

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR

23 Eanáir 2007

Beidh an Cruinniu Comhairle Chontae Dhun na nGall ag dul ar aghaidh Dé Luain, 29 Eanáir, 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
23rd January , 2007

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 29th January, 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. **Confirmation of Minutes**

- (a) Confirmation of Minutes of Meeting of Donegal County Council held on the 27th November, 2006
- (b) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on 11th December, 2006
- (c) Confirmation of Minutes of Meeting of General Purposes Committee held on 11th December, 2006
- (d) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on 18th December, 2006
- (e) Confirmation of Minutes of Meeting of General Purposes Committee held on 18th December, 2006.

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

- (a) Consideration of Planning Application by Martin McGonigle for the erection of 2 no retail units, and 4 no apartments together with associated site works and car parking at Station Road, Churchland Quarters, Carndonagh, Co. Donegal. Planning reference 06/71478.
- (b) Consideration of Planning Application by Donna Doherty for the erection of two storey dwelling house, domestic garage, approved waste water treatment system and all associated site works at Tullywee, Laghey, Co. Donegal. Planning reference 06/20780.

3. **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 Doon Glebe, Newmills, Letterkenny to Mr. Cormac Gallagher.
- (b) Notice under Section 183 of the Local Government Act, 2001 for the sale of no. 1 Sessiagh View, Ballybofey to Gordon & Brenda Lucas.
- (c) Notice under Section 183 of the Local Government Act, 2001 to dispose of land at Dromore, Killygordon to Crossroads & Killygordon Community Playgroup Ltd.

4. **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 the Dungloe Sewerage Scheme.
 - (b) To approve the carrying out of works with regard to various Specific Instance Cottages listed in the report attached.
 - (c) To approve the carrying out of works with regard to the construction of Fire Station at Gweedore.
5. **Corporate Services Programme**
- (a) To approve the attendance of the Mayor and Deputy Mayor at the Annual St. Patrick's Day celebrations in the U.S.A.
 - (b) To note existence of a Casual Vacancy in membership of County Donegal Vocational Education Committee. as per report attached.
6. **Planning & Economic Development Programme**
- (a) Motion submitted by Clr. Pearse Doherty for November, 2006 Council Meeting, a decision on which was deferred at the Adjourned Council Meeting on the 11th December 2006 for consideration at the January 2007 Council Meeting:-

"That Donegal County Council proceeded immediately with a variation of the County Development Plan 2006-2012, that this variation deletes from the plan the "ESB reinforcement route" indicated on map 3 (Strategic Infrastructure corridors) of the plan."
 - (b) To resolve to publish the Draft Newtowncunningham Local Area Plan for the purposes of public consultation in accordance with the requirements of the Planning and Development Acts 2000-2006.
7. **Roads & Transportation Programme**
- (a) To consider the Road Safety Plan 2007-2009
 - (b) (i) To approve the Bridge Strengthening Programme Non National Roads 2007
 - (ii) To note other Bridge issues – Non National Roads 2007

8. **Housing Programme**
- (a) To approve the raising of a revised loan amount of €4,677,397.00 for the development of a Voluntary Housing Project at Milltown, Convoy by the North & West Housing (Ireland) Ltd, under the Capital Loan & Subsidy Scheme.
9. **Community, Cultural & Enterprise Programme**
- (a) Request for nomination of members to the Heart Project Management Committee. (Mayor of the day & 3 others)
- (b) To consider the financial implications for Council's involvement in Aislann Gaoth Dobhair (report to be circulated at meeting)
- (c) To abolish existing Coiste Logainmneacha /Placenames Committee and establish a new Coiste Logainmneacha/Placenames Committee.
10. **Conferences**
- (a) Authorisation by Local Authority of representation at a seminar, meeting or event – to note revised arrangements under Section 142 (5) of Local Government Act, 2001 introduced by S.I. no 668 of 2006, Local Government (Expenses of Local Authority Members Regulations).
- (b) (i) A.M.A.I. Conference to be held on the 09th and 10th February, 2007 at the Brandon Hotel, Tralee.
- (ii) International Composting Conference to be held on 19th –21st February, 2007 at Dublin Castle.
- (iii) Colmcille Winter School to be held 23rd-25th February 2007 at the Colmcille Heritage Centre, Gartan, Churchill, Letterkenny
- (iv) The Local Government Planning Service Seminar (organised by kadenza Consultancies) to be held 1st – 3rd February, 2007 at the Clonea Strand Hotel, Clonea, Dungarvan, Co. Waterford
- (v) “Energy and the Development Plan, Sustainable, Renewable, Efficient” Seminar (organised by Kadenza Consultancies) to be held 02nd –04th March, 2007 at the Clonmel Park Hotel, Clonmel, Co. Tipperary

- (vi) Flight of the Earls Conference to be held 28th February – 02nd March 2007 at the East Tyrone College, Dungannon, Co. Tyrone.
- (vii) Association of County and City Councils Annual Conference to be held 8th-10th March, 2007 at the Park Hotel, Dungarvan, Co. Waterford.

