

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR

20 Samhain 2007

Beidh an Cruinniu Comhairle Chontae Dhun na nGall ag dul ar aghaidh Dé Luain, 26 Samhain 2007, ag **2.00 ag Arás an Chontae, Leifear**

DO GACH BHALL DEN CHOMHAIRLE

A Chara

Iarrtar ort bheith i lathair ag an gcruinniu seo den Chomhairle. Ta Clar an Cruinnithe le seo.

Beidh Clar Orduithe an Bhainisteora Contae le feiceal ag an gcruinniu.

Mise, le meas

A. MacSuibhne

Riarthóir Cruinniu (RUNAI CHONTAE)

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
20th November, 2007

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 26th November 2007, at 2.00 p.m. 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. **Section 140 Motion**

Consideration of Section 140 motion to grant planning permission to Mr. Enda Meehan for erection of storey and half type dwelling house, domestic garage, sewerage treatment plant unit and polishing filter at Meenyhooghan, Killybegs (application reference 07/20850)

2. **Confirmation of Minutes**

- (a) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on 17th September, 2007.
- (b) Confirmation of Minutes of Meeting of Donegal County Council held on 24th September, 2007.
- (c) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on 08th October, 2007.
- (d) Confirmation of Minutes of Meeting of General Purposes Committee held on 08th October, 2007.

3.

- (a) Filling of casual vacancy occasioned by the disqualification from Local Authority Membership of Clr. Brian O'Domhnaill, pursuant to Section 13, Local Government Act, 2001, as amended by the Local Government (No. 2) Act. 2003.
- (b) Filling of consequential vacancies on Committees and Bodies arising from 2(a) above.
 - Border Regional Authority
 - Planning and Economic Development SPC
 - General Purposes Committee
 - Glenties Electoral Area Committee
 - Islands Committee
 - Coiste na Gaeilge
 - Placenames Committee
 - Fisheries & Coastal Protection Committee
 - Agricultural Committee
 - Earagail Arts Festival Management Company Ltd (Directorship)

- (c) To elect Chair of Planning and Economic Development Strategic Policy Committee arising from Clr. O'Domhnaill's cesser of membership of the Council.
- (d) To fill vacancy on the Community, Culture and Corporate Strategic Policy Committee arising from the resignation of Clr. Enda Bonner).
- (e) To fill vacancy on Water, Environment and Emergency Strategic Policy Committee arising from the resignation of Clr. Brendan Byrne.
- (f) To fill vacancy on Cultural Committee arising from the death of Mr. Clement MacSuibhne (Clr. McGuinness's nominee)
- (g) Election of members to Inishowen Area Based Company Ltd. (3no.)
- (h) Election of members to Donegal Local Development Company. (3no.)
- (i) Election of member to Comhdháil Oileáin na hÉireann (1no.).
- (j) Election of member to Meitheal Forbartha Na Gaeltachta (1no.)

4. **Material Contravention of County Development Plan**

- (a) Consideration of Planning Application – 07/20150 by Edward and Irene Doherty for erection of dwelling house, septic tank and percolation are at Birchill, Donegal Town.
- (b) Consideration of Planning Application –07/20834 by Anthony and Majella Browne for erection of storey and a half dwelling house, domestic garage and septic tank at Ballymacaward, Ballyshannon.

5. **Disposal of Land – Section 211 Planning & Development Act, 2000**

- (a) Notice under Section 183 of the Local Government Act, 2001 to dispose of land at Dromore, Killygordon to Crossroads & Killygordon Community Playgroup Ltd.
- (b) Notice under Section 183 of the Local Government Act, 2001 to dispose of land at Glencrow, Moville to Bonner Windows Ltd.
- (c) Notice under Section 183 of the Local Government Act, 2001 to dispose of land to the side of No. 41 Ernedale Heights, Ballyshannon to Mr. P.J. McGrath.

6. **Taking of decision pursuant to Planning & Development Act, 2000 (Part XI), and Planning & Development Regulations, 2001 (Part 8)**
- (a) To approve the carrying out of works with regard to 2no. Specific Instance Cottages.
 - (b) To approve the carrying out of works with regard to the construction of Fire Station at Glencolmcille.
 - (c) To approve the carrying out of works with regard to pumping station at Roxborough Glebe, Carrick.
 - (d) To approve the carrying out of works with regard to proposed road realignment R245, Ballymaleel.
 - (e) To approve the carrying out of works with regard to Carndonagh Town Park, Playground & Town Park Access Road.
7. **Planning Programme**
- (a) To consider the Manager's Report on submissions to the Draft Killybegs Local Area Plan 2007-2013.
 - (b) To consider the Manager's Report on submissions to the Draft Buncrana and Environs Development Plan 2007.
 - (c) To consider the Manager's Report on submissions to the Draft additions to the Record of Protected Structures.
 - (d) To consider the Manager's Report on submissions to the Draft Variation (No. 5) to the Letterkenny and Environs Development Plan 2003-2009 (as varied) at Scribbly, Dumnahoagh and Leck.
 - (e) To agree the following Meetings/Workshops:
 - Thursday 06th December –12 noon –County Development Plan Workshop
 - Monday 10th December –10.00amSpecial Council Meeting to consider:
 - Development Contribution Scheme
 - Proposed variation to Ballybofey/Stranorlar
8. **Corporate Programme**
- (a) Review of membership of Coiste na Gaeilge.
 - (b) Electoral Campaign 2007- Review and Recommendations

9. **Finance Programme**
- (a) To agree date for Budget Meeting 2008.
 - (b) To approve external members of proposed Audit Committee.
 - (c) To authorise Overdraft Accommodation for half year from 1st January 2008-30th June 2008 in the sum of forty million euro (€40,000,000).
10. **Roads Programme**
- (a) To consider and adopt the preferred route for the N56 Mountharles to Killybegs. (Report previously circulated for September Council Meeting.)
 - (b) To consider and adopt the recommended route for the Bunrana Outer Relief Road.
11. **Community, Culture & Enterprise Programme**
- (a) To adopt Donegal County Museum Strategic Management Plan.
 - (b) To adopt the County Donegal Heritage Plan 2007-2011.
 - (c) To adopt amendments to The Development Fund (Members Allocation).
12. **Water, Environment & Emergency Services**
- (a) To approve the raising of capital loan in the amount €7.2million for the purpose of carrying out capital works associated with the implementation of the Council's Waste Management Plan, as outlined in the 3 year Capital Programme 2007-2009.
 - (b) To resolve to enter into an agreement with Cavan County Council pursuant to Section 85 of the Local Government Act 2001, whereby Cavan County Council will exercise the powers, functions and duties of Donegal County Council in relation to the proposed procurement of a Network Information Management System for the Management of the Water Conservation Projects, as planned and agreed by the Counties of Cavan, Louth, Donegal and Roscommon.
13. **Housing and Building Programme**
- To note report on Housing Adaptation Grant Schemes for Older People and People with a Disability and to approve update of standard costs.

14. **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) Pathfinding Conference “An Island of Ireland Local Government Partnership” to be held on 01st December, 2007 in Regency Hotel, Dublin.
- (b) 09th Joint Irish and UK Local Authorities Conference on Nuclear Hazards to be held 6-7th December, 2007 at City Hall, Dublin and County Hall, Tallaght, South Dublin.
- (c) Kadenza Consultancies Ltd. “The Local Government Budget 2008” Training Seminar to be held on 01st December, 2007 at the Carlton Millrace Hotel, Bunclody, County Wexford.
- (d) Department of Health & Children in partnership with HSE “Conference Action on Alcohol” to be held on 04th December, 2007 at the Croke Park Conference Centre.
- (e) Combat Poverty Agency – “Participation in Policy: Making It Work” Conference to be held on 11th December at Dublin Castle Conference Centre, Dame Street, Dublin 2.

Retrospective Approval

To approve, retrospectively, the attendance of Ms. Anne Wilkinson and Mr. Seamus Rodgers at the Training Seminar for Sectoral Representatives of Strategic Policy Committees in the Green Isle Hotel, Naas Road, Dublin on 15th September, 2007.

15. **Mayor’s Business**

16. **County Manager’s Report**

MOTIONS

- (L) Local
- (C) County
- (O) Other

GLENTIES ELECTORAL AREA

Roads & Transportation

17. Clr. Alcorn
"That this County Council discuss the ongoing problem of potholes in our roads in this county and we come up with a system to have them improved on a much more regular basis." (C)
18. Clr. Slowey
"That this Council explore using a private accredited contractor for the erection and ongoing maintenance of public lighting in Donegal." (C)
19. Clr. O'Dochartaigh
"That Donegal County Council will put a speed limit on the Arduns Road between Dore and the Gweedore Junction to improve safety for the users of the road." (L)

Community, Culture & Enterprise

20. Clr. Gallagher
"That this Council expresses its disappointment with the Government for its intention to implement a new community childcare subvention scheme without any real consultation with community childcare providers and that we further declare that the present system of providing staffing grants is a more equitable measure rather than the direct subvention scheme under the new scheme which will benefit a small minority of parents and which will likely lead to closure of many community childcare facilities and naíonraí." (O)

INISHOWEN ELECTORAL AREA

Roads & Transportation

21. Clr. MacLochlainn
"That Donegal County Council install traffic calming measures at Radharc na Trabreige, Malin, at the earlier opportunity in consultation with local residents." (L)

22. Clr. McDonald
"That this Council fix lighting at Moville pier The Wharf which have been out of action for two years" (L)

23. Clr. McGuinness
"That this Council call on the Government and the Minister for Transport & Marine to reverse its decision to downgrade/close Malin Head Coastguard Station?" (L)

