

**COMHAIRLE CHONTAE DHUN NA nGALL**

Oifig Riarthóir na  
gCruinnithe  
Aras an Chontae  
LEIFEAR

21 Meán Fómhair 2004

Beidh an Cruinniú Comhairle Chontae Dhun na nGall ag dul ar aghaidh Dé Luain, 27 Meán Fómhair, 2004, ag **2.00 ag Arás an Chontae, Leifear**

**DO GACH BHALL DEN CHOMHAIRLE**

**A Chara**

Iarrtar ort bheith i lathair ag an gcruinniú seo den Chomhairle. Tá Clar an Cruinnithe le seo.

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

**Mise, le meas**

**A. MacSuibhne**

**Riarthóir Cruinniú (RUNAI CHONTAE)**

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**DONEGAL COUNTY COUNCIL**

Office of Meetings Administrator  
County House  
Lifford

21<sup>st</sup> September, 2004

**NOTICE OF MEETING**

A Meeting of Donegal County Council will be held on Monday 27<sup>th</sup> September, 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. **Confirmation of Minutes**
  - (a) Confirmation of Minutes of Meeting of Donegal County Council held on 26<sup>th</sup> July, 2004.
  - (b) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on 6<sup>th</sup> September 2004.
  
2. **Section 140 Motion-Material Contravention of County Development Plan 2000 (as varied)**

Consideration of planning application by Paul Curran for the erection of dwelling house with septic tank at Glasserchoo, Meenlaragh, Gortahork, Co Donegal. Planning reference: 04/2964
  
3. **Nomination of Candidate for the Presidency**

Motion in the name of Clr. Dessie Larkin:-

“That this Council in accordance with Section 16(1) of the Presidential Elections Act, 1993 resolves to nominate Dana Rosemary Scallon to be candidate at the forthcoming Presidential Election.”
  
4. **Disposal of Land – Section 211 Planning & Development Act, 2000**
  - (a) Notice under Section 183 of the Local Government Act, 2001 to resolve to dispose of land at Fir Cottage, Listillion to Ms Margaret O’ Donnell.
  - (b) Notice under Section 183 of the Local Government Act 2001 to resolve to dispose of land at Knockamona, Letterkenny to Mr Francis Devenney, Carnamuggagh, Letterkenny.
  - (c) Notice under Section 183 of the Local Government Act 2001 to resolve to dispose of land at Carnamuggagh Lower, Letterkenny to IDA Ireland, Garrycastle, Dublin Road, Athlone, County Westmeath.
  - (d) Notice under Section 183 of the Local Government Act 2001 to resolve to dispose of land at Lackenagh , Burtonport to Mrs Caroline Alcorn.
  - (e) Notice under Section 183 of the Local Government Act 2001 to resolve to dispose of land at Longlands, Convoy to Mr Eunan Ponsonby (Snr)

5. **Taking of decision pursuant to Part X of the Local Government (Planning and Development ) Regulations 1994 or Planning & Development Act, 2000 (Part XI), & Planning & Development Regulations, 2001 (Part 8), as appropriate, in relation to:-**
- (a) The carrying out of works with regard to 23 Specific Instance Cottages at various locations in the County.
  - (b) The carrying out of works with regard to the construction of a new Fire Station at Glenties
  - (c) The carrying out of works with regard to the construction of a new Fire Station at Dungloe.
6. **Planning & Economic Development Programme**
- (a) Donegal Town Local Area Plan 2004 – 2010. Consideration of County Manager’s Report.
  - (b) Review of the County Donegal Development Plan – Fixing of dates for Members Working Group Meetings.
7. **Roads & Transportation Programme**
- (a) To make the Donegal County Council (Parking Places )Bye-laws 2004.
  - (b) To make the Donegal County Council (Donegal Town Car Park) Bye – Laws 2004.
8. **Financial Programme**
- To approve the final amended expenditure figures for 2003, as contained in the Draft (Unaudited) Annual Financial Statement 2003. ( Copies already circulated )
9. **Corporate & Procedural Programme**
- (a) To approve the implementation of the revised pay scales for Local Authority Staff as sanctioned by the Department of the Environment , Heritage and Local Government.
  - (b) Election of Members to the Following Committees/Bodies
    - County Committee Rural Water Monitoring
    - Airport Committee
    - Place Names Committee
    - Donegal Peace II Taskforce
    - Donegal Heritage Forum

- (c) To adopt Scheme for the establishment and operation of Strategic Policy Committees 2004-2009.

10. **Conferences**

- (a) REMINDER –Induction Seminars for newly elected members to be held at various locations from 08<sup>th</sup> October – 11<sup>th</sup> December 2004.
- (b) Laois County Council –Portlaoise Convention to be held on 20<sup>th</sup> &21<sup>st</sup> October, 2004 in the Heritage Hotel, Portlaoise.
- (c) Eco Business – National Environment Conference to be held on 20<sup>th</sup> & 21<sup>st</sup> October, 2004 in Dundalk, County Louth

11. **Cathaoirleach's Business**

12. **Manager's Report**

## MOTIONS

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

*Motion in the name of Clr. E. Bonner referred from Adjourned Meeting of Donegal County Council held on 06<sup>th</sup> September, 2004:-*

13. **Water, Environment & Emergency Services**  
“That Donegal County Council organise a daily clean up at bottle banks and rubbish bins at both town streets and beaches especially during the tourist season.” (C)

### DONEGAL ELECTORAL AREA

#### **Roads & Transportation**

14. **Clr. T. Pringle**  
“That Donegal County Council apply to the NRA for the same type of funding as was allocated to Bruckless on the N56 for the Frosses Junction to the Milltown Bar to improve this dangerous stretch of road.” (L)

### STRANORLAR ELECTORAL AREA

#### **Housing**

15. **Clr. A. Bonner**  
“That the Council examines the ERG and DPG grants in relation to the maximum level of grant for the various elements of work e.g. maximum roof grant –€4,000, heating €1,500 etc.” (C)

## GLENTIES ELECTORAL AREA

### *Community, Cultural & Enterprise*

16. Clr. D. Alcorn  
“That this Council through our Community Enterprise Section, in conjunction with Forbairt na Rosann, Dungloe, evaluate the feasibility of providing a much needed cinema in Dungloe, as part of the proposed “Dungloe Foreshore Plan.” (L)
17. Clr. T. Slowey  
“That this Council update the Task Force Report on unemployment to reflect the present position.”(C)
18. Clr. E. Bonner  
“That the Community & Enterprise Section of Donegal County Council and other officials be active in promoting and making applications to Interreg III and also liase with members in relation to Council led applications through Cross Border Groups.” (C)
19. Clr. B. O’Domhnaill  
“I call on Donegal County Council to make the Willow Cottage site in Dunfanaghy available for the planned provision of a childcare facility in the village.” (L)

### *Roads & Transportation*

20. Clr. Pdraig Doherty  
“That Donegal County Council will study the ongoing problems at Magheroarty Harbour silting and make proposals as to how the situation can be improved.” (L)

## INISHOWEN ELECTORAL AREA

### *Community, Cultural & Enterprise*

21. Clr. F. Conaghan  
“That this Council would explore the possibility of providing a permanent library service in the Newtowncunningham area.” (L)

22. Clr. B. McGuinness  
“That this Council provides €100,000 for the development, upgrade and maintenance of the Inishowen 100 tourist route.” (L)

