject to the following amendments:

### **Bye-Law 3**

“but excluding such vehicles as are used in the course of duty by the Council, the Garda Siochana, the Defence Forces, the Revenue Commissioners, the Central Fisheries Board, the Northern Regional Fisheries Board, the Foyle, Carlingford and Irish Lights Commission, the Irish Coastguard, the Royal National Lifeboat Institution and any other such vehicles involved in bona fide law enforcement, emergency or rescue missions.”

### **Schedule**

Substitute revised map 7 for the Beach at Marble Hill as produced to the Council this day which reduces the area of the beach slightly to facilitate access for recreational craft.

On the proposal of Clr. Mc Guinness, seconded by Clr. Mc Eniff, it was resolved to make the **Regulation and Control of Certain Maritime Craft Bye-Laws 2009** in accordance with Section 6 of the Maritime Safety Act, 2005 being in the form of the draft published previously in accordance with Section 7 of the Act but subject to the following amendments to that draft and the inclusion of Change to Bye Laws Option 2.

### **Bye-Law 3**

Paragraph (v) definition of remaining waters deleted.

Definitions in paragraphs (vi), (vii) and (viii) in the draft renumbered accordingly to (v), (vi) and (vii).

Paragraph (viii) substituted with new definition of Schedule C waters.

### **Bye-Law 4**

Paragraph (iv) substitute to read –

“In the Schedule B waters recreational craft shall be operated at a speed not exceeding 5 knots for a distance of 100 metres from any launch or landing site.”

Paragraph (v) added to read –

“In the Schedule C waters recreational craft and personal watercraft shall be operated at a speed not exceeding 5 knots for a distance of 100 metres from any launch or landing site.

Paragraph (vi) added to read –

“In addition to the categories of craft described in Section 18 of the Act these Bye-Laws will also not apply to craft operated by a recognised Water Safety Association or other body for the purpose of training persons in the operation of craft or general water safety or providing other bone fide water safety services, which body is approved in writing in advance by the Council either generally or in connection with an event held on specified date(s) on the scheduled waters or any specified part thereof.”

### **Schedule A**

Delete numbers 3 (at/off Tra Beg Beach – Downings), 4 (at/off Fintra Beach), 6 (at/off Lisfannon Beach), 7 (at/off Marble Hill Beach) 10 (at/of Rathmullan Beach), 11 (at/off Rossnowlagh Beach – Belalt Strand), 13 (at/off Portsalon Beach – Warden Stocker Strand).

Renumber remaining waters in that Schedule accordingly 1 to 7.

### **Schedule B**

Add the following waters -

- “2. All those coastal waters at/off Lisfannon Beach in the area shown coloured pink on map 9 annexed hereto.
3. All those coastal waters at/off Marble Hill Beach in the area shown coloured pink on map 10 annexed hereto.
4. All those coastal waters at/off Rathmullan Beach in the area shown coloured pink on map 11 annexed hereto.
5. All those coastal waters at/off Portsalon Beach (Warden Stocker Strand) in the area shown coloured pink on map 12 annexed hereto.
6. All those coastal waters at/off Fintra Beach in the area shown coloured pink on map 13 annexed hereto.
7. All those coastal waters at/off Rossnowlagh Beach (Belalt Strand) in the area shown coloured pink on map 14 annexed hereto.

8. All those coastal waters at/off Tra Beg Beach (Downings) in the area shown coloured purple on map 15 annexed hereto.”

Add **Schedule C** as follows –

“1. All those coastal waters at/off Trabeg Beach (Downings) in the area shown coloured grey on said Map 15 annexed hereto.”

Clr. Mc Guinness proposed, seconded by Clr. Mc Eniff, that the Regulation and Control of Certain Beaches Bye-Laws 2009 and the Regulation and Control of Certain Maritime Craft Bye-Laws 2009 be effective from the 1<sup>st</sup> May 2009 with a review taking place after a 1 year period.