Planning & Economic Development

24. Clr. Donaghey
"That Sanitary Services and Planning staff meet with members and agents for developers whose planning applications have been withheld for developments along the east coast of Inishowen due to inadequate water supply. This issue is of paramount importance." (C)

LETTERKENNY ELECTORAL AREA

Water, Environment & Emergency Services

25. Clr. Larkin
"That this Council review/inspect all planning applications built in the last 7 years to make sure that storm water is not being re-directed into the sewer systems." (C)

Roads & Transportation

26. Clr. Crawford
""That this Council seek funding under the Interreg IV Programme for the L265 Lifford-Derry Road via St. Johnston." (L)

27. Clr. Harte
"That this Council call on the Government to provide funding for the proposed new link road from Bonagee to Ramelton Road." (L)

Community, Culture and Enterprise

28. Clr. McDaid
"That this Council discuss its role in facilitating the community and voluntary sector in the development of action plans and applications for consideration for funding under Peace 3 Programme." (C)

DONEGAL ELECTORAL AREA

Water, Environment & Emergency Services

29. Clr. McEniff
"That the Council connect the houses at Ashbrook Drive, Ballyshannon to the sewerage scheme now in progress in that area". (L)

Planning and Economic Development

30. Clr. Pringle
"That Donegal County Council asks the Department of Environment, Heritage and Local Government to review the "Class 31" exempted development regulations in relation to mobile telephony and the maximum emission levels from antenna equipment." (C)

Corporate Services

31. Clr. O'Neill
"That this Council discuss the impact on the local economy resulting from the decline of pub licences in the county and the factors that have contributed to this decline." (O)

MILFORD ELECTORAL AREA

Roads and Transportation

32. Clr. McGarvey
"That this Council address the traffic difficulties in Ramelton as a matter of urgency." (L)
33. Clr. McBride
"That this Council undertake a complete review of all safety measures on roads leading to and from all schools in Donegal" (C)

STRANORLAR ELECTORAL AREA

Community, Culture and Enterprise

34. Clr. A. Bonner
"That this Council designate The Balor Theatre as an "Arts Centre" for the Finn Valley and Donegal South East, similar to recent designation of "Abbey Theatre" in Ballyshannon and that proper support mechanism be put in place to support the wonderful work being done by the Balor." (L)

Housing and Building

35. Clr. McGowan
"That the Manager give a full progress report on Stranorlar Area Swimming Pool, the HSE/Council Offices One Stop Shop, with details of timeframes, funding and project staffing etc.." (L)

Roads & Transportation

36. Clr. Reid
"That the Council erect an Accident Black Spot sign at Stranmuch, Castlefinn." (L)

QUESTIONS

- (L) Local
- (D) County
- (O) Other

GLENTIES ELECTORAL AREA

Water, Environment & Emergency Services

37. Clr. Alcorn
"What assistance is available to local festivals in tidying up their towns and villages prior and during their much needed festivals?"
(C)
38. Clr. Slowey
"What mechanism will Donegal County Council use for charging companies for the disposal of industrial effluent to Council Sewerage Treatment Plants?" (C)

Roads and Transportation

39. Clr. Alcorn
"Has this County Council any plans to improve the fencing and gates along the N56 in Loughanure village which was done as auxillary works when roadwork improvements was done in the village?" (L)

Corporate Services

40. Clr. Slowey
"What appeal procedures are in place within Donegal County Council Service Directorates for the refusal of grant applications?"
(C)

INISHOWEN ELECTORAL AREA

Housing and Building

41. Clr. MacLochlainn
"When will a full report be presented to a meeting of Donegal County Council with an inventory of Council assets throughout the county including the estimated individual value of these assets for discussion by the members, as agreed at a previous meeting of the Council earlier this year? (C)

Water, Environment and Emergency Services

42. Clr. MacLochlainn
"Have the Water and Environment Section of Donegal County Council queried why householders in various locations in Donegal are being asked to pay the same for the disposal of recyclable goods as ordinary household waste despite the obvious difference in disposal costs for the private operators, and, if so, will they furnish the members with their response?" (C)
43. Clr. McDonald
"When will the bottle banks on Moville shore front that have been refused planning permission be removed?" (L)
44. Clr. Donaghey
"What progress has been made with regard to appointing a design team to progress urgent refurbishment work to Buncrana Leisure Centre?"
45. Clr. Donaghey
"What progress has been made regarding a Civic Amenity Centre for Buncrana, the second biggest town in Donegal?" (L)
46. Clr. McGuinness
"When will the Council upgrade/sort out the Gleneely Sewerage Scheme and how long will this take?" (L)

Roads and Transportation

47. Clr. McDonald
"What plans, if any, does this Council have to put ducting in place to remove overhead wires on approaches to Moville pier?" (L)

Community, Culture and Enterprise

48. Clr. McGuinness
"Will the Council reopen discussions with South Ayreshire Council regarding the feasibility of a Ferry Service between Greencastle/Moville and Troon?" (L)

LETTERKENNY ELECTORAL AREA

Roads & Transportation

49. Clr. Larkin
"Will the Council be incorporating a roundabout into works to help our new Civic Amenity Site in Letterkenny?" (L)
50. Clr. Harte
"Can the Director of Roads confirm if a pedestrian crossing at the Hospital Corner in Lifford will be installed to help those in the Rehab Centre cross the road?" (L)

Planning and Economic Development

51. Clr. Larkin
"How does this Council prioritise how they deal with unauthorised developments in the Letterkenny area and how do the Council choose which unauthorised developments to deal with in the Letterkenny Town area?" (L)
52. Clr. Crawford
"What progress has been made in finding a resolution to the ongoing problems of unfinished works at Ard na Meala, St. Johnston?" (L)
53. Clr. McDaid
"What practical measures are this Council offering to Manorcunningham Environmental Group to assist and support

them in their efforts to carry out much needed environmental improvements to the village and its environs?" (L)

Water, Environment and Emergency Services

54. Clr. Crawford

"What progress has been made to bring Lagan Phase 3 Water to Manorcunningham and surrounding areas." (L)

Housing and Building

55. Clr. McDaid

"When can this Council expect to be furnished with the report on flooding in gardens of Council Housing Schemes promised by the Director of Housing and Building Services in response to my motion at the Council Meeting of November 2006 and subsequent question at March 2007 Council Meeting?" (L)

DONEGAL ELECTORAL AREA

Water, Environment and Emergency Services

56. Clr. Pringle

"Is there any approval of the Killybegs Sewer Scheme contract documents expected from the Department of Environment, Heritage and Local Government?" (L)

57. Clr. Pringle

"What will be the impact of the privatised sewerage treatment plants in Donegal Town and Rossnowlough on maintenance budget of Water and Environment Service?" (L)

58. Clr. O'Neill

"Will Donegal County Council proceed with works to provide sewerage treatment at Carrickboy, Ballyshannon with the provision of a pumping station to serve the houses inside the town boundary that have been excluded from the new multi million euro town scheme? (L)

59. Clr. Kennedy
"Does Donegal County Council monitor the private refuse collection and have proper recycling measures been put in place?" (C)

Roads and Transportation

60. Clr. O'Neill
"Will Donegal County Council proceed to construction with the new town centre car park in Ballyshannon considering that CPO's are now being put in place?" (L)

MILFORD ELECTORAL AREA

Roads and Transportation

61. Clr. McGarvey
"What is the total cost of the work being carried out to the Road at Norma Stewarts, Ballymaleel, Letterkenny, from start to completion?" (L)

Water, Environment and Emergency Services

62. Clr. McGarvey
"With regard to the commencement of works at the proposed reservoir at Milford, has the necessary land been acquired, and if not, what are the problems? (L)
63. Clr. McBride
"What progress has been made on the Glenvar Water Scheme and what is the proposed start date?" (L)

Planning and Economic Development

64. Clr. McBride
"When can we expect the Environmental Improvement Works to start in Milford?" (L)

STRANORLAR ELECTORAL AREA

Roads and Transportation

65. Clr. A. Bonner
"On what date is the Compulsory Purchase Orders and Environmental Impact Study for the Ballybofey/Stranorlar bypass to be published?" (L)
66. Clr. Reid
"Has any progress been made in negotiations with the Presbyterian Church, Convoy in relation to road repairs?" (L)

Water, Environment and Emergency Services

67. Clr. A. Bonner
"Will this Council please appoint a Project Manager to the Ballybofey/Stranorlar swimming pool to support the great work being carried out on this project?" (L)

Community, Culture and Enterprise

68. Clr. McGowan
"Can a full report be given on all projects under consideration by this Council through the Interreg Phase 4 and the Gateways Innovation Fund etc., so that the Elected Representatives might have an input?" (C)

Corporate Services

69. Clr. McGowan
"Can an annual report be given to the Council from Bodies/Groups that this Council is represented on outlining achievements and any issues dealt with throughout the year?" (C)

MOTIONS FROM OTHER COUNCILS

70. FINGAL COUNTY COUNCIL
"That Fingal County Council, on foot of the discovery of unsuitable building materials used in the construction of floor plinths in residential dwellings within our jurisdiction, write to the Minister for the Environment, Heritage and Local Government

with regard to creating additional regulation for chemical/petrographic analysis of all backfill materials used in excavations floors, road bases etc and that the relevant technical guidance documents of the Building Control Act, 1990 and 2007 be altered to reflect same.”

71. KILDARE COUNTY COUNCIL

“That, Minister for Environment, Heritage and Local Government be requested to amend Section 246(b) of the Planning Act, 2000 which requires that public representatives pay a statutory fee of €20.00 in respect of a submission made on a planning application. The amendment should abolish the fee requirement for public representatives in their local authority area.”