**Planning & Economic Development**

23. Clr. M. McDonald  
“That this Council calls for a variation of the county development plan in order to change the lands along side the shore walk from Eugene’s Hall, Moville to Lafferty’s Lane, Glenburney from Category 1 to Category 3 in order to protect the amenities in that area from inappropriate developments.” (L)

**Roads & Transportation**

24. Clr. P. MacLochlainn  
“That as Donegal County Council has already endorsed the recent Donegal Marina Development Strategy, which highlighted Fahan Marina as a flagship marina project in the county, this Council reaffirms without equivocation that Fahan Marina is a project worthy of the support of any relevant funding agency or Government Department, without prejudice to other applicants.” (L)

**LETTERKENNY ELECTORAL AREA**

**Community Cultural & Enterprise**

25. Clr. T. McDaid  
“That this Council calls on the Government to urgently address the need to stop the continuing haemorrhaging of job losses in Donegal in light of 5,000 job losses in the county in the past eight years and in the impending job losses in Unifi and Fruit of the Loom.” (C)

**Roads & Transportation**

26. Clr. J. Harte  
“That this Council call on the NRA to set a date for the completion of the new Manor to Lifford road.” (L)

27. Clr. G. Crawford  
“That this Council discuss whatever plans it may have to make safe traffic calming stands and bollards many of which have become dangerous.” (C)

### MILFORD ELECTORAL AREA

#### *Corporate Services*

28. Clr. I. McGarvey  
“That this Council discuss and delegate authority to Electoral Area Meetings that they would have decision making functions in relation to matters that affect their area.” (C)

### QUESTIONS

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

### DONEGAL ELECTORAL AREA

#### *Water, Environment & Emergency Services*

29. Clr. B. Byrne  
“What plans has this Council to improve the Glencolumbkille Fire Station in line with other improvements to Fire Stations throughout the county?” (L)
30. Clr. B. Byrne  
“Can the Council make provision for recycling facilities at Kilcar, as currently no such facilities exist there?” (L)
31. Clr. T. Pringle  
“How much of the Group Water Scheme Block Capital Grant has been drawn down to date?” (C)
32. Clr. S. McEniff  
“What is the up to date position re: Ballyshannon Sewerage Scheme?” (L)

### **Community, Cultural & Enterprise**

33. Clr. T. Pringle  
“Will the Director of Community & Enterprise meet with the group of Rathmullan business people to discuss their plans for the potato store in the town?” (L)

### **STRANORLAR ELECTORAL AREA**

#### **Roads & Transportation**

34. Clr. A. Bonner  
“Will this Council increase the regional and local roads maintenance allocation in this years estimate to reflect the rising cost of materials, labour etc.?” (C)

#### **Water, Environment & Emergency Services**

35. Clr. A. Bonner  
“What plans has this Council to upgrade the water main at Meenavoy as residents have been left without water on numerous occasions because of frequent burst etc?”(L)

### **GLENTIES ELECTORAL AREA**

#### **Housing**

36. Clr. D. Alcorn  
“Why is there such a delay in paying contractors for the building of S.I. houses?” (C)
37. Clr. Padraig Doherty  
“When will the new Council houses be ready for letting in Gweedore?” (L)

#### **Water, Environment & Emergency Services**

38. Clr. D. Alcorn  
“Why is there such a delay in processing water connections by this County Council?” (C)

39. Clr. Padraig Doherty  
“When will the results of the Tory Island “water testing” be available and when will the Council start the work on the new water scheme?” (L)
40. Clr. B. O’Domhnaill  
“Why is Donegal County Council not giving the proper priority to the Gortahork Sewerage Scheme?” (L)

### **Roads & Transportation**

41. Clr. T. Slowey  
“When will a new public lighting programme be drawn up and what will be the time scale of its implementation?” (C)
42. Clr. E. Bonner  
“When will Donegal County Council provide a footpath from Ard Croine to the Main Street, Dungloe?”
43. Clr. E. Bonner  
“When will the crash barrier on the N56 at the top of Loughanure be reinstated and will warning signs be erected at the approach to bend from Dungloe direction?” (L)
44. B. O’Domhnaill  
“What progress has Donegal County Council made in ensuring a safety barrier is erected along Loch Salt?” (L)

### **Corporate Services**

45. Clr. T. Slowey  
“What checks are carried out by Donegal County Council to ascertain the suitability and character of a staff member before appointment or promotion?” (C)

## **INISHOWEN ELECTORAL AREA**

### **Housing**

46. Clr. F. Conaghan  
“What is the current position regarding the progression of an affordable housing scheme in Inishowen?” (L)

### **Water, Environment & Emergency Services**

47. Clr. F. Conaghan  
“What plans have the Council to progress a sewerage scheme for the villages of Bridgend and Burnfoot?” (L)
48. Clr. P. MacLochlainn  
“In relation to an application by True North Sub Aqua Club in Inishowen to lease the old fire station in Carndonagh, what input to elected representatives have into the decision making process as to whether the Council assets like the old fire station are sold or leased?” (L)
49. Clr. P. MacLochlainn  
“Can Donegal County Council arrange to have the Civic Amenity Site at Carndonagh opened six days a week to facilitate the increasing public demand for the facility?” (L)

### **Planning & Economic Development**

50. Clr. B. McGuinness  
“What is the progress/time scale for local area plans in the Inishowen Electoral Area?” (L)

### **Roads & Transportation**

51. Clr. B. McGuinness  
“Will the Council provide funding and set up a maintenance program for piers and harbours in the county?” (C)

## **LETTERKENNY ELECTORAL AREA**

### **Roads & Transportation**

52. Clr. T. McDaid  
“Has the Council allocated any monies for the upgrading for the existing footpath on the Conwal Road between the O’Donnell Park and Conwal Graveyard in Letterkenny?” (L)
53. Clr. T. McDaid  
“Will the Council make available funding for the widening and strengthening of the Lifford to Raphoe Road from Murlog Chapel

to Ballindrait Village in light of the increased volume of heavy vehicle traffic using that road?” (L)

54. Clr. J. Harte  
“Will the Council ask the NRA to consider putting traffic lights at the Drumany Junction on the Ballybofey Road?” (L)

55. Clr. D. Larkin  
“What progress has been made at Lurgybrack School since they have been back from the summer holidays?” (L)

56. Clr. G. Crawford  
“What efforts have been made to provide a footpath from Demense Raphoe (Meadowhill) into town in view of the new housing development in that area?” (L)

57. Clr. G. Crawford  
“Has cross border funding been sought for road improvements to the Lifford-Derry road via St. Johnston?” (L)

#### **Water, Environment & Emergency Services**

58. Clr. J. Harte  
“When do the Council expect the Civic Amenity facility to be in place in Letterkenny?” (L)

#### **Planning & Economic Development**

59. Clr. D. Larkin  
“May the Council be furnished with an update on all village and town renewal schemes?” (C)

### **MILFORD ELECTORAL AREA**

#### **Corporate Services**

60. Clr. I. McGarvey  
“Would the Council give an outline of the operation of SPC’s and how they can be developed to best serve the people of Donegal?” (C)

61. Clr. I. McGarvey  
“Would it be beneficial to this Council to meet with our Senators, TD’s, Ministers and MEP’s at least four times per year to advise on the required funding and other related matters that adversely affected Donegal over the years?” (C)

## **MOTIONS FROM OTHER COUNCILS**

62. LIMERICK COUNTY COUNCIL  
“That, the Minister for the Environment, Heritage and Local Government review the parameters under which our National Car Testing arrangements are conducted.”
63. CLONES TOWN COUNCIL  
“Recognising the vital role that part time Fireman play within the community this Council calls on the Department of Social and Family Affairs to acknowledge the impediment of being on 24 hour call brings when applying for jobs, also not being able to take up employment outside the 4 mile radius that is necessary to stay within to be on call. These facts should be taken on board whenever decisions on a part time firemans entitlements to unemployment assistance is made as at the present time many find themselves cut off unemployment assistance on the grounds that they are not making adequate efforts to find full time employment.”
64. CLONES TOWN COUNCIL  
“That this Council request the Minister for Foreign Affairs, the Minister for Justice and the Minister for Social and Family Affairs to urgently review the Habitual Residency clause in social assistance claims, as this can effect Irish people returning from the U.S.A., Canada, Australia etc, because it is left open to interpretation.”
65. DERRY CITY COUNCIL  
“That this Council :-
1. In light of the rapidly worsening situation in Maghaberry Prison, calls on the Northern Ireland Office to immediately end

the policy of forced integration of Republican and Pro-Unionist prisoners.