11. *Mayor's Business*

12. *Manager's Report*

MOTIONS

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

INISHOWEN ELECTORAL AREA

Roads & Transportation

- 13. Clr. Conaghan
“That this Council enforce current policy or develop a new proposal to deal with the large amount of dangerous trees overhanging our county roads”. (C)
- 14. Clr. Donaghey
“That the break waters at Bunrana Pier start as soon as the Department gives the go ahead” (L)
- 15. Clr. McDonald
“That this Council through its current work programme and budget process support the continuation of the Shore Walk from Moville to Greencastle.” (L)
- 16. Clr. McGonagle
“That the Council repair and widen the Shore Road at Ballyliffin.” (L)

Water, Environment & Emergency Services

17. Clr. MacLochlainn
“That Donegal County Council scrap plans to build a sewerage treatment plant at Carnagarve, Moville, Co. Donegal and immediately embark upon a renewed consultation process to select a new site for the Moville/Greencastle Sewerage Scheme” (L)

LETTERKENNY ELECTORAL AREA

Water, Environment & Emergency Services

18. Clr. Larkin
“That this Council give a timetable of works for 2007 that will be carried out by Donegal County Council in Letterkenny Town Council in Sanitary and Environment Projects.” (L)

Community, Cultural & Enterprise

19. Clr. McDaid
“That this Council recognises and acknowledges the positive and significant contribution the Community & Voluntary Sector has made and continues to make to local government structures within the county” (C)

Roads & Transportation

20. Clr. Crawford
“That this Council carry out necessary repairs to footpaths, railings etc on Deelee Bridge, Rosgier, Lifford.” (L)

DONEGAL ELECTORAL AREA

Planning & Economic Development

21. Clr. McEniff
“That the Council invite the Chairperson of An Bord Pleanala to meet with the local Councillors to discuss the constant refusal by the Bord to grant planning permission to a number of retail developments in Donegal Town.” (L)

Water, Environment & Emergency Services

22. Clr. Pringle
“That this Council calls on the Minister for the Environment, Heritage and Local Government to approve the Phasing Report on the Killybegs Sewerage Scheme without any further delay to allow work to proceed on the ground immediately.” (L)

MILFORD ELECTORAL AREA

Water, Environment & Emergency Services

23. Clr. McBride
“That Donegal County Council enter into discussions with the Mevagh Voluntary Fire Service with the view to taking the service under the auspices of the Council.” (L)

STRANORLAR ELECTORAL AREA

Community, Culture & Enterprise

24. Clr. McGowan
“That the Council present a full report on any projects under consideration for the new Territorial Co-operation Programme, Peace 111 and Interreg, 2007-2013 and discuss ways to maximise the benefits from the funds for the county especially along the border” (C)

Corporate Services

25. Clr. A. Bonner
“That Donegal County Council proceeds immediately with the long awaited capital projects in the Stranorlar Electoral Area which they are 100% committed to, i.e. One Stop Shop, Swimming Pool, Library and Ballybofey/Stranorlar Fire Station” (L)

GLENTIES ELECTORAL AREA

Planning & Economic Development

26. Clr. Slowey
“That this County Council ask the Minister for the Environment to make grants available for the upgrading of septic tanks and percolation areas.” (C)

Roads & Transportation

27. Clr. Pearse Doherty
“That Donegal County Council request the presence of the Minister for Finance, Brian Cowan, at a question and answer session before all Councillors, to be accountable for the systematic under funding and structural discrimination towards this county by Dublin Departments, particularly in the context of the shortfall in funding of the National Roads Allocation, the neglect of Donegal in relation to Transport 21, and the failure to fully live up to commitments in the Task Force Report, the Decentralisation programme and the National Development Plan 2000-2006” (C)