72. GALWAY COUNTY COUNCIL

“That Galway County Council call on the Minister for the Environment, Heritage and Local Government to remove the cap 10,000euro per house on the amount of money he is prepared to provide for sewerage schemes in accordance with Circular L7/06”

73. MONAGHAN COUNTY COUNCIL

“That this Council expresses its disappointment with the Government for its intention to implement a new Community Childcare Subvention Scheme without any real consultation with Community Childcare providers. That we further declare that the present system of providing staffing grants is a more equitable measure rather than the direct subvention proposed under the new scheme which will benefit a small minority of parents which will likely lead to the closure of many community crèches and playschools.

We hereby call on the Minister for Health and Children, Mary Harney, T.D. to support the role of community childcare outlets recognising that they have been responsible for providing a vital service which has allowed many parents to return to the workplace and equally important offering early learning opportunities for pre school children. We demand that the proposed scheme be abandoned in favour of a more equitable scheme based on the current model.”

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD
IN THE COUNTY HOUSE, LIFFORD ON 26th NOVEMBER, 2007

- C/536/07 MEMBERS PRESENT
Clrs. J. Boyle, Mayor, D. Alcorn, L. Blaney, A. Bonner, E. Bonner, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, R. Donaghey, M.T Gallagher, J. Harte, J. Kelly, J. Kennedy, D. Larkin, N. Mc Bride, T. McDaid, M. Mc Donald, S. McEniff, I. McGarvey, P. Mc Gowan, B. Mc Guinness, P. Mac Lochlainn, P. O' Dochartaigh, B. O' Neill, T. Pringle, J.J Reid, T. Slowey
- C/537/07 APOLOGIES
Apologies were received from Clr. Mc Gonagle, who was unable to attend the meeting.
- C/538/07 OFFICIALS IN ATTENDANCE
Mr. Michael McLoone, County Manager, Mr. L. Kelly, Assistant County Manager, Director of Housing, Mr. Francie Coyle, Director of Planning and Economic Development, Mr. John Mc Laughlin, Director Roads and Transportation, Ms Helena O' Toole, Senior Planner, Mr. Garry Martin, Senior Executive Officer, Mr. Gerry Richards, Senior Planner, Mr Denis Kelly, Senior Executive Planner, Mr. Paul Kilcoyne, Senior Engineer, Mr. Eunan Quinn, Senior Executive Planner, Mr. Joseph Gallagher, Heritage Officer, Ms Judith Mc Carthy , Museum Curator, Ms Cliodhna Harvey, Senior Executive Engineer Ms Sinead Harkin, Senior Executive Planner, Mr. Simon Harron, Executive Planner, Mr. Eunan Sweeney, Meetings Administrator, Ms. Anne Marie Crawford, Staff Officer, Corporate Services.
- C/539/07 SECTION 140 MOTION- PLANNING APPLICATION BY ENDA MEEHAN FOR ERECTION OF A STOREY AND HALF TYPE DWELLING HOUSE, DOMESTIC GARAGE,SEWERAGE TREATMENT PLANT UNIT AND POLISHING FILTER AT MEENYHOOGAN KILLYBEGS. REF: 07/20850
The Council considered the following motion in the names of Clrs. McEniff, Byrne, Boyle, Kennedy, and O'Neill.

“In accordance with Section 140 of the Local Government Act 2001, we the members of Donegal County Council hereby direct the County Manager to grant planning permission to Enda Meehan for erection of storey and half type dwelling house, domestic garage , sewage treatment unit and polishing filter at Meenyhooghan, Killybegs, Ref 07/20850, subject to such conditions as the Council may see fit to impose upon consideration of the motion, or without conditions as the Council may see fit.”

The motion was formally moved on the proposal of Clr. Byrne, seconded by Clr. Kennedy.

At the request of the Mayor, the Meetings Administrator, Mr. E. Sweeney, carried out a roll call of members and recorded as in attendance those listed below:-

Clrs. D. Alcorn, L. Blaney, A. Bonner, E. Bonner, J. Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, Pádraig Doherty, R. Donaghey, M. T. Gallagher, J. Harte, J. Kennedy, D. Larkin, N. McBride, T. McDaid, M. McDonald, S. McEniff, I. McGarvey, P. McGowan, B. McGuinness, B. O’Neill, T. Pringle, J.J. Reid, T. Slowey.(26)

Mr Francie Coyle, Director Planning & Economic Development read into the record the report from Mr. Denis Kelly, Senior Planner, dated 20th November, 2007, together with his own report dated 20th November 2007.

Mr Kelly’s report recommended that planning permission be refused for the following reasons: -

1. The proposed development is located on a prominent and elevated position on the site in a scenic rural location whereby it shall present a visually obtrusive feature on the landscape and detract from the rural character of the area. Accordingly to permit the development as proposed would be contrary to best practice in relation to location and siting of development and contrary to Policy RH2 and Appendix E (Location, Siting and Design Guide) of

the County Development Plan 2006-2012. Therefore to permit the development as proposed would be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information submitted the Planning Authority is not satisfied that provision can be made for the safe and adequate treatment and disposal of wastewater generated by the proposed development. Accordingly to permit the development as proposed would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

The Mayor invited Members to make submissions commencing with the signatories of the motion.

Clr. Byrne advised that there were a few amendments to what had been stated in the report, most notably that the finished floor level would be 93m as opposed to 100m and that the gable end ridge height would be 7m as opposed to the 8.0 m indicated in the report. The dwelling, he noted, was being built in a contained pocket in a particularly remote area and there were no third party objections to the proposed development. Vision lines, he affirmed, were sufficiently adequate in this instance.

On the proposal of Clr. Byrne, seconded by Clr. Kennedy, the motion was put to the meeting by the Mayor and a recorded vote taken by the Meetings Administrator: -

The vote resulted in 22 for with 4 abstentions.

Those voting in favour were: -

Clrs. Alcorn, L. Blaney, A. Bonner, E. Bonner, J. Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, P. Doherty, R. Donaghey, J. Harte, J. Kennedy, D. Larkin, N. McBride, M. McDonald, S. McEniff, I. McGarvey, P. McGowan, B. McGuinness, B. O'Neill, T. Slowey. (22)

Clrs. M. T. Gallagher, T. Mc Daid, T. Pringle, and J.J. Reid abstained. (4)

The Mayor declared the motion carried.

Prior to consideration of the Schedule of Conditions, the Meetings Administrator carried out a roll call of members present and recorded as in attendance those listed below:-

Clrs. D. Alcorn, L. Blaney, A. Bonner, E. Bonner, J. Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, Pádraig Doherty, R. Donaghey, M. T. Gallagher, J. Harte, J. Kennedy, D. Larkin, N. McBride, T. McDaid, M. McDonald, S. McEniff, I. McGarvey, P. McGowan, B. McGuinness, B. O'Neill, T. Pringle, J.J. Reid, T. Slowey.(26)

Mr. Francie Coyle read into the record a Schedule of Conditions which Mr. Denis Kelly, Senior Planner had set out in his report for consideration of members if, despite his recommendation, the Council decided to grant permission.

It was proposed by Clr. Byrne, seconded by Clr. Kennedy, that the Schedule of Conditions set out in Mr. Kelly's report be attached to the permission.

A recorded vote on the motion to attach conditions was then taken by the Meetings Administrator, resulting in 22 for with 4 abstentions.

Those voting in favour were: -

Clrs. Alcorn, L. Blaney, A. Bonner, E. Bonner, J. Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, P.Doherty, R. Donaghey, J. Harte, J. Kennedy, D. Larkin, N. McBride, M. McDonald, S. McEniff, I. McGarvey, P. McGowan, B. McGuinness, B.O'Neill,T. Slowey. (22)

Clrs. M. T Gallagher, T. Mc Daid, T. Pringle, and J.J Reid abstained. (4)

Clr. Byrne also proposed, seconded by Clr. Kennedy, and it was resolved, that conditions be inserted moving the house southwards to the position indicated by the 93 metre contour,

the finished floor level to be 93 metres in lieu of 100 metres indicated, and the plan and design of the building to be modified by reduction of ridge level and wall plate level by one metre from 8 metres to 7 metres.

The Mayor declared the motion carried.

- C/540/07 CONFIRMATION OF MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON 17TH SEPTEMBER 2007
On the proposal of Clr. Byrne, seconded by Clr. Crawford, the Minutes of the Adjourned Meeting of Donegal County Council held on the 17th September 2007, were adopted.
- C/541/07 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 24TH SEPTEMBER 2007
On the proposal of Clr. Conaghan, seconded by Clr. Mc Garvey, the Minutes of the Meeting of Donegal County Council held on the 24th September 2007, were adopted.
- C/542/07 CONFIRMATION OF MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON 8TH OCTOBER 2007
On the proposal of Clr. Slowey, seconded by Clr. Doherty, the Minutes of the Adjourned Meeting of Donegal County Council held on the 8th October 2007, were adopted.
- C/543/07 CONFIRMATION OF MINUTES OF MEETING OF GENERAL PURPOSES COMMITTEE HELD ON 8TH OCTOBER 2007
On the proposal of Clr. Conaghan, seconded by Clr. Mc Bride, the Minutes of the General Purposes Committee Meeting held on the 8th October 2007, were adopted.
- C/544/07 FILLING OF CASUAL VACANCY IN MEMBERSHIP OF THE COUNCIL OCCASIONED BY THE DISQUALIFICATION FROM LOCAL AUTHORITY MEMBERSHIP OF CLR. BRIAN O' DOMHNAILL
On the proposal of Clr. Alcorn, seconded by Clr. E. Bonner, Dr. Joe Kelly was co-opted as a Member of Donegal County Council to fill the Casual Vacancy occasioned by the

disqualification from Local Authority Membership of Clr. Brian O' Domhnaill, pursuant to Section 13, Local Government Act, 2001, as amended by the Local Government (No. 2) Act, 2003.