2. Contacts all Councils in Ireland to request that they support this call
3. Nominate an all party delegation to meet with the Northern Ireland Office, the Governor and prisoners representatives at Magheraberry and
4. Demands that proper facilities be provided in the jail for the families visiting prisoners.

66. NORTH TIPPERARY COUNTY COUNCIL

“At the July meeting of this Council the members resolved that I write to all local authorities seeking their support and asking them to write to the Minister for Finance stating their objections to the abolition of rollover relief in respect of capital gains tax on compensation paid to property owners for compulsory acquisition of their land.”

67. LETTERKENNY TOWN COUNCIL

“That we call on all local authorities in the county to appoint one member to a Committee to support the Guards in an effort to get more resources and also to appoint one member to the Donegal Drugs Awareness Committee.”

68. CLONMEL BOROUGH COUNCIL

“That all elected Local Government members be provided with equal status to each other, to include equivalent treatment and privilege in all and every assistance available to them from either Central or Local Government.”

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD  
IN THE COUNTY HOUSE, LIFFORD ON THE 27<sup>TH</sup> SEPTEMBER,  
2004

C/418/04     MEMBERS PRESENT

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

C/419/04     APOLOGIES

Apologies were received from Clr. McEniff who was unable to attend the meeting.

C/420/04     OFFICIALS IN ATTENDANCE

Mr. Michael McLoone, County Manager, Mr. Liam Kelly, Assistant County Manager/Director Housing, Mr. Jim Holohan, Director Water, Environment & Emergency Services, Mr. John McLaughlin, Director Roads & Transportation, Mr. Francie Coyle, Director Planning & Economic Development, Mr. Aidan McNicholas, Head of Finance, Mr. Sean Sheridan, Director Corporate Services, Mr. Denis Kelly, Senior Executive Planner, Mr. James Boyle, Senior Engineer, Mr. Eunan Sweeney, Meetings Administrator, Ms. AnnMarie Crawford, Staff Officer, Corporate Services.

C/421/04     CONFIRMATION OF MINUTES OF MEETING OF  
DONEGAL COUNTY COUNCIL HELD ON 26<sup>TH</sup> JULY,  
2004

On the proposal of Clr. Alcorn, seconded by Clr. Byrne, the Minutes of Meeting of Donegal County Council held on 26<sup>th</sup> July, 2004 were adopted subject to Minute no C/345/04 relating to the election of members/non elected persons to the Colmcille Heritage Trust being discussed at the next scheduled General Purposes Committee Meeting.

AMENDMENT OF MINUTE NO. C/339/04 – MEETING OF DONEGAL COUNTY COUNCIL HELD ON 26<sup>TH</sup> JULY, 2004.

Clr. Pearse Doherty advised that minute no C/339/04 did not fully document his request that the County Manager amend the Housing Report submitted in relation to the Action Plan for Social and Affordable Housing 2004-2008, thus leaving no one on the waiting list at the end of the year.

The County Manager affirmed that a review on numbers on the waiting list was requested before any attempts were made to bridge the gap between the number of housing starts and the numbers on the waiting list.

C/422/04 CONFIRMATION OF MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON 06<sup>TH</sup> SEPTEMBER, 2004

On the proposal of Clr. Conaghan, seconded by Clr. Alcorn, the Minutes of Adjourned Meeting of Donegal County Council held on 06<sup>th</sup> September, 2004 were adopted subject to the inclusion of an apology from Clr. Donaghey who had been unable to attend the meeting.

C/423/04 SECTION 140 MOTION –MATERIAL CONTRAVENTION OF COUNTY DEVELOPMENT PLAN 2000 AS VARIED – CONSIDERATION OF PLANNING APPLICATION BY PAUL CURRAN, GLASSERCHOO, MEENLARAGH FOR THE ERECTION OF DWELLING HOUSE AND SEPTIC TANK AT GLASSERCHOO, MEENLARAGH, COUNTY DONEGAL.

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. Alcorn, Blaney, A. Bonner, E. Bonner, J. Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, Pdraig Doherty, Pearse Doherty, R. Donaghey, J. Harte, P. Kennedy, D. Larkin, N. McBride, T. McDaid, M. McDonald, I. McGarvey, D. McGonagle, P. McGowan, B. McGuinness, P. MacLochlainn, B. O'Domhnaill, B. O'Neill, T. Pringle, J.J. Reid and T. Slowey. (28)

Mr. Francie Coyle, Director of Planning & Economic Development read into the record the report from Mr. Jim Harley, Senior Planner which had been circulated with the agenda.

The report outlined the reasons why planning permission had been refused previously on the 02<sup>nd</sup> April, 2004 (ref 04/2300) and recommended that permission now be refused on the current application for the following reasons:-

1. The proposed development is located within an area designated as landscape category 3 of the County Development Plan 2000 where it is the policy of the Planning Authority to preserve the amenities of the highest quality landscapes. It is the policy of the planning authority that new dwellings within landscape category 3 be for permanent houses on family lands within reasonable proximity of the zone of influence of the presently occupied family home or consist of renovation of a rundown dilapidated building. The proposed development is not considered to meet the said strategic development policies as set out in Sections 2.5.5 of the County Development Plan 2000. Accordingly, the proposed development contravenes the aforementioned provisions of the County Development Plan 2000 and would therefore be contrary to the proper planning and sustainable development of the area.

Members noted that the above application was in respect of a young couple whose family had lived in the area for generations.

On the proposal of Clr. E. Bonner, seconded by Clr. Padraig Doherty, the following motion was put to the meeting by the Cathaoirleach and a recorded vote was taken:-

“In accordance with Section 140 of the Local Government Act, 2001; we the members of Donegal County Council hereby resolve that a decision be made to grant planning permission to Paul Curran, Glasserchoo, Meenlaragh, Gortahork for planning permission for erection of dwelling house and septic tank at Glasserchoo, Meenlaragh, Gortahork Co. Donegal

application ref: 04/2964 subject to such conditions as the Council may see fit to impose upon consideration of the motion or without consideration as the Council may see fit.”

The vote resulted in 23 for with 5 abstentions.

Those voting in favour were

Clrs. Alcorn, Blaney, A. Bonner, E. Bonner, Boyle, Brogan, Byrne, Conaghan, Crawford, Padraig Doherty, Donaghey, Harte, Kennedy, Larkin, McBride, McDonald, McGarvey, McGonagle, McGowan, McGuinness, O’Domhnaill, O’Neill and Slowey. (23)

Abstentions:-

Clrs. Pearse Doherty, McDaid, MacLochlainn, Pringle and J.J. Reid. (5)

The Cathaoirleach declared the motion carried.