Finance

28. Clr. Alcorn
“That this Council does not support the proposed legislation as discussed at the Council Budget Meeting 2007, to have new properties liable for rates from the date they are valued

and that every incentive should be given to people setting up new business” (C)

QUESTIONS

INISHOWEN ELECTORAL AREA

Water, Environment & Emergency Services

29. Clr. McGonagle
“When will the Malin Sewerage Scheme start?” (L)
30. Clr. Conaghan
“When will Lagan Desert Phase Three go to construction and will the residents of Gortree Newtowncunningham be accommodated along the route?” (L)

Roads & Transportation

31. Clr. McGonagle
“Will the Council assist in providing a bus shelter for school children at Glentogher, Carndonagh?” (L)
32. Clr. McDonald
“To ask this Council when the speed limit is to be changed from 80km per hour to 100km per hour on the R238 (Redcastle to Muff road)?” (L)
33. Clr. Donaghey
“When will work begin on the Mill Bridge in Bunrana as part of the Bunrana Inner Relief Road?” (L)
34. Clr. MacLochlainn
“When will Donegal County Council conduct a survey recommending roads suitable for traffic calming in Moville as agreed over 6 months ago?”. (L)
35. Clr. Conaghan
“What proposals do the Council have for the N13 Newtowncunningham by-pass regarding access to the village

and the request from residents for a roundabout at Moyle Junction?" (L)

Community, Culture & Enterprise

36. Clr. McDonald
"To ask this Council when the bye laws requested by both the Gardai and members of the community in Moville will be introduced" (L)

Corporate Services

37. Clr. MacLochlainn
"Can the Council give a detailed breakdown of all the conferences attended by members month by month from the 1st January 2006 to the 1st January 2007, and the travel expenses paid in respect of each conference to each Councillor. The subsistence/overnight stay expenses paid in respect of each conference to each Councillor and the conference fee paid in respect of each conference attended by each councillor" (C)

LETTERKENNY ELECTORAL AREA

Planning & Economic Development

38. Clr. Larkin
"Will the Council explain how the index linked Development Charges work i.e. does the year start from grant or final grant?" (C)

Water, Environment & Emergency Services

39. Clr. Larkin
"Will the Labadish/Drumoghill Group Water Scheme go to construction in 2007?" (L)
40. Clr. Crawford
"What arrangements currently exist to inform the Fire Service of water "turn offs" or significant bursts in the county?" (C)

Roads & Transportation

41. Clr. Crawford
“What progress has there been into the assessment of flooding in Raphoe including recent flood study of Raphoe area?” (L)
42. Clr. McDaid
“Has this Council as yet determined the cause of the serious flooding that caused severe financial hardship on homeowners and businesses in Raphoe in September of last year and what remedial action has now been carried out to prevent the risk of further flooding?” (L)

Housing

43. Clr. McDaid
“Of the €190,000 provided for in the Budget 2007 for homelessness what is the actual proposed spend on direct intervention to those experiencing homelessness in this county?” (C)

DONEGAL ELECTORAL AREA

Housing

44. Clr. McEniff
“What is the up to date position regarding Bundoran /Ballyshannon Fire Stations?” (L)

Water, Environment & Emergency Services

45. Clr. Pringle
“What has been the out turn in the Water & Environment Directorate spending for each of the last five years as against budgeted expenditure?” (C)

MILFORD ELECTORAL AREA

Water, Environment & Emergency Services

46. Clr. McBride
“What is the update on the contract documents for the Portlean pipe replacement which is now being funded under the Small Capital Schemes and when is it envisaged that works will commence?” (L)

Roads & Transportation

47. Clr. McBride
“What further infrastructural plans do Roads and Water & Environment have for Rathmullan prior to the Flight of the Earls celebrations in September 2007?” (L)

STRANORLAR ELECTORAL AREA

Roads & Transportation

48. Clr. McGowan
“Please outline how the Roads Section intends to improve drainage and road maintenance this year following the increase in funding in the 2007 Council Budget?” (C)

Housing

49. Clr. McGowan
“Will the Council agree to replace single glassed poor quality hard wood windows through the Essential Repair Grant Fund to tackle the number of elderly persons living in cold damp conditions?” (C)
50. Clr. A. Bonner
“What progress has this Council made in securing a land bank for housing in the Ballybofey/Stranorlar area, where the greatest need is?” (L)