The Mayor declared Clr. Kelly elected and invited him to take his seat in the Chamber.

Congratulations were extended by Clr. Mc Eniff on behalf of the Fianna Fáil grouping and by Clr. Slowey on behalf of Fine Gael.

Clrs Mc Garvey, Gallagher and Doherty also extended a warm welcome.

The County Manager in welcoming Clr Kelly, assured him of the full co-operation of both himself and the staff of Donegal County Council.

Clr. Kelly thanking all concerned advised that it was indeed an honour to serve on Donegal County Council. It was his intention to work with the Mayor, the County Manager and all the members of Council to the best of his ability. He thanked his family for their continued and dedicated support, particularly his father former Councillor. Pádraig O' Ceallaigh.

C/545/07

**FILLING OF CONSEQUENTIAL VACANCIES
OCCASIONED BY THE DISQUALIFICATION FROM
LOCAL AUTHORITY MEMBERSHIP OF CLR. BRIAN
O' DOMHNAILL**

Border Regional Authority

On the proposal of Clr. Conaghan, seconded by Clr. Mc Eniff, it was resolved that Clr. Brendan Byrne would fill the vacancy on the Border Regional Authority, occasioned by the disqualification from Local Authority Membership of Clr. Brian O' Domhnaill.

Planning & Economic Development SPC

On the proposal of Clr. Conaghan, seconded by Clr. Mc Eniff, it was resolved that Clr. Enda Bonner would fill the vacancy on the Planning and Economic Development SPC.

On the proposal of Clr. Conaghan, seconded by Clr. Mc Eniff, it was resolved that Clr. Joe Kelly fill the remaining vacancies on Council Committees and relevant bodies:

- General Purposes Committee

- Glenties Electoral Area Committee
- Islands Committee
- Coiste na Gaeilge
- Placenames Committee
- Fisheries and Coastal Protection Committee
- Agricultural Committee
- Earagail Arts Festival Management Company Ltd (Directorship)

C/546/07 TO ELECT CHAIR OF PLANNING AND ECONOMIC DEVELOPMENT STRATEGIC POLICY COMMITTEE
 On the proposal of Clr. Conaghan, seconded by Clr. Mc Eniff, it was resolved to elect Clr. Larkin as Chair of the Planning and Economic Development SPC.

C/547/07 TO FILL VACANCY ON COMMUNITY, CORPORATE, AND CULTURAL STRATEGIC POLICY COMMITTEE ARISING FROM THE RESIGNATION OF CLR. ENDA BONNER
 On the proposal of Clr. Conaghan, seconded by Clr. Mc Eniff, it was resolved that Clr. Kelly would fill the vacancy on the Community, Cultural and Corporate SPC arising from the resignation of Clr. E. Bonner.

C/548/07 TO FILL VACANCY ON WATER, ENVIRONMENT AND EMERGENCY SPC ARISING FROM THE RESIGNATION OF CLR. BRENDAN BYRNE
 On the proposal of Clr. Conaghan, seconded by Clr. Mc Eniff, it was resolved that Clr. Kelly would fill the vacancy on the Water, Environment and Emergency SPC arising from the resignation of Clr. E. Bonner.

C/549/07 TO FILL VACANCY ON THE CULTURAL COMMITTEE ARISING FROM THE DEATH OF MR. CLEMENT MAC SUIBHNE.
 On the proposal of Clr. Mc Guinness, seconded by Clr. Conaghan, it was agreed to defer this item to the next meeting of the Council.

- C/550/07 ELECTION OF 3 NO. MEMBERS TO INISHOWEN AREA BASED COMPANY LTD.
On the proposal of Clr. Conaghan, seconded by Clr. Mc Eniff, it was resolved to elect Clrs. Donaghey and Mc Donald to the Inishowen Area Based Company Ltd.
On the proposal of Clr. Slowey, seconded by Clr. Mc Bride it was resolved to elect Clr. Mc Guinness to the Inishowen Area Based Company Ltd.
- Thus the following membership was agreed:-
- Clrs. Donaghey, Mc Donald and Mc Guinness.
- C/551/07 ELECTION OF 3 NO. MEMBERS TO DONEGAL LOCAL DEVELOPMENT COMPANY
On the proposal of Clr. Conaghan, seconded by Clr. Crawford, it was resolved to elect Clrs. Mc Eniff and McGowan to the Donegal Local Development Company Ltd.
- On the proposal of Clr. Slowey, seconded by Clr. Mc Guinness, it was resolved to elect Clr. Boyle to the Donegal Local Development Company Ltd.
- Thus the following membership of Donegal Local Development Company was agreed:-
- Clrs. Mc Eniff, Boyle and Mc Gowan.
- C/552/07 ELECTION OF 1 NO MEMBER TO COMHDHAIL OILEAIN NA HEIREANN
On the proposal of Clr. Conaghan, seconded by Clr. Mc Eniff, it was resolved to elect Clr. Alcorn to Comhdháil Oileáin na hEireann.
- C/553/07 ELECTION OF 1 NO MEMBER TO MEITHEAL FORBARTHA NA GAELTACHTA
On the proposal of Clr. Conaghan, seconded by Clr. Alcorn, it was resolved to elect Clr. E. Bonner to Meitheal Forbartha na Gaeltachta.
- C/554/07 MATERIAL CONTRAVENTION OF COUNTY DEVELOPMENT PLAN 2006 - 2012, AS VARIED - CONSIDERATION OF PLANNING APPLICATION BY

EDWARD AND IRENE DOHERTY FOR ERECTION OF
DWELLING HOUSE, SEPTIC TANK AND
PERCOLATION AREA AT BIRCHILL, DONEGAL
TOWN. REF 07/20150

The motion was duly proposed by Clr. Kennedy, seconded by Clr. Mc Eniff.

Prior to consideration of the above item, the Meetings Administrator carried out a roll call of members present and recorded as in attendance those listed below: -

Clrs: - D. Alcorn, L. Blaney, Alice Bonnar, Enda Bonner, J Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, P. Doherty, R. Donaghey, M. T. Gallagher, J. Harte, J. Kelly, J. Kennedy, D. Larkin, N. Mc Bride, T. McDaid, M. McDonald, S. Mc Eniff, I. McGarvey, P. Mc Gowan, B. McGuinness, P. Mac Lochlainn, B. O' Neill, J.J. Reid, T. Slowey. (27)

Mr. Francie Coyle, Director of Service, Planning & Economic Development read into the record his own report and the report from Mr. Denis Kelly, Senior Planner, dated 15th November, 2007.

Mr. Kelly's report stated that the proposal was significantly at variance with the concept of proper planning and sustainable development of the area and recommended that permission be refused for the following reasons:

1. The proposed development accesses directly onto a National Primary Road (N15) where the maximum speed limit applies. It is the Policy of the Council that the Strategic Road Network development will be progressed by the Council by improving and safeguarding the National Roads Network in the County by guiding development on roads in accordance with Chapter 3.3 (Volume 1) and Section 2.2 (Appendix A) of the County Development Plan 2006 - 2012, which states that the Council will safeguard the carrying capacity of the National Road network in the County through restricting the number of new access points and intensification of existing access points outside of the 60 kph limit, except in certain limited exceptional

circumstances. The proposed development does not fall within any such circumstances. Accordingly, to permit the proposed development would materially contravene the aforementioned provisions of the County Development Plan 2006 – 2012, and would thereby be contrary to the proper planning and sustainable development of the area.

2. The proposed development accesses directly onto a heavily trafficked National Primary Road where the maximum speed limit applies and at a location where the said road allows for overtaking manoeuvres. To permit the proposed development and the additional traffic movements generated by the proposed development would interfere with the safety and free flow of traffic on the road and would thereby give rise to a serious traffic hazard, or obstruction of road users. Accordingly to permit the proposed development would be contrary to the proper planning and sustainable development of the area.
3. On the basis of information submitted the Planning Authority are not satisfied that adequate provision can be made for the safe and adequate treatment and disposal of wastewater generated by the proposed development. Accordingly to permit the development as proposed would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

Clr. Kennedy informed members that this application was from a young couple who wished to build on a site which already had a designated access provided by the National Roads Authority and vision lines of 1km on one side and half a kilometre on the other. Planning permission had, he noted, been granted previously to several small businesses in the area. There were, he advised, no objections to the proposal and the applicants had a letter of agreement providing them with relevant access to the site. Both applicants, he stated, lived and worked in the locality.

In response to a query from Mr, Francie Coyle, Director Planning and Economic Development, Clr. Kennedy stated

that the applicants were willing to comply with all conditions in respect of the adequate treatment and disposal of wastewater.

On the proposal of Clr. Kennedy, seconded by Clr. Mc Eniff, the following motion was put to the meeting by the Mayor and a recorded vote taken by the Meetings Administrator.

“That in accordance with Section 34(6)(a)(iv), of the Planning and Development Act 2000, Donegal County Council hereby resolves that a decision be made to grant planning permission to Edward and Irene Doherty for the erection of dwelling house, septic tank and percolation area at Birchill, Donegal Town.

The vote resulted in 23 for with 4 abstentions.

Those voting in favour were: -

Clrs: - D. Alcorn, L. Blaney, A. Bonnar, E. Bonner, J Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, P. Doherty, R. Donaghey, J. Harte, J. Kelly, J. Kennedy, D. Larkin, N. Mc Bride, M. McDonald, S. Mc Eniff, I. McGarvey, P. Mc Gowan, McGuinness, B. O’ Neill, T. Slowey. (23)

Clrs. Gallagher, Mc Daid , Mac Lochlainn, and Reid abstained. (4)

The Mayor declared the motion carried.