Mr. Francie Coyle read into the minutes the schedule of conditions, which Mr. Jim Harley, recommended in his report should be attached in the event of the Council deciding to grant permission.

It was proposed by Clr. Alcorn, seconded by Clr. Padraig Doherty that the schedule of conditions recommended by Mr. Jim Harley 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 5 abstentions.

Those voting in favour were:-

Clrs. Alcorn, Blaney, A. Bonner, E. Bonner, Boyle, Brogan, Byrne, Conaghan, Crawford, Padraig Doherty, Donaghey, Harte, Kennedy, Larkin, McBride, McDonald, McGarvey, McGonagle, McGowan, McGuinness, O’Domhnaill, O’Neill and Slowey. (23)

Abstentions:-

Clrs. Pearse Doherty, McDaid, MacLochlainn, Pringle and Reid.(5)

The Cathaoirleach declared the motion carried.

C/424/04

NOMINATION OF CANDIDATE FOR PRESIDENCY

Clr. Larkin advised that he had put forward the following motion in the interests of democracy. He stated that he was not advocating Dana Rosemary Scallon for President, but simply acknowledging her right to stand before the people as a candidate in the forthcoming presidential election.

On the proposal of Clr. Larkin, seconded by Clr. Blaney, the following motion was put to the meeting:-

“That this Council in accordance with Section 16(1) of the Presidential Elections Act, 1993 resolves to nominate Dana Rosemary Scallon to be a candidate at the forthcoming Presidential Elections.”

Clr. McGarvery stated that the standing of any future president would be enhanced if they were ratified by the election process.

Clr. Pringle confirmed that on the basis of advice obtained from the Ard Comhairle of Sinn Fein members of the party on Donegal County Council would be abstaining from the selection process.

Clr. Conaghan on behalf of Fianna Fail members stated that they would be supporting the candidacy of Mary McAleese in the forthcoming election.

On the proposal of Clr. Conaghan, seconded by Clr. Brogan, it was resolved to hold a recorded vote on the motion.

A recorded vote was then taken by the Meetings Administrator, resulting in 3 for, 13 against with 12 abstentions.

Those voting in favour were:-

Clrs. Blaney, Larkin and McGarvey. (3)

Those voting against were:-

Clrs. Alcorn, A. Bonner, E. Bonner, Brogan, Byrne, Conaghan, Crawford, Donaghey, Kennedy, McDonald, McGonagle, McGowan and O'Domhnaill. (13)

Those abstaining were:-

Clrs. Boyle, Padraig Doherty, Pearse Doherty, Harte, McBride, McDaid, McGuinness, MacLochlainn, O'Neill, Pringle, Reid and Slowey (12)

The Cathaoirleach declared the motion lost.

C/425/04

DISPOSAL OF LANDS AT LISTILLION,  
LETTERKENNY

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

On the proposal of Clr. Harte, seconded by Clr. Brogan, it was resolved to dispose of land at Fir Cottage, Listillion, Letterkenny to Ms. Margaret O'Donnell in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/426/04

DISPOSAL OF LANDS AT KNOCKNAMONA,  
LETTERKENNY

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

On the proposal of Clr. Harte, seconded by Clr. Brogan, it was resolved to dispose of lands at Knocknamona, Letterkenny to Francis Devenny, Carnamuggagh, Letterkenny in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/427/04

DISPOSAL OF LANDS AT CARNAMUGGAGH  
LOWER, LETTERKENNY

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

On the proposal of Clr. Larkin, seconded by Clr. Brogan, it was resolved to dispose of lands at Carnamuggagh Lower, Letterkenny to IDA Ireland, Garrycastle, Dublin Road, Athlone, County Westmeath in accordance with

Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/428/04

DISPOSAL OF LANDS AT LACKENAGH,  
BURTONPORT

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

Clr. Alcorn declared a personal interest in the matter and left the chamber while the matter was being considered.

On the proposal of Clr. E. Bonner, seconded by Clr. Slowey, it was resolved to dispose of lands at Lackenagh, Burtonport to Ms. Caroline Alcorn, Lackenagh, Burtonport in accordance with Section 211 of the Planning & Development Act 2000 and Section 183 of the Local Government Act, 2001.

C/429/04

DISPOSAL OF LANDS AT LONGLANDS, CONVOY

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

On the proposal of Clr. Reid, seconded by Clr. A. Bonner, it was resolved to dispose of lands at Longlands, Convoy to Mr. Eunan Ponsonby (Snr) in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/430/04

TAKING OF DECISION WITH REGARD TO 23  
SPECIFIC INSTANCE COTTAGES AT VARIOUS  
LOCATIONS IN THE COUNTY.

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

On the proposal of Clr. McGuinness, seconded by Clr. Byrne, the carrying out of works under Part X of the Local Government (Planning & Development) Regulations 1994, Part XI Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, as appropriate, with regard to 23 Specific Instance Cottages at locations listed in the report circulated was approved.

C/431/04

TAKING OF DECISION WITH REGARD TO THE  
CONSTRUCTION OF A NEW FIRE STATION AT  
GLENTIES.

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

On the proposal of Clr. E. Bonner, seconded by Clr. Slowey the carrying out of works under Section 179, Planning & Development Act 2000 and Article 81 Planning & Development Regulations 2001 with regard to the construction of a new Fire Station at Glenties was approved.

C/432/04

TAKING OF DECISION WITH REGARD TO THE CONSTRUCTION OF A NEW FIRE STATION AT DUNGLOE

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

On the proposal of Clr. E. Bonner, seconded by Clr. O'Domhnaill the carrying out of works under Section 179 Planning & Development Act, 2000 and Article 81 Planning & Development Regulations 2001 with regard to the construction of a new Fire Station at Dungloe was approved.

C/433/04

DONEGAL TOWN LOCAL AREA PLAN 2004-2010- CONSIDERATION OF MANAGER'S REPORT.

Members considered the Manager's report and recommendations, circulated with the agenda, in relation to the above.

At the outset the Director of Planning & Economic Development outlined details in relation to the preparation of the Draft Plan and the record of public display. He drew the members attention to the maps attached to the Draft Plan namely Map 1 Land Use Zoning Map and Map no. 2 Town Centre Land Use Zoning Map. He also advised the meeting that the Manager's Report issued to them on 19<sup>th</sup> August 2004 included the following maps:-

Map 1(a) Material Alteration – Extension of Plan Boundary at Muckross (as per submission no.11)

Map 1 (b) Material Alteration – Extension to Plan Boundary & Amendment to Visually Vulnerable Designation at Ballyboyle and Rossylongan (as per submission no's 17, 18, 21a&b)

Map 1(c) Material Alteration – Amendment to Visually Vulnerable Designation at Rarooey & Lurganboy

Map 2A Clarification of Boundaries to Policy TP3

He also drew members attention to the covering letter dated 15<sup>th</sup> September, 2004 which was furnished to the members with the agenda setting out clarification with regards to a number of submissions. He advised members that he had circulated a colour copy of the black and white map (Submissions Overview Map-Sept 04) which was originally circulated with the agenda and that the colour copy was also displayed on the wall for members.