Community, Culture & Enterprise

51. Clr. A. Bonner
“What progress has been made in identifying a site for a playground for Ballybofey/Stranorlar?” (L)

GLENTIES ELECTORAL AREA

Planning & Economic Development

52. Clr. Slowey
“When will there be a street traders area designated at Ardara?” (L)

Roads & Transportation

53. Clr. Slowey
“What plans have Donegal County Council to ensure that our county roads are properly sign-posted?” (C)
54. Clr. Pearse Doherty
“What is the current position in relation to the Tory Island Airstrip? What are the necessary steps to be taken and when do we expect to proceed through each step?” (L)

Finance

55. Clr. Alcorn
“What percentage is deducted to cover the overhead fund on roads and all other services administered by Donegal County Council, what does this fund cover and what was the total amount deducted in 2006?” (C)

Community, Culture & Enterprise

56. Clr. Alcorn
“When is the County Council going to provide a library service in Ardara (as promised to the late Clr. Charlie Bennett) and has suitable premises been obtained for Glenties Library?” (L)
57. Clr. O’Domhnaill
“Why is Donegal County Council not progressing the development of a library in Falcarragh (Old Fire Station) and Glenties (Old Fire Station) as requested and agreed following my motion at the May 2006 Council Meeting?” (L)

Corporate Services

58. Clr. O’Domhnaill
“Why has no progress been made since my previous motion and question over 12 months ago on having the tricolour (Brat Na hÉireann) fly over the County House and each Public Service Centre? (C)

MOTIONS FROM OTHER COUNCILS

59. MULLINGAR TOWN COUNCIL
“That Mullingar Town Council calls on the Minister for Education and Science to regulate the school book suppliers and stop the custom of printing new books every two years which is not necessary.”
60. DUBLIN CITY COUNCIL
“That the City Council calls upon the Government to acknowledge the serious social problems alcohol abuse is causing to the fabric of Irish Society particularly with young people and that a national campaign to reduce alcohol misuse is developed, in addition that the frightening increase of available outlets to purchase alcohol is addressed, i.e. phone orders, garages, corner shops, convenience stores, everyone is selling alcohol with the obvious result in a huge

increase in crimes against the person, death on our roads, domestic violence, doubling of deaths from alcohol consumption A&E Units are full of people suffering from alcohol misuse every Thursday, Friday, Saturday and Sunday evening.

A couple of simple issues could result in a substantial reduction in our road death rates, zero tolerance, no alcohol when driving, early evening closing of off-licences, make all outlets where alcohol is sold responsible to ensure that those buying are above the legal limit to buy, serious fines for public consumption of alcohol on our streets, parks, etc.”

61. NENAGH TOWN COUNCIL

“That this Council calls on the Department of Social and Family Affairs to increase the fuel allowance timescale from its current 29 weeks to include the full calendar year and that this change take effect from this year.”

62. LIMERICK COUNTY COUNCIL

“That Limerick County Council write to the Minister for the Environment, Heritage and Local Government calling on him to dispose of all e-voting machines stores since 2004, in the interests of the public finances.”

63. LETTERKENNY TOWN COUNCIL

“That before engaging outside contractors or any other external personnel to carry out work for, or on behalf of this Council in future, that a written guarantee confirming that all employees engaged or sub-contracted by these companies while working for or on behalf of this Council, are being afforded their full statutory labour rights and entitlements, and that these are sought and obtained before signing contracts in the same way as the Council demands proof of insurance cover, tax clearances etc.”

64. SOUTH TIPPERARY COUNTY COUNCIL

“That South Tipperary County Council call on the Minister for Health and the Health Service Executive to put a comprehensive funding mechanism in place which would fund in full all services operated by the Hospice movement.”

65.

FINGAL COUNTY COUNCIL

“That this Council calls on the Government to introduce legislation, enabled by the constitutional amendment if necessary, imposing mandatory life long custodial sentences, specifically prohibiting release, for four types of murder;

- The solicitation or commission of a contract killing
- Murder accompanied by torture
- Murder preceded, over a prolonged period by violent abuse of the victim by the killer.”

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD
IN THE COUNTY HOUSE, LIFFORD 29TH JANUARY, 2007

C/20/07 MEMBERS PRESENT

Clrs. Enda Bonner, Mayor, D. Alcorn, L. Blaney, Alice Bonner, J. Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, R. Donaghey J. Harte, J. Kennedy, D. Larkin, N. Mc Bride, T. McDaid, M. Mc Donald, S. McEniff, McGarvey, D. McGonagle, P. Mc Gowan, B. Mc Guinness, P. Mac Lochlainn P. O' Dochartaigh, B. O'Domhnaill, B. O' Neill, J.J Reid, T. Slowey

C/21/07 APOLOGIES

Apologies were received from Clrs Pearse Doherty and Thomas Pringle who were unable to attend the meeting.