Prior to consideration of the Schedule of Conditions, the Meetings Administrator carried out a roll call of members present and recorded as in attendance those listed below:-

Clrs: - D. Alcorn, L. Blaney, Alice Bonnar, Enda Bonner, J Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, P. Doherty, R. Donaghey, M. T. Gallagher, J. Harte, J. Kelly, J. Kennedy, D. Larkin, N. Mc Bride, T. McDaid, M. McDonald, S. Mc Eniff, I. McGarvey, P. Mc Gowan, B. McGuinness, P. Mac Lochlainn, B. O’ Neill, J.J. Reid, T. Slowey. (27)

Mr. Francie Coyle read into the record a Schedule of Conditions which Mr. Denis Kelly, Senior Planner had set out in his report for consideration of members if, despite his recommendation, the Council decided to grant permission. It was proposed by Clr. Kennedy, seconded by Clr. Byrne, that the Schedule of Conditions set out in Mr. Kelly's report be attached to the permission

A recorded vote on the motion to attach conditions was then taken by the Meetings Administrator, resulting in 23 for with 3 abstentions.

Those voting in favour were: -

Clrs: - D. Alcorn, L. Blaney, A. Bonnar, E. Bonner, J Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, P. Doherty, R. Donaghey, J. Harte, J. Kelly, J. Kennedy, D. Larkin, N. Mc Bride, M. McDonald, S. Mc Eniff, I. McGarvey, P. Mc Gowan, McGuinness, B. O' Neill, T. Slowey. (23)

Clrs. Gallagher, Mc Daid , and Reid abstained. 93)

The Mayor declared the motion carried.

C/555/07 MATERIAL CONTRAVENTION OF COUNTY DEVELOPMENT PLAN 2006 - 2012, AS VARIED - CONSIDERATION OF PLANNING APPLICATION BY ANTHONY AND MAJELLA BROWNE FOR ERECTION OF STOREY AND A HALF DWELLING HOUSE, DOMESTIC GARAGE AND SEPTIC TANK AT BALLYMACAWARD, BALLYSHANNON

Clr. O' Neill advised that he wished to withdraw the above motion.

Clr. Conaghan alluded to the amount of material that had to be read into the record in respect of S140 Motions and that it was voluminous and time consuming. He asked that the Council's Solicitor be contacted in relation to obtaining clarification on the necessity of reading such material into the official record.

C/556/07 ADJOURNMENT OF MEETING
On the proposal of Clr. Conaghan, seconded by Clr. Alcorn, it was agreed to adjourn the meeting for a five minute break.

C/557/07 APPROVAL OF DELEGATION TO MEET WITH THE NRA ON THE 7TH DECEMBER 2007.
Members considered the report circulated during the meeting in relation to the above.
On the proposal of Clr. Slowey, seconded by Clr. Mc Gowan, it was resolved that the delegation would consist of the following:

4 Members Fianna Fáil
2 Members Fine Gael
1 Sinn Fein
1 Other

C/558/07 TO AGREE SCHEDULE OF MEETINGS FOR MONDAY 10TH DECEMBER 2007.
On the proposal of Clr. Mc Eniff, seconded by Clr. Conaghan, it was resolved to have the following schedule of meetings in operation on Monday 10th December, 2007: -

10.00am General Purposes Committee Meeting

12.30pm A Special Meeting of Donegal County Council to consider :

1. Audit Committees – Establishment and Membership.
2. Proposed Draft Amendment to Ballybofey/Stranorlar Local Area Plan. 2005- 2011

2.00 pm Adjourned Meeting of Donegal County Council in the likely event of business of this meeting not being concluded.

C/559/07 DISPOSAL OF LAND AT DROMORE, KILLYGORDON TO CROSSROADS & KILLYGORDON PLAYGROUP.
Members considered the report, circulated with the agenda, in relation to the above.
On the proposal of Clr. Mc Gowan, seconded by Clr. Reid, it was resolved to dispose of 0.175ha or thereabouts of land at

Dromore , Killygordon to Crossroads & Killygordon Playgroup, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

Clr. Mc Gowan requested that all legal aspects of the disposal be completed urgently as the funding deadline expired on the 31st December 2007.

C/560/07 DISPOSAL OF LAND AT GLENCROW, MOVILLE, TO BONNER WINDOWS LTD.

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

On the proposal of Clr.Mc Donald, seconded by Clr. Mc Guinness, it was resolved to dispose of 0.83 acres of land at Glencrow, Moville, to Bonner Windows Ltd, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/561/07 DISPOSAL OF LAND TO SIDE OF NO. 41 ERNEDEALE HEIGHTS, BALLYSHANNON TO MR. P.J. MC GRATH

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

On the proposal of Clr. Mc Eniff, seconded by Clr. O' Neill, it was resolved to dispose of a plot of land measuring 6m by 30m , adjacent to No. 41 Ernedale Heights, Ballyshannon to Mr. P.J. Mc Grath, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/562/07 TAKING OF DECISION WITH REGARD TO 2 NO SPECIFIC INSTANCE COTTAGES

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

On the proposal of Clr. Mc Bride, seconded by Clr. Conaghan, the carrying out of works under Part XI of the Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, with regard to 2. No Specific Instance Cottages (S.I. 6228 and S.I. 30056) was approved.

- C/563/07 TAKING OF DECISION WITH REGARD TO FIRE STATION AT GLENCOLMCILLE
Members considered the report, circulated with the agenda, in relation to the above.
On the proposal of Clr. Byrne, seconded by Clr. Pringle, the carrying out of works under Part XI of the Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, with regard to Fire Station at Glencolmcille was approved.
- C/564/07 TAKING OF DECISION WITH REGARD TO PUMPING STATION AND ANCILLARY WORKS AT ROXBOROUGH GLEBE,CARRICK
Members considered the report, circulated with the agenda, in relation to the above.
On the proposal of Clr. Byrne, seconded by Clr. Pringle, the carrying out of works under Part XI of the Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, with regard to Pumping Station and ancillary works at Roxborough Glebe, Carrick was approved.
- C/565/07 TAKING OF DECISION WITH REGARD TO PROPOSED ROAD REALIGNMENT –R245 BALLYMALEEL
Members considered the report, circulated with the agenda, in relation to the above.
In relation to provision of ducting sought by the WEE Directorate, Mr. McLaughlin stated that this was not part of the project but a 1 metre stump was being reserved along the road to accommodate a watermain.
On the proposal of Clr. Larkin, seconded by Clr. Brogan, the carrying out of works under Part XI of the Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, with regard to proposed Road Realignment – R245 Ballymaleel was approved.
In response to concerns raised by Clr. Larkin, Mr. John Mc Laughlin, Director of Roads and Transportation agreed to examine the issues of lighting and pavement strengthening.

C/566/07 TAKING OF DECISION WITH REGARD TO
CARNDONAGH TOWN PARK, PLAYGROUND &
TOWN PARK ACCESS ROAD

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

On the proposal of Clr. Mc Guinness, seconded by Clr. Mac Lochlainn, it was agreed to defer this item to later in the meeting.

C/567/07 TO NOTE REPORT ON HOUSING ADAPTATION
GRANT SCHEMES FOR OLDER PEOPLE AND PEOPLE
WITH A DISABILITY AND TO APPROVE UPDATE OF
STANDARD COSTS

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

On the proposal of Clr. Conaghan, seconded by Clr. Mc Gowan, the Council noted the report on Housing Adaptation Grant Schemes for Older People and People with a Disability and approved update of standard costs.

It was agreed that an Induction Seminar on the complexities of the scheme should be provided for all members.

C/568/07 TO CONSIDER THE MANAGER'S REPORT ON
SUBMISSIONS TO THE DRAFT VARIATION (NO 5)
TO THE LETTERKENNY AND ENVIRONS
DEVELOPMENT PLAN 2003- 2009 (AS VARIED) AT
SCRIBBLY, DUMNAHOAGH AND LECK

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

On the proposal of Clr. Brogan, seconded by Clr. Harte, it was resolved to vary the Letterkenny & Environs Development Plan 2003 –2009 at Scribbly, Leck and Drumnahoagh as follows:

1. To proceed with item 1 of the draft variation to realign the proposed relief road inclusive of new roundabout or other appropriate junction.
2. To proceed with item 2 of the draft variation to realign the proposed link road and the bridge.
 - (i) Not to proceed with the rezoning from part 'Open Space', part 'Opportunity site 12' and part 'Residential' to 'Town Centre Extension' but in lieu, to rezone as Opportunity Site 13' subject to the following amendment in relation

to item no. 3-whereby the open space provision within the Masterplan area would accommodate a graveyard and pedestrian river crossing.

3. To proceed with item 5 of the draft variation to rezone from Strategic Residential Reserve to Residential.
4. To proceed with item 5 of the draft variation to make revisions to car parking standards for pubs/lounges, restaurants and takeaways.

C/569/07 TO APPROVE THE RAISING OF A CAPITAL LOAN IN THE AMOUNT OF €7.2 MILLION FOR THE PURPOSE OF CARRYING OUT CAPITAL WORKS ASSOCIATED WITH THE IMPLEMENTATION OF THE COUNCIL'S WASTE MANAGEMENT PLAN, AS OUTLINED IN THE 3 YEAR CAPITAL PROGRAMME 2007- 2009

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

On the proposal of Clr. Conaghan, seconded by Clr. Byrne, the raising of a loan in the amount of €7.2 million for the purpose of carrying out capital works associated with the implementation of the Council's Waste Management Plan, as outlined in the 3 year Capital Programme 2007-2009, subject to sanction by the Minister, was approved.