Members outlined the need for clear signage on the beaches concerned so as to allow for the effective enforcement of the regulations.

They requested a progress report on the matter after the closure of the current tourist season and asked that the issue of Camper Vans using Council Car-Parks be further investigated. It was agreed to consult the relevant legislation governing the use of such facilities whilst being mindful of the importance of this sector of the tourist market to the local economy.

C/118/09 TO NOTE UPDATE FROM COUNTY DEVELOPMENT BOARD ECONOMIC SUB-COMMITTEE

Members considered the update on the Economic Development Forum of the County Development Board circulated during the meeting.

Mr. Michael Heaney, Director Community Culture and Enterprise informed members that the Forum was preparing a Draft Economic Plan for the county and that it would take into account submissions from all the relevant stakeholders before finally being adopted by the County Development Board.

Acknowledging the seriousness of the current employment situation, Members requested that consideration be given to pursuing the following measures: -

- That the Economic Forum be widened to include a more inclusive range of bodies ranging from the Health Service Executive to the various Chambers of

Commerce, Engineering and Construction Industries etc.

- A rating exemption be put in place for those starting small indigenous businesses.
- Investigate the cost basis for keeping people at work and address the relevant funding issues.
- Take into consideration the positive and negative outcomes of the previous Taskforce and Inter Departmental Reports.
- That the IDA lift the “Manufacturing Clause” around Portnason House, Ballyshannon.

Mr. Heaney agreed to circulate data in relation to the current unemployment figures for the county. The Department of Enterprise, Trade and Employment had, he confirmed, made a representative Liaison Officer available to work with all the agencies involved.

He would facilitate all Members who wished to make a submission to the Draft Economic Plan.

C/119/09 DEPUTATION FROM SLIGO BOROUGH COUNCIL TO ADDRESS THE COUNCIL ON RETENTION OF CANCER CARE SERVICES IN SLIGO GENERAL HOSPITAL

The Mayor informed Members that the Deputation from Sligo Borough Council were unable to attend the meeting. Apologies had been received from the Mayor of Sligo, Clr. Veronica Cawley.

C/120/09 CONFERENCE ATTENDANCE

Having noted the revised arrangements under Section 142 5(d) of the Local Government Act, 2001, introduced by the Local Government (Expenses of Local Authority Members) Regulations 2006 and directives issued by the Minister in that regard, on the proposal of Clr. Mc Gowan , seconded by Clr.Brogan, it was resolved to authorise any member if he/she so wished to attend the following conferences, subject to the normal procedures:-

1. Individual members not exceeding their annual budget for attendance at conferences.
2. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance.
  - Training Seminar for Councillors, Election 2009: The Challenges to be held Wednesday 25<sup>th</sup> to Friday 27<sup>th</sup> February, 2009 at the Ballsbridge Inn, Ballsbridge, Dublin.
  - Training Seminar for Councillors, Building Energy Regulations Seminar for Councillors to be held Friday 13<sup>th</sup> March to Sunday 15<sup>th</sup> March, 2009 at The Glenlo Abbey Hotel, Bushypark, Co. Galway.
  - Training Seminar for Councillors, Planning and Development Control Seminar for Councillors to be held Friday 20<sup>th</sup> to Sunday 22<sup>nd</sup> March, 2009 at The Glenlo Abbey Hotel, Bushypark, Co. Galway.
  - Training Seminar for Councillors, “Climate change, alternative energies and the nuclear experience” Seminar to be held Friday 6<sup>th</sup> to Sunday 8<sup>th</sup> March, 2009 at the Raheen House Hotel, Clonmel, Co. Tipperary.
  - Colmcille Heritage Trust, 20<sup>th</sup> Colmcille Winter School to be held Friday 27<sup>th</sup> February to Sunday 1<sup>st</sup> March, 2009 at the Colmcille Heritage Centre, Gartan, Churchill, Letterkenny.
  - Clonakilty Tourism Conference, Local Sustainable Tourism Management in a Global Economic Slowdown to be held Friday 6<sup>th</sup> to Sunday 8<sup>th</sup> March, 2009 at the Celtic Ross Hotel, Rosscarbery, West Cork.
  - “Ireland and Its People 2010-2015 (jobs, economics, and skills for the future) to be held Friday 6<sup>th</sup> March, 2009 at the Sligo Park Hotel.
  - Monaghan County Council, Conference in regard to the Irish Language, to be held Thursday 19<sup>th</sup> and Friday 20<sup>th</sup> March in the Four Seasons Hotel, Monaghan Town.
  - Association of County and City Councils Annual Conference 2009 to be held Thursday 2<sup>nd</sup> and Friday 3<sup>rd</sup> April, 2009 at the Kilkenny Ormonde Hotel.