**Submission no. 1** by McMullin Associates in respect of lands at Ardeskin/Raforker.

On the proposal of Clr. Boyle, seconded by Clr. O’Neill, it was resolved that the Old Link Road be left in the plan in addition to the new link, which should be re-routed to a position south of the proposed junction with the Old Laghey Road

**Submission no. 2 – 10** by McMullin Associates on behalf of the following:-

Andrew Graham	lands at Drumgowan
Joseph Hughes	lands at Drumgowan
John Deane	lands at Drumgowan
Desmond Barnett	lands at Drumgowan
Dan Mullarkey	lands at Drumbar at Drumgowan
Hugh Cassidy	lands at Drumbar
Francis Brogan	lands at Drumbar
Paddy Brogan	lands at Brookfield
John Greene	lands at Rarooary

On the proposal of Clr. Kennedy, seconded by Clr. O’Neill, it was resolved to rezone all lands included in the above submissions together with the remainder of the lands extending to the bypass and the Old Ballyshannon Road, an to incorporate lands to the South of Flowerhill Road, as visually vulnerable.

**Submission no.11** by McMullin Associates on behalf of:

David Davin in respect of lands at Muckross

On the proposal of Clr. Kennedy, seconded by Clr. Byrne, it was resolved to extend the boundary to incorporate the water break along the line of the former dam with land use designation to be primarily residential and visually vulnerable.

**Submission no. 12** by Seamus Sheer, Main Street, Mountcharles in respect of lands at Drumark.

On the proposal of Clr. Pringle, seconded by Clr. E. Bonner, it was resolved to rezone the lands immediately to the West of the Texaco Service Station to mixed use MU4

**Submission no. 13** by Allan Curran Architects on behalf of the McMullin Family in respect of lands at Drumroske Middle.

On the proposal of Clr. Kennedy, seconded by Clr. Boyle, it was resolved to amend land use from mixed use to edge of centre.

**Submission no. 14** by Ian Thompson, Killybegs Road, Donegal Town, in respect of lands at Doonan.

Members resolved to accept the County Manager's response and agreed that no change be made in relation to the Draft Donegal Local Area Plan 2004-2010.

**Submission no 15** by T. Mulhern, A. Mulhern, S. Gilchrist and L. Thompson, Ardlenagh in respect of lands at Ardlenagh.

Members resolved to accept the County Manager's response and agreed that no change be made to the Draft Donegal Local Area Plan 2004-2010.

**Submission no 16** by Damien Reid, Rossylongan, Donegal Town in respect of lands at Rossylongan/Donegal Bay.

Members resolved to accept the County Manager's response and agreed that no change be made to the Draft Donegal Local Area Plan 2004-2010.

***Submission no. 17*** by McMullin Associates on behalf of Pat McMullin in respect of lands at Ballyboyle and Rossylongan.

On the proposal of Clr. Byrne, seconded by Clr. O'Neill it was resolved that the Draft Donegal Local Area Plan be materially altered to include the land for residential development.

***Submission no 18*** by McMullin Associates on behalf of Pat McMullin in respect of lands at Ballyboyle and Rossylongan.

On the proposal of Clr. Byrne, seconded by Clr. O'Neill, it was resolved that the Draft Donegal Local Area Plan be materially altered to include the land for residential development.

***Submission no. 19*** by McMullin Associates on behalf of Mr. Eunan Brogan in respect of lands at Drumgowan.

Mr. Francie Coyle, Director Planning & Economic Development, clarified that this submission was referred to in covering letter of 15<sup>th</sup> September, 2004.

On the proposal of Clr. Kennedy, seconded by Clr. O'Neill, it was resolved to rezone land included in the above submission together with the remainder of the lands to the bypass and the Old Ballyshannon Road and to incorporate lands to the South of Flowerhill Road, as visually vulnerable.

***Submission no. 20*** by Paul Doherty Architects on behalf of Colm Harvey in respect of lands at Drumlonagher.

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to amend the land use zoning from open space to primarily residential, and omit objective R.L.A.I.

**Submission no 21** by Alex Reid, Rossylangan, Donegal Town in respect of lands at Rossylangan.

On the proposal of Clr. O'Neill, seconded by Clr. Kennedy, it was resolved to materially alter the Draft Donegal Local Area Plan and to amend the boundary to include established residential development along the county road to the west of the site.

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to correct the map to show Coillte lands covered by visually vulnerable and to include the land under Mr. Reids ownership under residential zoning.

**Submission no. 22** by John Durcan on behalf of St. John Bosco Centre, Donegal Town in respect of lands at Drumrooske.

On the proposal of Clr. Pringle, seconded by Clr. Kennedy, it was resolved to accept the County Manager's response and to insert "primarily" to the text "purpose of zone" Appendix 1, with the exception of "solely industrial" where "solely" shall be inserted.

**Submission no. 23** by Pol MacAoidh on behalf of Gael Scoil Na gCeithre Maistri in respect of lands at Tully.

On the proposal of Clr. Byrne, seconded by Clr. Pringle it was resolved to insert "primarily" to the text of "purpose of zone" Appendix 1 with the exception of "solely industrial" where solely shall be inserted.

**Submission no 24** by Minister Mary Coughlan in respect of lands at Tully.

On the proposal of Clr. Kennedy, seconded by Clr. Byrne, it was resolved to accept the County Manager's response and to insert "primarily" in "purpose of zone", in Appendix 1 for all land use zonings, with the exception of "solely industrial" where "solely" shall be inserted.

**Submission no 25** by Ken Ellis, 128 Carryduff Road, Boardmills, Lisburn, Co. Antrim in respect of lands at Revlin.

On the proposal of Clr. Pringle, seconded by Clr. Boyle, it was resolved to accept the County Manager's response and to materially alter the Draft Donegal Local Area Plan by rewording Policy TP15 to read as follows:-

“Protect the carrying capacity and safety of the N56 between Killybegs/Mountcharles Road Roundabout and the control limit of the town to the west, and to restrict new significant development accessing the N56 west of the Bypass to specific locations, namely the Drumark Crossroads, Doonan Road, and Revlin Road, this to include the realignment of Revlin Road and the construction of a roundabout or other approved junction.

On the proposal of Clr. O'Neill, seconded by Clr. Byrne it was resolved that the 30 metre buffer zone was appropriate to safeguard the setting of the coastline and to accommodate public access and thus no change was to be made to the buffer zone around Donegal Bay.

**Submission no. 26** by Paul Doherty, Architects on behalf of St. Josephs's Conference of the St. Vincent de Paul, in respect of lands at Drumlonagher.

On the proposal of Clr. Boyle, seconded by Clr. Pringle, it was resolved to accept the County Manager's response and agreed that no change be made to the Draft Donegal Town Local Area Plan 2004-2010.

**Submission no. 27** by Paul Doherty, Architects on behalf of Bernard Kelly, Drimark in respect of lands at Drimark.

On the proposal of Clr. O'Neill, seconded by Clr. Boyle, it was resolved to include the lands at Drimark within the town boundary and zone for residential development.

**Submission no. 28** by Mrs. M. Horan, Drimark in respect of lands at Drimark.

Members agreed to accept the County Manager's response and agreed that no change be made to the Draft Donegal Town Local Area Plan 2004-2010.

**Submission no. 29** by National Roads Authority in respect of N15 (National Primary Road) N56 (National Secondary Road) and Killybegs/Mountcharles Road.

On the proposal of Clr. O’Neil, seconded by Clr. Slowey, it was resolved to accept the County Manager’s response and to materially alter the Draft Donegal Local Area Plan by inserting a policy in transport and parking, TP17 that is an intention of the County Council to re-examine all the speed limits within the plan boundary and particularly along the Killybegs Road (N56).