C/570/07 TO RESOLVE TO ENTER INTO AN AGREEMENT WITH CAVAN COUNTY COUNCIL PURSUANT TO SECTION 85 OF THE LOCAL GOVERNMENT ACT 2001, WHEREBY CAVAN COUNTY COUNCIL WILL EXERCISE THE POWERS, FUNCTIONS AND DUTIES OF DONEGAL COUNTY COUNCIL IN RELATION TO THE PROPOSED PROCUREMENT OF A NETWORK INFORMATION SYSTEM FOR THE MANAGEMENT OF WATER CONSERVATION PROJECT, AS PLANNED AND AGREED BY THE COUNTIES OF CAVAN, LOUTH, DONEGAL AND ROSCOMMON

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

On the proposal of Clr. Pringle, seconded by Clr. Doherty, it was resolved to enter into an agreement with Cavan County Council pursuant to Section 85 of the local Government Act 2001, whereby Cavan County Council, will exercise the powers, functions, and duties of Donegal County Council in

relation to the proposed procurement of a Network Information Management System for the Management of Water Conservation Projects, as planned and agreed by the counties of Cavan, Louth, Donegal and Roscommon.

C/571/07 TO AGREE DATE FOR BUDGET MEETING 2008
Members considered the report, circulated with the agenda, in relation to the above.
On the proposal of Clr. Pringle, seconded by Clr. Alcorn, it was resolved to hold the Budget Meeting 2008 on Friday 11th January, 2008 at 10.00am in the County House, Lifford.

C/572/07 TO APPROVE EXTERNAL MEMBERS OF PROPOSED AUDIT COMMITTEE
On the proposal of Clr. Conaghan, seconded by Clr. Brogan, it was noted that the matter would now be dealt with at the Special Meeting of the Council scheduled for Monday 10th December 2007.

C/573/07 TO AUTHORISE OVERDRAFT ACCOMODATION FOR HALF YEAR FROM 1ST JANUARY 2008 TO 30TH JUNE 2008 IN THE SUM OF €40 MILLION
Members considered the report, circulated with the agenda, in relation to the above
On the proposal of Clr. Conaghan, seconded by Clr. Crawford, it was resolved to authorise overdraft accommodation of forty million euro(€40,000,000) for half year ending 30th June 2008.

C/574/07 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. Conaghan , seconded by Clr. Byrne, 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.
- (i) Pathfinding Conference “An Island of Ireland Local Government Partnership” to be held on 01st December, 2007 in Regency Hotel, Dublin.
 - (ii) 09th Joint Irish and UK Local Authorities Conference on Nuclear Hazards to be held 6th-7th December, 2007 at City Hall, Dublin and County Hall, Tallaght, South Dublin.
 - (iii) Kadenza Consultancies Ltd. “ The Local Government Budget 2008” Training Seminar to be held on 01st December, 2007 at the Carlton Millrace Hotel, Bunclody, Co Wexford.
 - (iv) Department of Health and Children in partnership with HSE “Conference on Action on Alcohol” to be held on 11th December at Croke Park Conference Centre.
 - (v) Combat Poverty Agency – “Participation in Policy Making: Making it Work” Conference to be held on the 11th December at Dublin Castle Conference Centre, Dame Street, Dublin 2

Retrospective Approval

On the proposal of Clr. Larkin, seconded by Clr. Mc Guinness, it was agreed to approve, retrospectively, the attendance of Ms Anne Wilkinson and Mr. Seamus Rodgers at the Training seminar for Sectoral Representatives of Strategic Policy Committees in the Green Isle Hotel, Naas Road, Dublin on 15th September, 2007.

C/575/07 TO CONSIDER MANAGER’S REPORT ON
SUBMISSIONS TO THE DRAFT KILLYBEGS LOCAL
AREA PLAN 2007 - 2013

Members considered the Manager’s Report, circulated with the agenda, in relation to the above.

Submission 1

Response No 2

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local

Area Plan 2007 and rezone these lands from ‘Local Amenity/High Scenic Amenity’ to ‘Low Density Residential’.

Response No 3

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 and rezone lands from ‘Open Space / Amenity to Opportunity Site (with emphasis upon Port Related Light Industry).

Response No 4

On the proposal of Clr. Byrne, seconded by Clr. Kennedy, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 to revise the Land Use Zoning map to identify the location of the permitted Marina.

Response No 7

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 to incorporate identified lands up to the proposed roundabout and to zone these lands as Residential, Established Development and Local Amenity / High Scenic Amenity along the river corridor

Submission 2

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 to incorporate identified lands up to the proposed roundabout and to zone these lands as Residential, Established Development and Local Amenity / High Scenic Amenity along the river corridor

Submission 3

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 and rezone lands from ‘Local Amenity/High Scenic Amenity’ to ‘Residential’ located within the proposed outer relief road and with the retention of mature broadleaf trees within the site.

Submissions 4 - 19

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 and rezone lands below 55metre contour from Local Amenity/High Scenic Amenity to Low Density Residential.

Submission 20

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 and rezone identified lands from Local Amenity/High Scenic Amenity to Residential and to retain mature trees within the site.

Submission 21

Response 2E

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 and identify new access road into these lands.

Response 3C

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to reword policy TMR 3 (Page 35) as follows: 'It is the policy of the Council to facilitate the appropriate development of the Cruise Liner business and tourism in general through the development of a new tourism office located in the town centre or near the harbour. A position along the Shore Road would be the ideal location'

Submission 22

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 and rezone lands from Community /Educational to Residential .

Submissions 23 - 31 & 33 – 42 & 74

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 and rezone lands from High Density Residential to Local Amenity/ High Scenic Amenity.

Submission 43

On the proposal of Clr. Pringle, seconded by Clr. Kennedy, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 and revise the Land Use map to identify the location of the proposed 'Marina'.

Submission 44

Response No. 1

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to make no change to the Draft Plan.

Response No. 2

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to oppose the County Manager's recommendation and make no change to the Draft Plan, as published.

Response No. 5

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and rezone lands from Open Space/Amenity to Opportunity Site (With emphasis upon port related light industry), and with appropriate landscaping/shelterbelt and a 40 metre development free buffer around Kits Castle and St Catherine's Well).

Submission 46

Response No. 1 & No. 2

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and rezone these lands from 'Local Amenity/High Scenic Amenity' to 'Low Density Residential'

Response No. 4

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and rezone lands from 'Local Amenity/High Scenic Amenity' to 'Enterprise (Industry/Employment) Park'

Response No 5

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local

Area Plan 2007 and revise the Land USE Map to identify the location of the proposed ' Marina'.

Submissions 47, 48,50

On the proposal of Clr.Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and rezone lands from Open Space/Amenity to Opportunity Site (With emphasis upon port related light industry), and with appropriate landscaping/shelterbelt and a 40 metre development free buffer around Kits Castle and St Catherine's Well.

Submission 49

Response No. 2

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and rezone lands from Open Space/Amenity to Opportunity Site (With emphasis upon port related light industry), and with appropriate landscaping/shelterbelt and a 40 metre development free buffer around Kits Castle and St Catherine's Well.

Response No 3

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved not to accept the County Manager's recommendation and revert to the Draft Plan as published.

Response No 4

On the proposal of Clr. Pringle, seconded by Clr. Byrne it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 and revise the Land USE Map to identify the location of the proposed ' Marina'.

Submissions 53& 54

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 and extend the Plan boundary and to zone additional lands for Motor Home and Touring Caravan Park.

Submission 55

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local

Area Plan 2007, and rezone lands from Enterprise (Industry / Employment) Park to Low Density Residential. The development of these lands to be contingent upon the widening of the Roshine Road to the satisfaction of Donegal County Council's Road Directorate.

Submission 56

Response 2.6

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and rezone the lands located below the Industrial (Inner Relief Road), in accordance with the Masterplan submitted, subject to the landowner entering into a Section 47 Agreement, making lands available for Community use.

Response 4.11

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and delete text/Policy R14 'Special Development Area'.

Response 5.1

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and accept the masterplan as submitted.

Response 5.2

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and rezone lands from 'Local Amenity/High Scenic Amenity' to 'Masterplan Site', and to require the planting of a suitable deciduous tree species around the road verge to act as a buffer/screening belt between these lands and the new road.

Response 6.3

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and remove the 'Special Development Area' and to rezone identified lands from Residential Reserve to Low Density Residential. In addition, to delete text/Policy R14 Special Development Area.

Response 6.4

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and rezone lands from Local Amenity/High Scenic Amenity' to 'Masterplan Site', and in addition to require the planting of a suitable deciduous tree species around the road verge to act as a buffer/screening belt between those lands and the new road.

Response 6.5

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and delete Policy R14.

Submission No. 57

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and accept the Masterplan as published.

Submissions No. 58, 60, 61,62

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and rezone lands from 'Local Amenity/High Scenic Amenity' to 'Masterplan Site'.

Submission No. 59

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and rezone lands from 'Local Amenity/High Scenic Amenity' to 'Low Density Residential' with the identification of a new access road into these lands.

Submission No. 65

Members noted the comments contained in submission 65.

Submission No. 67

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend Policy TMR 3 from;
'It is a policy of the Council to facilitate the development of a new Regional Tourist Office at a prominent location in the Town Centre or near the harbour'.

to -

‘It is the policy of the Council to facilitate the appropriate development of the Cruise Liner business and tourism in general through the development of a new tourism office located in the Town centre or near the harbour. A position along the Shore Road would be the ideal location’.