C/22/07 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. Michael Heaney, Director of Community, Culture and Enterprise, Mr. Jim Holohan, Director of Water, Environment and Emergency Services, Mr. John Mc Laughlin, Director Roads and Transportation, Mr. Sean Sheridan, Director Corporate Services, Mr. Aidan Mc Nicholas, Head of Finance, Mr. Gerry Richards, Senior Planner, Mr. Denis Kelly, Senior Executive Planner, Mr. Simon Harron, Assistant Planner Mr. Gary Martin, Senior Executive Officer, Mr. Eamon Brown, Road Safety Officer, Mr. Eunan Sweeney, Meetings Administrator, Ms. Anne Marie Crawford, Staff Officer, Corporate Services.

C/23/07 ADJOURNMENT OF MEETING

On the proposal of Clr. Mc Eniff, seconded by Clr. Byrne, it was resolved to adjourn the meeting until 3.45pm so as to allow members attend the launch of the "Pride of Place Awards"

C/24/07 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 27th NOVEMBER 2006
On the proposal of Clr.Mc Eniff, seconded by Clr. Crawford, the Minutes of the Meeting of Donegal County Council held on the 27th November, 2006, were adopted.
Clr. O'Domhnaill requested a progress report on his motion in relation to the London 2012 Olympic Task Force/Opportunities for the North West.

C/25/07 CONFIRMATION OF MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON 11th DECEMBER 2006
On the proposal of Clr.Mc Gowan, seconded by Clr.Alcorn , the Minutes of Adjourned Meeting of Donegal County Council held on the 11th December, 2006, were adopted.

C/26/07 CONFIRMATION OF MINUTES OF GENERAL PURPOSES COMMITTEE MEETING OF DONEGAL COUNTY COUNCIL HELD ON 11th DECEMBER 2006
On the proposal of Clr. Mc Guinness, seconded by Clr.Alcorn, the Minutes of Meeting of General Purposes Committee held on the 11th December, 2006, were adopted.

C/27/07 CONFIRMATION OF MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON 18th DECEMBER 2006
It was agreed that Min C/687/06 be amended read that Clrs. Byrne and Mc Gowan were in attendance.

Clr. Larkin referred to the following motion agreed at the Adjourned Council Meeting on the 18th December 2006 and advised that as an adequate response had not been received from the HSE, Donegal County Council should now proceed with a new site as per his motion:

“That this Council as from today identify a site for the long awaited Civic Amenity Site in Letterkenny”

Mr. Jim Holohan informed the meeting that a response had been received late on the 26th January, 2007 from the HSE in relation to the proposed site. He read into the record the correspondence received from Mr. John Hayes, Local Office

Manager, HSE. This, he advised, cleared the way forward and ensured that Donegal County Council would be in a position to proceed and develop the site in 2007.

It was agreed to defer confirmation of the Minutes of the Adjourned Council Meeting of the 18th December 2006 to allow for a more up to date analysis of the situation and the HSE's letter of 26th January 2007 and that a report on the matter should be presented to members at the General Purposes Committee Meeting on the 12th February, 2007

Updates on the Stranorlar One Stop Shop and the progress of the Drumboe Masterplan were also requested.

C/28/07

CONFIRMATION OF MINUTES OF GENERAL PURPOSES COMMITTEE MEETING OF DONEGAL COUNTY COUNCIL HELD ON 18th DECEMBER 2006

On the proposal of Clr. Byrne, seconded by Clr. Alcorn, the Minutes of Meeting of General Purposes Committee held on the 18th December, 2006, were adopted.

C/29/07

MATERIAL CONTRAVENTION OF COUNTY DEVELOPMENT PLAN 2006 - 2012, AS VARIED - CONSIDERATION OF PLANNING APPLICATION BY MARTIN MC GONIGLE FOR PERMISSION FOR THE ERECTION OF 2 NO RETAIL UNITS AND 4.NO APARTMENTS TOGETHER WITH CAR PARKING AND ASSOCIATED SITEWORKS AT STATION ROAD, CHURCHLAND QUARTERS, CARNDONAGH, CO DONEGAL

The motion was duly proposed by Clr. Mc Gonagle, seconded by Clr. Conaghan..