- Border, Midland and Western Regional Assembly Annual Conference to be held Thursday 2<sup>nd</sup> April, 2009 at the Abbey Hotel, Roscommon.

On the proposal of Clr. Crawford, seconded by Clr. Mc Gowan the attendance of Clr. E. Bonner at the TJK Conferences Ltd “Freedom of Information Seminar” on the 21<sup>st</sup> and 22<sup>nd</sup> February 2009 in the Patrick Punch Hotel, Limerick was retrospectively approved.

C/121/09 TO NOTE VARIOUS CONFERENCE REPORTS

On the proposal of Clr. Mc Gowan , seconded by Clr Mc Donald , the Council noted the following reports:-

- Clr. David Alcorn – NASC Annual Conference held Thursday 5<sup>th</sup> June, 2008.
- Clr. Joe Kelly – “Housing in a changing Climate” held Thursday 5<sup>th</sup> June, 2008.
- Clr. Thomas Pringle – Environment Ireland 2008 held Tuesday 9<sup>th</sup> and Wednesday 10<sup>th</sup> September, 2008.
- Clr. David Alcorn,  
Clr. Joe Kelly – A.M.A.I. Annual Conference held Thursday 11<sup>th</sup> to Saturday 13<sup>th</sup> September, 2008.
- Clr. Thomas Pringle – 7<sup>th</sup> Annual Rural Water Services Conference held Thursday 18<sup>th</sup> September, 2008.
- Clr. Jimmy Harte – “Addiction Proofing our Communities” held Thursday 2<sup>nd</sup> and Friday 3<sup>rd</sup> October, 2008.
- Clr. David Alcorn – Greystones Town Council Autumn Seminar held Friday 3<sup>rd</sup> to Sunday 5<sup>th</sup> October, 2008.
- Clr. Jimmy Harte,  
Clr. Terence Slowey – “Local Authority Financing” held Thursday 16<sup>th</sup> to Saturday 18<sup>th</sup> October, 2008.
- Clr. Joe Kelly – “Ireland’s Water An Untapped Resource?” held Friday 17<sup>th</sup> October, 2008.
- Clr. Jimmy Harte – Irish Planning Institute Autumn Conference held Friday 24<sup>th</sup> October, 2008.
- Clr. Gareth Reid – Antisocial Behaviour and Associated Health and Safety Issues held Sunday 2<sup>nd</sup> November, 2008.
- Clr. Gareth Reid – Family Life Today “The Greatest Revolution” held Wednesday 5<sup>th</sup> November, 2008.
- Clr. Jimmy Harte – Green Infrastructure held Tuesday 4<sup>th</sup> and Wednesday 5<sup>th</sup> November, 2008.