Submission No. 71

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and amend policy NE 6 to provide for an appropriate buffer zone along the river corridor.

Submission No. 73

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, by revising Table 5; and include ‘Convenience’ shopping within the Land Use Zonings of ‘Town Centre’ and ‘All Opportunity Sites’. In addition, to remove reference to the word ‘Local’ within Table 5.

Submissions No. 75 & 76

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and rezone lands from Open Space/Amenity to Opportunity Site (With emphasis upon port related light industry), and with appropriate landscaping/shelterbelt and a 40 metre development free buffer around Kits Castle and St Catherine’s Well.

Submission No. 77 (Education Section)

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007, and rezone lands from ‘Community/ Education’ to ‘Residential’.

Central Planning Unit Recommendations

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to materially alter the Draft Killybegs Local Area Plan 2007 to include the recommendations from the Central Planning Unit as set out in the County Manager’s Report.

C/576/07

TO CONSIDER MANAGER'S REPORT ON
SUBMISSIONS TO THE DRAFT BUNCRANA AND
ENVIRONS DEVELOPMENT PLAN 2007

**Submission No. 1 by George Duffy, c/o Mark McGowan,
MarkCarlin Associates. (Addendum circulated 26.11.07)**

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007 so as to include additional lands within the plan boundary and to zone said lands as "General Employment" as delineated on the attached map entitled "Appendix A" to this report.

***Submission No. 4 by Mr. John & Mr Hugh Doherty c/o
Harley Newman Planning Consultants.(Manager's Report)***

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007 so as to extend the plan boundary and to zone the lands as "Primarily Residential" in accordance with alteration ref 1, as delineated on the accompanying "Map Booklet of Alterations."

***Submission No. 5 by Lexie Moore, c/o Harley Newman
Planning Consultants. (Manager's Report)***

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007 to:

- a) boundary and to zone the land as "Primarily Residential" in accordance with alteration ref 1, as delineated on the accompanying "Map Booklet of Alterations".
- b) Amend the plan boundary so as to extend the plan boundary and to zone the land as "Established Development" in accordance with alteration ref 2, as delineated on the accompanying "Map Booklet of Alterations."
- c) To extend the plan boundary and zone the land as primarily residential.

***Submission No. 6 by Charles & Mary Logan (Manager's
Report)***

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to amend the plan from

“Primarily Residential –LDR’ to “Local Environment” in accordance with alteration ref:3, as delineated on the accompanying “Map Booklet of Alterations.”

Submission No. 7 by Mr. James McLaughlin (Addendum circulated 26.11.07)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the Draft Buncrana Development Plan 2007 and amend the plan so as to rezone from “General Employment” to “Primarily Residential” as delineated on the attached map entitled “Appendix B” to this report.

Submission No. 8 by Shay McCallion (Manager’s Report)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007 and amend the plan from “General Employment” to incorporate additional lands into “Opportunity Site 5” in accordance with alteration ref: 4, as delineated on the accompanying “Map Booklet of Alterations”

Submission No. 9 by Shay McCallion (Manager’s Report)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007 and amend the draft plan so as to rezone from “Opportunity Site 5” to “Primarily Residential” in accordance with alteration ref: 5, as delineated on the accompanying “Map Booklet of Alterations”.

Submission No. 10 by Rishton Ltd, c/o Brian Meehan & Associates and Submission No. 11 by Mr. Christopher Flanagan c/o Tom Philips Associates (Manager’s Report)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007 to amend the draft plan so that “Opportunity Site 5, Fruit of the Loom, Ballymacarry”, page 30 of the core document of the draft plan reads as follows:-

“The site is accessed from and dissected by an arterial road off the R238 (Derry Road). The site is 23 hectares in size

and at present comprises the former Fruit of the Loom factory, a comparison goods outlet and undeveloped lands. Adjacent uses are general employment and residential. The site benefits from key access on the southern side of the town to the Letterkenny-Derry economic corridor and also benefits from proximity to the inner relief road. Development of this “edge of centre” site may be appropriate for a mix of uses within the overall site such as employment generating developments, business, residential, retail. Any application for development of this site that incorporates a retail element shall be subject to the retail policies set out at Chapter 5 of the core document within which the sequential approach is paramount in the consideration of a retail proposal. Development of this site should have regard to the existing adjacent road network and the residential amenities of adjoining properties. In the event that a proposal is forthcoming for part of the overall site, the development proposal shall consist of a framework/masterplan for the entirety of the site.”

Submission No. 12 by Francis McGrory, Hon. Secretary Buncrana Golf Club (Manager’s Report)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007 and amend the draft plan so as to zone from “Utilities” to “Recreation, amenity & open space” in accordance with alteration ref 6, as delineated on the accompanying “Map Booklet of Alterations.”

Submission No. 13 by Mr. Brian Flanagan and Mr. Peter Flanagan, c/o Tom Philips and Associates (Addendum circulated 26.11.07))

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to amend the draft plan so that

“Opportunity Site 4, Swilly Hotel & Pier”, page 29 of the core document reads as follows:-

“The site encompasses Buncrana Pier (from which the Rathmullen ferry departs), Swilly Hotel and area. It is a locally prominent site and forms a vista from various parts of the town and surrounding hinterland. The location which is

easily accessible is close to the town centre and exiting public amenity areas and would lend itself to residential, leisure, tourism, marine and mixed development. Any development must be of a high architectural and environmental quality having regard to the coastal, prominent location abutting a SAC and NHA. Any proposed development at this location shall consider traffic movements that may be associated with the proposed development in the context of the existing traffic movements and flows associated with the ferry service. Any proposal shall be of a massing and scale that respects the sensitive location and the scale and massing of any surrounding properties.”

To amend the draft plan so that Policy “E7: Opportunity sites”, page 28 of the core document reads as follows:-

“Five opportunity sites have been identified within the plan area that offer a unique development opportunity by reason of their strategic location, scale, nature, character or current use. The Planning Framework set out for each “Opportunity Site” on the following pages shall form a guide to the type of development that may be appropriate at each location. Any specific development proposals that are not referred to in the planning frameworks, shall be considered on their own merits subject to the constraints identified in the planning frameworks and subject to the proper planning and sustainable development of the area.”

Submission No. 14 by Christopher Flanagan and Mr. Patrick Doherty, c/o Tom Philips & Associates (Manager’s Report)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007 and amend the plan so as to rezone from “Community” to “Established Development” in accordance with alteration ref 7 as delineated on the accompanying “Map Booklet of Alterations.”

Submission No. 15 by Jansu Developments Ltd, c/o Harley Newman Planning Consultants (Manager’s Report)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007 and amend the draft plan so that “Opportunity Site 3, page 29 of the core document reads as follows:-

“This site is a brownfield site which consists of the former Fruit of the Loom dying plant and is now therefore an existing disused industrial building of substantial size. Previously zoned “Industrial” in the Buncrana Development Plan 2002, the site was subject of an adopted variation (No. 2, 2007) to the Buncrana Development Plan 2002, zoned, “Primarily Commercial, Retail and Residential Use”. This site is coastal, and lodged between low density residential lands to the north and east and a large public amenity area to the south. The coastal side of the site forms part of a coastal walk from Buncrana pier (opportunity site 4) through Ned’s Point (opportunity site 1), and further north along the coast. This site would lend itself to a mixed use development of high architectural design that should harness the amenity, coastal and tourism elements at this prime location. Any proposed development shall be required to ensure that protection of the amenity shore walk and the SAC and NHA that is situate to the west of the site. Any proposal shall be of a massing and scale that respects the sensitive location and the scale and massing of any surrounding properties.

Submission No. 21 by Shay McCallion (Manager’s Report)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007 to :-

- a) Amend the draft plan from “Local Environment” to “Primarily Residential” in accordance with alteration ref 8, as delineated on the accompanying “Map Booklet of Alterations.”
- b) Amend the draft plan from “Local Environment” to “Strategic Residential Reserve” in accordance with Alteration Ref 9, as delineated on the accompanying “Map Booklet of Alterations”.

Submission No. 23 by Michael Doherty (Manager's Report)

On the proposal of Clr. Mac Lochlainn, seconded by Clr. Donaghey, it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007 and:-

Amend the draft plan so as to rezone from "Community" to "Strategic Residential Reserve", in accordance with alteration ref 10 as delineated on the accompanying "Map Booklet of Alterations".

Amend the draft plan so that "Policy C3:- Provision of educational facilities", page 66 of the core document reads as follows:-

"The Councils shall encourage the appropriate provision of new primary and post primary educational facilities and extension of existing educational facilities where feasible during the plan period. In this regard, new educational facilities on lands that are not zoned "Community" will be considered on their own merits having regard to (i) The impact on the delivery of the overall zoning (ii) The impact of loss of lands from the particular zone set against the remaining land supply (iii) The appropriateness in terms of adjoining properties and (iv) The need for the facility at the particular location and (v) the proper planning and sustainable development of the area."

Submission No. 24 by Mr. Patrick Hegarty, Mr. Oliver Hegarty and Mrs. Mary McCracken c/o Harley, Newman Planning Consultants (Manager's Report and Addendum circulated 26.11.07)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved not to accept the County Manager's Response and to materially alter the Draft Buncrana and Environs Development Plan 2007 so as to extend the plan boundary and zone the lands "Primarily Residential"

Submission No. 25 by Clonbosk Development Group c/o Gerard Convie (Addendum circulated 26.11.07)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007 and :-

Amend the plan so as to include the additional lands within the plan boundary and to zone said lands as “local environment” as delineated on the attached map entitled “Appendix C” to this report.