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, Pádraig Doherty, R. Donaghey, J. Harte, J. Kennedy, D. Larkin, N. Mc Bride, T. McDaid, M. McDonald, S. McEniff, I. McGarvey, D. McGonagle, P. McGowan, B. McGuinness, B. O'Domhnaill, B. O'Neill, J.J. Reid, T. Slowey. (26)

Mr. Francie Coyle, Director of Service, Planning & Economic Development read into the record the report from Mr. Denis Kelly, Senior Executive Planner, dated 18th January, 2007.

Mr. Kelly's report recommended that permission be granted for the following reason:

“The proposed development is located on land zoned as ‘primarily commercial’ and ‘solely amenity/open space’ in Carndonagh Development Plan, 1997 (Variation No.3). The proposed development is mainly sited on land zoned as primarily commercial. Within ‘primary zoned lands’ it is a policy of the Planning Authority to encourage and facilitate development in a positive way, a mixture of uses maybe considered provided the main use remains the dominant one and that the outside uses are compatible with it. It is therefore considered that the proposed development, which provides for retail units and apartments over it is acceptable in principle on that part of the site zoned “Primarily Commercial”. The development site at the northern area of the site encroaches onto land zoned as solely amenity/open space. The proposed development is not compliant with that zoning. However the new Station Road has been developed through the centre of this area of zoned amenity/open space. This road cut through the amenity open space zoning leaves a small portion of land isolated beside the commercial zoning. Given its scale and nature it is considered that any amenity value has been severely compromised and incorporation of this area into a commercial development is acceptable in principle and consistent with orderly and sustainable development. The proposed development is also considered to accord with the provisions of the Retail Strategy as set out in the County Development Plan 2006-12. The proposed development provides for car parking in excess of that required by 2no. retail units and 4no. apartments. Accordingly the applicant has provided for additional car parking spaces to cater for the development of the site in its entirety, including the development permitted under 04/5352.”

On the proposal of Clr. Donaghey, seconded by Clr. Mc Gonagle, 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 Martin McGonigle for the erection of 2 no retail units and 4 no. apartments, together with car parking and associated site works at Station Road, Churchland Quarters, Carndonagh.”

The vote resulted in 26 for with none against.

Those voting in favour were: -

Clrs: - D. Alcorn, L. Blaney, Alice Bonnar, Enda Bonner, J Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, Pádraig Doherty, R. Donaghey, J. Harte, J. Kennedy, D. Larkin, N. Mc Bride, T. McDaid, M. McDonald, S. McEniff, I. McGarvey, D. McGonagle, P. McGowan, B. McGuinness, B. O’Domhnaill, B. O’Neill, J.J. Reid, T. Slowey. (26)

The Mayor declared the motion carried.

Prior to consideration of the Schedule of Conditions, the Meetings Administrator, carried out a count of members present and declared that there were 25 members in attendance.

Mr. Francie Coyle read into the record the Schedule of Conditions, which Mr. Denis Kelly, Senior Planner had recommended in his report should be attached , in the event of the Council deciding to grant permission.

It was proposed by Clr. Mc Guinness, seconded by Clr. Mc Gonagle, that the Schedule of Conditions recommended by the Senior Planner be attached to the permission.

A recorded vote on the motion to attach conditions was then taken by the Meetings Administrator resulting in 25 for with none against.

Those voting in favour were:

Clrs: - D. Alcorn, L. Blaney, Alice Bonnar, Enda Bonner, J. Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, Pádraig Doherty, R. Donaghey, J. Kennedy, D. Larkin, N. Mc Bride, T. McDaid, M. McDonald, S. McEniff, I. McGarvey, D. McGonagle, P. McGowan, B. Mc Guinness, B. O'Domhnaill, B. O'Neill, J.J Reid, T. Slowey. (25)

The Mayor declared the motion carried.

C/30/07

MATERIAL CONTRAVENTION OF COUNTY DEVELOPMENT PLAN 2006 - 2012, AS VARIED - CONSIDERATION OF PLANNING APPLICATION BY DONNA DOHERTY FOR ERECTION OF TWO STOREY DWELLING HOUSE, DOMESTIC GARAGE, APPROVED WASTE WATER TREATMENT SYSTEM AND ALL ASSOCIATED SITE WORKS AT TULLYWEE, LAGHEY, CO DONEGAL.