- Clr. Joe Kelly – Armistice Visit held Sunday 9<sup>th</sup> to Wednesday 12<sup>th</sup> November, 2008.
- Clr. Joe Kelly – Lama Winter Seminar held Wednesday 26<sup>th</sup> and Thursday 27<sup>th</sup> November, 2008.
- Clr. Joe Kelly – “Co-operation and Integration” – The key to successful tourism held Thursday 27<sup>th</sup> to Saturday 29<sup>th</sup> November, 2008.
- Clr. Joe Kelly – NASC Conference held Monday 1<sup>st</sup> to Wednesday 3<sup>rd</sup> December, 2008.
- Clr. Joe Kelly,  
Clr. Gareth Reid – Homelessness In Ireland held Friday 5<sup>th</sup> and Saturday 6<sup>th</sup> December, 2008.
- Clr. Marion McDonald – Local Government Planning Services held Friday 9<sup>th</sup> to Sunday 11<sup>th</sup> January, 2009.
- Clr. Brendan Byrne – Effective Communications held Friday 30<sup>th</sup> January to Sunday 1<sup>st</sup> February, 2009.

C/122/09

#### MAYOR’S BUSINESS

##### *A5 Western Route Corridor*

It was agreed that any Member who wished could attend the A5 Western Corridor Route Options Public Consultation Information Events in February 2009 and be paid expenses subject to compliance with normal conditions.

##### *Pádraig Pearse Award*

The Mayor advised that correspondence had been received from Fonduireacht an Phiarsaigh inviting nominations for the Padraig Pearse Award 2009. It was agreed that the correspondence would be circulated to Members.

##### *Donegal Person of the Year Award 2009.*

The Mayor read a letter of thanks from Mr. Joe Mulholland and it was agreed that Donegal County Council would provide sponsorship in relation to the forthcoming award ceremony on the 14<sup>th</sup> March 2009. The attendance of Members at the event was approved subject to compliance with the normal conditions.

##### *Lands at Lifford*

On the proposal of Clr. Crawford, seconded by Clr. Mc Gowan, it was agreed, subject to compliance with statutory requirements, that the remaining 1.7 acres of Donegal County

Council land situated off the Lifford Bypass be reserved for the construction of a new Community Hospital in Lifford after the disposal of lands to accommodate the new Primary Care Health Centre.

*Congratulations*

On the proposal of Clr. Donaghey, seconded by Clr. Mc Donald, it was resolved to forward a letter of congratulations to William Mc Laughlin, Buncrana following his recent success in the All Ireland Boxing Championships.

C/123/09 MANAGER'S REPORT

The County Manager outlined the main aspects of his report and the Addendum, circulated during the meeting.

C/124/09 MOTIONS FROM OTHER COUNCILS

The following motions from other authorities were noted:-

DUN LAOGHAIRE-RATHDOWN COUNTY COUNCIL

“That this Council supports the important role played by County and City Councillors and workers on Harbour Boards, condemns the government proposals to remove or reduce numbers of Councillors and workers as outlined in the Harbours (amendment) Bill 2008 and calls on the Minister to ensure that these measures are not implemented.”

MUINEBHEAG TOWN COUNCIL

“Pursuant of an audit in FAS that any savings identified be used for the extension of a community employment programme with particular regard to the maintenance and upkeep of community facilities.”

KERRY COUNTY COUNCIL

“That the members of Kerry County Council call on the Government to introduce a one-off special tourist tax relief of up to 20% for Irish residents who will holiday at home this year in light of the current economic/financial climate which we are in.”

FINGAL COUNTY COUNCIL

“That this Council calls on the Government to reverse the massive cuts in education introduced in the Budget and also the increase in class sizes/reduction of teachers and that

should this motion be passed by Fingal County Council that we would request all other Local Authorities to follow suit.”

FINGAL COUNTY COUNCIL

“That this Council condemns outright the proposed Government cutbacks in education and, in particular, their potentially devastating effects on schools within Fingal. These cuts in teaching posts and resources will lower the quality of education and exacerbate disadvantage and inequality. This Council calls for the withdrawal of these cuts which target children for a financial crisis not of their making.”

This concluded the business of the meeting