On the proposal of Clr. O’Neill, seconded by Clr. Slowey, it was resolved to accept the County Manager’s response and to materially alter the Draft Donegal Local Area Plan by recording Policy TP15 to read as follows:-

“Protect the carrying capacity and safety of the N56 between the Killybegs/Mountcharles Road Roundabout and the control limit of the town to the west, and to restrict new significant development accessing the N56 west of the bypass to specific locations, namely Drimark Crossroads, Doonan Road and Revlin Road.

Members resolved to accept the County Manager’s response and agreed that no change be made to the Draft Donegal Local Area Plan 2004-2010 in relation to submissions 29c and 29d.

***Submission no 30*** by National Roads Regional Design Office, Donegal Town in relation to the lands at N15 (National Primary Road) and N56 (National Secondary Road)-i.e. bypass and the Killybegs/Mountcharles Road.

On the proposal of Clr. Kennedy, seconded by Clr. O’Neill it was resolved to accept the County Managers’ response and agreed that there was no need to make any changes to the Draft Donegal Local Area Plan 2004-2010 in relation to the submissions 30a, 30c, 30e and 30g.

On the proposal of Clr. Kennedy, seconded by Clr. O’Neill it was agreed to materially alter the Draft Donegal Local Area Plan by rewording Policy TP15 to read as follows:-

“Protect the carrying capacity and safety of the N56 between the Killybegs/Mountcharles Road Roundabout and the control limit of the town to the west, and to restrict new significant development accessing the N56 West of

the bypass to specific locations, namely Drumark Crossroads, Doonan Road and Revlin Road (this shall include for the realignment of Revlin Road and the construction of a roundabout or other approved junction). On the proposal of Clr. Kennedy, seconded by Clr. O'Neill, it was resolved that the Draft Donegal Local Area Plan be materially altered by rewording Policy TP16 to read as follows:-

“Ensure that development proposals which are adjacent to the N15 and N56 bypass routes require that mitigation measures comply with the current noise and vibration guidelines in operation for National Roads, said submissions shall be submitted in consultation with, and to the satisfaction of Donegal County Council National Road Regional Design Office”

**Submission no. 31** by Patrick Kelly and Martin McAllister in respect of lands at Drumrooske.

On the proposal of Clr. Boyle, seconded by Clr. Kennedy it was agreed to amend the zoning from mixed use MU1 to edge of centre.

**Submission no 32** by Derek Scott Planning on behalf of Keeney Construction Ltd. in respect of Core Retail Centre, Edge of Centre and Mixed Use Areas.

Members agreed to accept the Mangers's response and agreed that there would be no change to the Draft Donegal Local Area Plan 2004-2010 in relation to submission 32a, 32e, 32g, 32l, 32m,32o and 32p.

**Submission 32(b)**

On the proposal of Clr. Byrne, seconded by Clr. O'Neill it was resolved to amend the wording in section 3.2.1 of the Draft Donegal Local Area Plan to read “significant new retail development instead of “new development”.

**Submission 32(c)**

On the proposal of Clr. O'Neill, seconded by Clr. Boyle, it was resolved to insert the following at the end of paragraph 3.2.3., page 29 of the Draft Donegal Local Area Plan :-

“The core retail centre zone is the preferred location for major retail development in the town and no other sites outside this area will be considered for retail development in the town and no other sites outside this area will be

considered for retail development (other than retail warehousing unless it is demonstrated that there are no suitable viable or available sites within it.”

***Submission 32(d)***

On the proposal of Clr. O’Neill, seconded by Clr. Pringle, it was resolved to accept the County Manager’s recommendation and amend the wording in section 2.3.4 page 29 of the Draft Donegal Local Area Plan 2004-2010 to read as follows:-

“The edge of centre zoning (as indicated on map 1) aims to protect the viability and vitality of the town centre and represents the next preferred location for significant retail development if it is demonstrated that there are no suitable, viable or available sites in the core retail centre zone. Proposals for significant retail development shall include a Retail Impact Assessment containing, inter alia, a sequential test which shall be a material consideration when considering applications. New public and private investment shall also be encouraged here where the uses are appropriate to the core retail centre and which serve the frontline customer. Other uses which shall be considered in this zone are educational, cultural community, tourist (leisure) recreational, office, residential, healthcare and other uses of a similar nature.”

***Submission 32(f)***

Members resolved to accept the County Manager’s response in relation to submission 32f and agreed to insert “primarily” in “purpose of zone” Appendix 1 (page 57) for all landuse zonings, with the exception of “solely industrial” where “solely” shall be inserted.

***Submission 32(h)***

Members resolved to accept the County Manager’s response in relation to submission 32h and noted that it had been agreed previously in relation to submission 29a to materially alter the Draft Donegal Local Area Plan by inserting a policy in transport and parking, TP17 to include the following:-

“It is an aspiration of Donegal County Council to re-examine the speed limits within the plan boundary and particularly along the Killybegs Road (N56).”

***Submission 32(i)***

Members resolved to accept the County Manager’s response in relation to submission 32(i) and noted that it

had been agreed previously in relation to submission 29b to materially alter the Draft Donegal Area Plan 2004-2010 by rewording policy TP15 to read as follows:-

“Protect the carrying capacity and safety of the N56 between the Killybegs/Mountcharles Road Roundabout and the control limit of the town to west, and to restrict new significant development accessing the N56 west of the bypass to specific locations, namely Drumark Crossroads, Doonan Road and Revlin Road this shall include for the realignment of Revlin Road and the construction of a roundabout or other approved junction.”

***Submission 32(j)***

On the proposal of Clr. Pringle, seconded by Clr. Pearse Doherty, in relation to submission 32(j) it was resolved to insert policy TP17 to section 3.6 (page 46) of the Draft Donegal Local Area Plan 2004-2010 to read as follows:- “Prepare and implement a traffic management plan for Donegal Town”.

***Submission 32(k)***

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to reword policy TP13 to read as follows:- “Implement road improvements at following locations:- Potter’s Corner, Junction of the Ballyshannon Road with the Golf Course Road between the Killymard Road Junction with the Mountcharles Road to the mart and the St. John Bosco Centre road (realignment/widening and footpath required); and along Revlin Road to its junction with the Mountcharles Road (road alignment/widening and footpath required.)

***Submission 32(n)***

Following clarification by Mr. Francie Coyle, Director of Planning & Economic Development that the Department of the Environment, Heritage & Local Government had confirmed that the amendments to the SAC boundaries were now part of the designated candidate SAC, on the proposal of Clr. Pearse Doherty, seconded by Clr. O’Neill it was resolved that the boundaries on maps be amended to area covered by the designated candidate SAC.

***Submission no.33*** by Linda O’Donnell in relation to Mixed Use 4.

On the proposal of Clr. Byrne, seconded by Clr. O’Neill it was resolved that the wording of mixed use 4 in section 3.2.5. (page 31) of the Draft Donegal Local Area Plan be

amended by the addition of the following words at the end of the paragraph:-  
“and encourage uses of a similar nature”.

**Submission no. 34** by Declan Brassil and Company Ltd on behalf of Bennett Construction Ltd in respect of lands at Tullyearl.

Members resolved to accept the County Manager’s response and agreed that no change was to be made to the Draft Donegal Local Area Plan 2004-2010.