Amend the draft plan so that the zoning objective on the land use zoning map and at page 21 of the core document, in relation to “local environment” reads as follows:-

“To provide for a spatial development pattern that is reflective of a dispersed rural settlement pattern and that is related in form and scale to the level of existing physical and social infrastructure in the area and that can be integrated and absorbed into the landscape.”

Amend the draft plan so as to amend Policy BNH11, page 61 of the core document, so that it reads as follows:-

“BNH11: Development within “local environment” zoning proposals for development within the lands zoned, as “local environment” will only be permitted if it can be demonstrated that:-

- (a) The development is reflective of a dispersed rural settlement pattern in a manner in line with the proper planning and sustainable development of the area.
- (b) The development is related in form and scale to the level of existing physical and social infrastructure in the area.
- (c) The development can be integrated and absorbed into the landscape
- (d) The development is of a high standard of architectural quality in both design and layout.

The areas zoned “local environment” are areas that are of a rural nature at present and/or are generally on the fringe of the town and/or consist of a dispersed small scale

development pattern within and/or are of a landscape quality that is not appropriate for widespread and large scale development.”

Amend the draft plan so as to amend Policy H5, page 47 of the core document, so that that it reads as follows:-

“Residential development will be considered on lands zoned “local environment” where it is demonstrated that policy BNH11 can be complied with.”

Submission No. 26 by Mr. Shay McCallion c/o Harley Newman Planning Consultants (Addendum circulated 26.11.07)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007, to amend the text of page 45 of the core document of the draft plan from:

-H2: Housing zonings : Strategic Residential Reserve – proposals for housing development on lands zoned “strategic residential reserve” shall be considered in addition to the land provision under policy H1, where the following conditions can be demonstrated and subject to compliance with other relevant policies in this plan:

- a) The extent of lands zoned as “residential” under Policy H1, has been exhausted or:
- b) There are insufficient lands zoned “residential” under Policy H1 that can serve the housing needs of the town or
- a) The land zoned for residential development are overtly constrained by ownership or infrastructure to facilitate development and
- b) The development will contribute to the consolidation of existing established residential development and will contribute to the provision of services, infrastructure and facilities including better links with the existing town centre.

To:

H2: Housing zonings: “Strategic Residential Reserve”

Proposals for housing development on lands zoned “strategic residential reserve” shall be considered in addition to the land provision under policy H1, where the following conditions can be demonstrated and subject to compliance with other relevant policies in this plan:

- a) The extent of lands zoned as “residential” under policy H1, has been exhausted or
- b) There are insufficient lands zoned “residential” under policy H1 that can serve the housing needs of the town or
- c) The land zoned for residential development are overtly constrained by ownership or infrastructure to facilitate development or
- d) The development will contribute to the consolidation of existing established residential development and will contribute to the provision of services, infrastructure and facilities including better links with the exiting town centre.

To amend the draft plan by omitting the following text in its entirety from Policy H10: Housing Densities, page 48 of the core document; “where specified on the land use zoning map housing density shall be required to be “Low Density Residential” (LDR), in the region of 15 units per hectare with a view to establishing quality residential environments on lands that merit consideration for lower density development on the basis of location, surrounding development, biodiversity, landscape character, environmental considerations.

Submission No. 27 by Donegal County Childcare Committee Ltd, c/o Mark Carlin Associates (Manager’s Report)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the Draft Buncrana and Environs Development Plan 2007 to :-

- a) Amend the draft plan so as to rezone from “Primarily Residential” to “Opportunity site 6” in accordance with recommended alteration ref 11 as delineated on the accompanying “Map Booklet of Alterations.”

- b) Amend the draft plan so as to insert the following text after “Opportunity Site 5” page 30 of the core document so as to state:- “Opportunity Site 6:-Rockytown:

“The lands are located in close proximity to the “town centre” and within surrounding high density residential development. The lands represent a unique development opportunity to provide for a mix of development that may have potential to contribute to the social and community infrastructure that serve the area. Given the location of the lands within a high density urban environment, any proposals for the site shall make provision for active recreational enjoyment by the wider community including planting of indigenous tree species.”

Submission No. 28 by Mr. Charles O’Donnell (Manager’s Report)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the draft Buncrana and Environs Development Plan 2007 and amend the draft plan so as to rezone from “Recreation, Amenity and Open Space” to “Primarily Residential” in accordance with recommended alteration ref 12 as delineated on the accompanying “Map Booklet of Alterations”.

Submission No. 29 by Mr. Colm Carey, Submission No.30 by Mr. Eddie and Eugene Collins, Submission 31 by Mr. Neil and Mary Doherty and Submission No. 32 by Mr. R. Ferguson (Manager’s Report)

On the proposal of Clr. Mac Lochlainn, seconded by Clr. Donaghey, it was resolved to materially alter the draft Buncrana and Environs Development Plan 2007 and

Amend the draft plan so that the zoning objective on the land use zoning map and at page 21 of the core document, in relation to “Local Environment” reads as follows:-

“To provide for a spatial development pattern that is reflective of a dispersed rural settlement pattern and that it is related in form and scale to the level of existing physical and social infrastructure in the area and that can be integrated and absorbed into the landscape.”

Amend the draft plan so as to amend Policy BNH11, page 61 of the core document, so that it reads as follows:-

“BNH11: Development within “local environment” zoning – proposals for development within the lands zoned, as “local environment” will only be permitted if it can be demonstrated that:

- a) The development is reflective of dispersed rural settlement pattern in a manner in line with the proper planning and development of the area.
- b) The development is related in form and scale to the level of existing physical and social infrastructure in the area.
- c) The development can be integrated and absorbed into the landscape.
- d) The development is of a high standard of architectural quality in both design and layout.

The areas zoned “local environment” are areas that are of a rural nature at present and/or are generally on the fringe of the town and/or consist of a dispersed small scale development pattern within and/or are of a landscape quality that is not appropriate for widespread and large scale development.”

Amend the draft plan so as to amend Policy H5, page 47 of the core document, so that it reads as follows:

“Residential development will be considered on lands zoned “local environment” where it is demonstrated that policy BNH11 can be complied with.”

Submission No. 33 by Mr. & Mrs William Buchanan, Mr. Charles and Mr. Patrick Lynch c/o Harley Newman Planning Consultants (Addendum circulated 26.11.07)

On the proposal of Clr. Donaghey, seconded by Clr. McGuinness, it was resolved to materially alter the draft Buncrana and Environs Development Plan 2007 and amend the draft plan from part “local environment” and part “recreation, amenity and open space” to “primarily residential” as delineated on Map entitled “Appendix D” to this report.

Submission No's 34-42 (Addendum circulated 26.11.07)

On the proposal of Clr. Donaghey, seconded by Clr. MacLochlainn, it was resolved to materially alter the draft Buncrana and Environs Development Plan 2007 so as to:

- Amend the draft plan by rezoning from “Biodiversity Protection Area” to “Established Development” as delineated on the attached map entitled “Appendix E” to this report.
- Amend the draft plan by rezoning from “Biodiversity Protection Area” to “Local Environment” as delineated on the attached map entitled “Appendix F” to this report.
- Amend the draft plan by rezoning from “Opportunity Site 1” to “Biodiversity Protection Area A” as delineated on the attached map entitled “Appendix G” to this report.
- Amend the draft plan by rezoning from “Biodiversity Protection Area” to “Opportunity Site 1” as delineated on the attached map entitled “Appendix H” to this report.
- Amend the draft plan by rezoning from “Biodiversity Protection Area” to “Biodiversity Protection Area A” as delineated on the attached map entitled “Appendix 1” to this report.
- Amend the title of zoning objective in respect of “Biodiversity Protection Area” on both the land use zoning map and on page 22 of the core document of the draft plan so as to be entitled “Biodiversity Protection Area A” and to revise the zoning objective on both the land use zoning map and on page 22 of the core document of the draft plan, as follows:-
 - “Biodiversity Protection Area A”: To conserve and protect the identified lands from any new development except in exceptional circumstances and subject to demonstration of compliance with criteria under policy BNH18.
- To insert an additional zoning objective both on the land use zoning map and on page 22 of the core document of the draft plan as follows:
 - “Biodiversity Protection Area A”: To conserve and protect the identified lands from any new development.

- To insert a new policy at page 64 of the core document of the draft plan, as follows:

BNH18: Biodiversity Protection Area A & B – It is the policy of this Council to protect the biodiversity value of the lands identified as “Biodiversity Protection Area A & B” as follows:

Biodiversity Protection Area A: To conserve and protect the identified lands from any new development except in exceptional circumstances as follows:

- (i) Where the proposal is for a single one off house only and
- (ii) Where the proposal does not adjoin or abut the boundary of an existing or permitted building but rather
- (iii) Where it can be demonstrated that the proposal will not result in the consecutive loss of woodland and/or habitat and
- (iv) Where it can be demonstrated that buffer/greenbelt areas of woodland provide for separation and dilution of the impact of the proposed built form and existing/permitted development.
- (v) Where a local and site specific biodiversity/habitats assessment is submitted as part of the planning application that will include mitigation measures to reduce the impact on biodiversity and
- (vi) Where the site layout provides for integration of the existing biodiversity/habitat with the proposal together with proposals for the planting of indigenous and appropriate tree species.
- (vii) Where the house type is such as to be subsumed within the surrounding woodland area and therein that the proposal is not substantially visible from the public road or from public viewing points.

Biodiversity Protection Area B: To conserve and protect the identified lands from any new development.

To amend the draft plan by rezoning from “Biodiversity Protection Area” to “Biodiversity Protection Area B” as

delineated on the attached map entitled “Appendix J” to this report.

It was agreed to continue consideration of the remaining submissions at the Adjourned Council Meeting on the 10th December, 2007.

End.