**Submission no. 35** by Declan Brassil and Company Ltd on behalf of Bennett Construction in respect of lands at Doonan.

On the proposal of Clr. Kennedy, seconded by Clr. Byrne, it was resolved that 8.1 acres of land on the town side of the Mountcharles Roundabout be zoned “core retail” instead of edge of centre.

Clr. O’Neill stated however that it had already been agreed in relation to submission 32(c) that the Core Retail Centre Zone was the preferred location for major retail development in the town and that no other sites outside this area would be considered for retail development. He advised that by rezoning lands outside the designated Core Retail Centre Zone an unwelcome precedent would be set.

A heated debate ensued and on the proposal of Clr. Conaghan, seconded by Clr. Slowey it was agreed to adjourn the meeting for five minutes to allow members to discuss the matter with Planning Officials.

On resumption of the meeting, on the proposal of Clr. Pringle, seconded by Clr. Byrne it was resolved to amend zoning from edge of centre to core retail land use, as drawn up by the members and highlighted on the map circulated (cross hatch area). Appendix 1.

The following amendment was then proposed by Clr. O’Neill and seconded by Clr. Boyle:-

“That we support the Planners decision to identify a core retail are in the centre of Donegal Town, taking into account the Core Retail Strategy and the future viability of Donegal Town Centre.”

In accordance with Standing Orders, the amendment was taken first.

A show of hands resulted in 8 for and 18 against.

The Amendment was declared lost.

A show of hands was then taken on the motion with 18 for and 8 against.

The Cathaoirleach declared the motion carried.

**Submission no. 36** by Declan Brassil and Company Ltd on behalf of Bennett Construction in respect of lands at Drumlonagher lands zoned MU3 to east of core retail centre zone and north of the Ballybofey Road (R267) extending out to Drumlonagher Roundabout.

On the proposal of Clr. O'Neill, seconded by Clr. Pringle it was resolved to accept the County Manager's response and agreed that no change was to be made regarding the MU3 zone.

Members recommended that reference to "either individual or cumulative developments) be omitted (page 30) and to amend the sentence "individual units are not less than 700m<sup>2</sup> and greater than 5000m<sup>2</sup> " to read as follows:-

"non food retail developments shall be considered here where individual units are not less than 700m<sup>2</sup> or greater than 5000m<sup>2</sup>."

**Submission no 37** by Department of the Environment, Heritage and Local Government in respect of various sites within the Donegal Town Boundary.

On the proposal of Clr. Pringle, seconded by Clr. Pearse Doherty, it was resolved to accept the County Manager's recommendations and to materially alter the Draft Donegal Local Area Plan 2004-2010 inserting section 3.8.4. on page 51 to read as follows:-

"The records and monuments and places of county Donegal identifies archaeological sites throughout the county. These recorded monuments are protected under the National Monuments (Amendments) Act, 1994. The maps (i.e. the sites and monuments record for county Donegal) showing the archaeological sites throughout

county Donegal are subject to updating. Thus, the most recent edition should be consulted. The RMP is obviously not an exhaustive list of all archaeology in existence. The updated maps and accompanying manuals are referred to as “The Record of Monuments and Places” due to the adoption of the National Monuments (Amendment) Act, 1994.

“The record of Monuments and Places (RMP) of County Donegal identifies archaeological sites throughout the county. These Recorded Monuments are protected under the National Monuments (Amendment) Act, 1994. The maps (i.e. the Sites and Monuments Record for County Donegal) showing the archaeological sites throughout County Donegal, are subject to updating. Thus, the most recent edition should be consulted. The RMP is obviously not an exhaustive list of all archaeology in existence. The up dated maps and accompanying manuals are referred to as “The Record of Monuments and Places” due to the adoption of the National Monuments (Amendment) Act, 1994.

Recorded Monuments within the area covered by Donegal Town Local Area Plan are:-

<b><u>Monument Number</u></b>	<b><u>Townland</u></b>	<b><u>Classification</u></b>
DG093-013	Donegal Glebe	Town
DG093-01301	Donegal	Castle
DG093-01302	Glebe	Friary
DG093-01303	Glebe	Church & Graveyard
DG093-015	Revlin	Enclosure Site
DG093-014	Revlin	Ringfort
DG093-018	Rathforker	Ringfort
DG 094-022	Ardeskin	Ringfort
DG099-002	Tullaghcullion	Ringfort
DG099-01001	Lurganboy	Friary
DG099-01002	Lurganboy	Stone Sculpture
DG099-012	Muckros	Stone Sculpture

### **General Policies**

The Council will protect the archaeological heritage from damage.

### **Specific Policies**

- It will be an objective of the Planning Authority to secure the preservation (in situ, or as a minimum, preservation by record) of:
- The archaeological monuments included in the Record of Monuments as established under Section 12 of the National Monuments (Amendments) Act, 1994,
- Site and features of historical and archaeological interest.

In securing such preservation the Planning Authority shall have regard to the advice and recommendations of the Heritage and Planning Division, both in respect of whether or not to grant planning permission and in respect of the conditions to which permission, if granted should be subject.

Any development, either above or below ground, within the vicinity of a site of archaeological interest shall not be detrimental to the character of the archaeological site or its setting.

### **Archaeological Assessment**

It is the policy of the Heritage & Planning Division that proposed developments that may (due to their location, size or nature) have implications for the archaeological heritage should be subject to archaeological assessment. Such developments include those that are located at or close to archaeological monuments or sites, those that are extensive in terms of area (1/2 hectare or more) or length (1 kilometre or more) and developments that require an Environmental Impact Statement. The archaeological heritage includes National Monuments in care of the State, archaeological and architectural monuments and sites in the Record of Monuments and Places and the Register of Historic Monuments, zones of archaeological potential in Historic Towns; the underwater archaeological heritage, including historic wrecks; unknown and recorded archaeological sites (including subsurface elements with no visible surface remains); potential site located within the vicinity of large complexes of site or monuments, present or former wetlands, unenclosed land, rivers or lakes, or the inter-tidal wave.

### ***Submission 37(b)***

On the proposal of Clr. Pringle, seconded by Clr. Pearse Doherty, it was resolved to materially alter the Draft

Donegal Local Area Plan to include the two relevant enclosures in Donegal which are recorded monuments on the maps within the Local Area Plan. (37b)

**Submission no 38** by Kathleen O'Donnell on behalf of Muckross Residents Association in respect of lands at Muckross.

On the proposal of Clr. Pringle, seconded by Clr. Kennedy, it was resolved to accept the County Manager's recommendation that no change was to be made to the MU2 zone, with members noting that the designation of SAC and NHA areas was outside the remit of the Planning Authority.

On the proposal of Clr. Pringle, seconded by Clr. Kennedy, it was resolved that lands at Muckross be kept within the town boundary. Members noted that this was a sensitive location, and that the visually vulnerable zone protected this whilst not actually prohibiting development.

**Submission no. 39** by Department of the Marine and Natural Resources in respect of lands at Donegal Town.

On the proposal of Clr. E. Bonner, seconded by Clr. Kennedy, it was resolved to accept the County Manager's response, with members noting that a review of the Donegal Town Development Plan 1999 had occurred within a very short period, with many objectives achieved in the ensuing four year period.

On the proposal of Clr. E. Bonner, seconded by Clr. Kennedy, it was resolved that no change be made regarding the MU3 zone.

**Submission no 40** by Donegal Craft Village, Lurganboy in respect of lands at Lurganboy.

On the proposal of Clr. Pringle, seconded by Clr. Pearse Doherty, it was resolved to accept the County Manager's recommendations and to amend section 3.7.4. page 48 of the Draft Donegal Local Area Plan 2004-2010 to read as follows:-

“creating links between the popular tourist attractions (eg Donegal Craft Village) and all corners of the town.”

On the proposal of Clr. Pringle, seconded by Clr. Pearse Doherty it was resolved that no change be made in relation to mixed use 2 at Lurganboy.

**Submission no 41** by Donegal Town Community Chamber in relation to lands at Donegal Town.

Mr. Francie Coyle, advised members that the covering letter dated 15<sup>th</sup> September, 2004 clarified that the summary of issues raised at 41(f) should state “Express support for submission to extend town boundary to include lands within the bypass as far as Tullyearl” and no.41(h) should state “Express support for submission no.36 provided a convenience store such as Tesco/Dunnes etc is not developed in this area” and the managers response to these submissions remains unchanged.

On the proposal of Clr. Pringle, seconded by Clr. O’Neill, it was resolved to accept the County Manager’s recommendations in respect of submissions 41a, 41b, 41d, 41e, 41g and that no change be made to the Draft Donegal Local Area Plan 2004-2010.

On the proposal of Clr. Pringle, seconded by Clr. O’Neill, it was resolved to that:

- (a) The County Manager’s recommendation in respect of submission 41c be accepted with a previous recommendation relating to submission 22 deemed applicable in this instance i.e. that “primarily” shall be inserted to text “purpose of zone” Appendix 1 (page 57) with the exception of “solely industrial” where “solely” shall be inserted.
- (b) That submission 41(f) had already been dealt with under submissions 2-10.
- (c) That no change be made to the Draft Donegal Local Area Plan in respect of the MU3 zone submission 41h.
- (d) That support be given to the sequential test as already agreed under submission 32(a) and 41(i).

**Submission no 42** by Malachy Gorman, Ratheeny West, Laghey, in respect of lands at Quay/Pier area.

On the proposal of Clr. E. Bonner, seconded by Clr. Kennedy it was resolved to accept the County Manager’s recommendations that the erection of a carpark over the

River Eske from Bank Walk to the Quay on the opposite side was unrealistic in mass and scale within the lifetime of the plan.

**Submission no. 43** by County Donegal Railway Restoration Ltd. Donegal Town in respect of lands at Drumrooske. On the proposal of Clr. O'Neill, seconded by Clr. Pringle, it was resolved to accept the County Manager's recommendations and amend the text in section 3.9.2., page 52 to read "the area has been designated core retail in the Draft Donegal Local Area Plan (43a)"

On the proposal of Clr. Pringle, seconded by Clr. O'Neill, it was resolved that the County Manager's recommendations be accepted and that no changes be made to the Draft Donegal Local Area Plan in respect of submissions 43b, 43c, 43d, 43e, 43g.

On the proposal of Clr. Pringle, seconded by Clr. O'Neill it was resolved that the County Manger's recommendations in respect of submissions 43f be accepted after previous recommendation relating to submission 37 i.e. that the Draft Donegal Local Area Plan 2004-2010 be materially altered as follows:-

"The record of Monuments and Places (RMP) of County Donegal identifies archaeological sites throughout the county. These Recorded Monuments are protected under the National Monuments (Amendment) Act, 1994. The maps (i.e. the Sites and Monuments Record for County Donegal) showing the archaeological sites throughout County Donegal, are subject to updating. Thus, the most recent edition should be consulted. The RMP is obviously not an exhaustive list of all archaeology in existence. The up dated maps and accompanying manuals are referred to as "The Record of Monuments and Places" due to the adoption of the National Monuments (Amendment) Act, 1994.

Recorded Monuments within the area covered by Donegal Town Local Area Plan are:-

<u>Monument Number</u>	<u>Townland</u>	<u>Classification</u>
DG093-013	Donegal Glebe	Town
DG093-01301	Donegal	Castle

DG093-01302	Glebe	Friary
DG093-01303	Glebe	Church & Graveyard
DG093-015	Revlín	Enclosure Site
DG093-014	Revlín	Ringfort
DG093-018	Rathforker	Ringfort
DG 094-022	Ardeskin	Ringfort
DG099-002	Tullaghcullion	Ringfort
DG099-01001	Lurganboy	Friary
DG099-01002	Lurganboy	Stone Sculpture
DG099-012	Muckros	Stone Sculpture

### **General Policies**

The Council will protect the archaeological heritage from damage.

### **Specific Policies**

- It will be an objective of the Planning Authority to secure the preservation (in situ, or as a minimum, preservation by record) of:
- The archaeological monuments included in the Record of Monuments as established under Section 12 of the National Monuments (Amendments) Act, 1994,
- Site and features of historical and archaeological interest.

In securing such preservation the Planning Authority shall have regard to the advice and recommendations of the Heritage and Planning Division, both in respect of whether or not to grant planning permission and in respect of the conditions to which permission, if granted should be subject.

Any development, either above or below ground, within the vicinity of a site of archaeological interest shall not be detrimental to the character of the archaeological site or its setting.

### **Archaeological Assessment**

It is the policy of the Heritage & Planning Division that proposed developments that may (due to their location, size or nature) have implications for the archaeological heritage should be subject to archaeological assessment. Such developments include those that are located at or close to archaeological monuments or sites, those that are

extensive in terms of area (1/2 hectare or more) or length (1 kilometre or more) and developments that require an Environmental Impact Statement. The archaeological heritage includes National Monuments in care of the State, archaeological and architectural monuments and sites in the Record of Monuments and Places and the Register of Historic Monuments, zones of archaeological potential in Historic Towns; the underwater archaeological heritage, including historic wrecks; unknown and recorded archaeological sites (including subsurface elements with no visible surface remains); potential site located within the vicinity of large complexes of site or monuments, present or former wetlands, unenclosed land, rivers or lakes, or the inter-tidal wave.

***Submission no 44*** by Mary Coughlan TD. Minister for Social and Family Affairs in relation to the overall plan.

On the proposal of Clr. O'Neill, seconded by Clr. Pringle, it was resolved to insert to section 3.2.3. page 29 "All significant new retail development in this zone shall be supported by a retail impact assessment in accordance with the provisions of the retail planning guidelines for planning authorities. However, a sequential test shall not be required. The latter involves the examination of any suitable sites within the core retail area before consideration is given to edge of centre sites, having regard to the size availability, accessibility and feasibility of developing premises and sites."

**Submission 44(b)**

Members agreed to accept the County Manager's recommendation that no change be made to the Draft Donegal Local Area Plan 2004-2010 in relation to submissions 43a and 43c and 43f.

On the proposal of Clr. Kennedy, seconded by Clr. Byrne, it was resolved to introduce a defined carpark boundary on map 2 in response to concerns outlined in submission 44(d).

On the proposal of Clr. Kennedy, seconded by Clr. Byrne it was resolved to amend policy TP6 on page 45 to read as follows:-

“prepare and implement a strategy for the construction and upgrading of footpaths, and ensure accessibility for all in response to submission 44e.

C/434/04 ADJOURNMENT OF MEETING

On the proposal of Clr. Kennedy, seconded by Clr. Byrne, it was resolved to adjourn the meeting to 11am on Wednesday 29<sup>th</sup> September, 2004 to complete item 6a and on the proposal of Clr. Pringle, seconded by Clr. Kennedy, it was resolved that the remainder of the business on the agenda (excluding 6a) would be dealt with on Monday 18<sup>th</sup> October 2004 at 10.00am in the Council Chamber, County House, Lifford.