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, Pádraig Doherty, R. Donaghey, J. Kennedy, D. Larkin, N. Mc Bride, T. McDaid, M. McDonald, S. McEniff, I. McGarvey, D. McGonagle, P. McGowan, B. McGuinness, P. MacLochlainn, B. O'Domhnaill, B. O'Neill, J.J. Reid, T. Slowey. (26)

Clr. Slowey advised that his brother Gerard Slowey had drawn the plans for the proposed dwelling. He confirmed that he had no personal equity in the Company which had provided the plans for the development nor had he any beneficial interest in the project and, therefore, he did not believe he was in any way compromised.

Clr. Kennedy informed members that the applicant wished to build a dwelling house on lands owned by her father. She had negotiated the access and vision lines, given that it was the only option she had, otherwise she would have to purchase a site. Everything was above board in this case, he added.

Mr. Francie Coyle, Director of Planning and Economic Development, in reply to a query from Clr. Larkin, advised that he had written to the National Roads Authority requesting a meeting to discuss ongoing problems in relation to site access on national roads.

In relation to this particular development Mr. Coyle noted that if planning permission was granted, then confirmation of same would have to be forwarded to the NRA, who could in turn appeal the decision to An Bord Pleanala.

Mr. Francie Coyle, Director of Service, Planning & Economic Development read into the record his own report dated 18th January 2007, and the report from Mr. Denis Kelly, Senior Planner, dated 18th January 2007.

Mr. Kelly's report recommended that permission be refused for the following reasons:

- “1. The proposed development accesses onto the National Primary Road where the maximum speed limit applies and accordingly to permit the development as proposed would:
 - (a) Endanger public safety by reason of traffic hazard because additional vehicular movements generated by the development would interfere with the safety and free flow of traffic on the National Primary Road and
 - (b) Conflict with the principles set out in “Development Control Advice Guidelines” issued by the Department of the Environment in October, 1982, and consequentially the Sustainable Rural Housing Guidelines for Planning Authorities issued in 2005, that requests the Council to refuse

permission in the case of new development that would generate new traffic onto National Primary Roads. Accordingly to permit the development would be contrary to the proper planning and sustainable development of the area.

2. Chapter 3.1 of the County Donegal Development Plan 2006 – 2012 seeks to safeguard the carrying capacity of National Roads and other strategic routes and to promote the safe use of the road network. Policy No.TC1 of the County Development Plan (Chapter 3.2 refers) further states that 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 GUIDING DEVELOPMENT ON ROADS and Section 2.2 Transport and Communications in Appendix A, Development Guidelines and Technical Standards. In Chapter 3.3 of the County Donegal Development Plan 2006 – 2012 it is stated that the Council will safeguard the carrying capacity of National roads network in the County through restricting the number of new access points and intensification of existing access points outside of the 60kph limit (as outlined in Appendix A Development Guidelines and Technical Standards). The proposed development accesses onto the National Primary Road where the maximum speed limit applies and the proposal does not come within the exempt categories to the abovementioned policy as listed in Appendix A Development Guidelines and Technical Standards of the County Development Plan 2006-2012. Accordingly to permit the development would materially contravene the aforementioned provisions of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.
3. The proposed development would endanger public safety by reason of traffic hazard and cause obstruction of road users due to the intensification of an existing access point onto a National Route at an entrance where the Planning Authority is not satisfied, on the basis of information submitted, that the proposed design of the access accords

with the required standards specified in the National Roads Authority Design Manual for Roads and Bridges. Accordingly to permit the proposed development would materially contravene the provisions of the County Donegal Development Plan 2006-2012, Appendix A: Development Guidelines and Technical Standards Section 2.2, National Roads, and would be contrary to the proper planning and sustainable development of the area.”

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 resolve that a decision be made to grant planning permission to Donna Doherty for the erection of two storey dwelling house and, domestic garage, approved waste water treatment system and all associated site works at Tullywee, Laghey, Co Donegal.”

The vote resulted in 23 for with 3 abstentions.

Those voting in favour were:-

Clrs: - D. Alcorn, L. Blaney, Alice Bonnar, Enda Bonner, J Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, Pádraig Doherty, R. Donaghey, J. Kennedy, D. Larkin, N. Mc Bride, M. McDonald, S. McEniff, I. McGarvey, D. McGonagle, P. McGowan, B. Mc Guinness, B. O’Domhnaill, B. O’Neill, T. Slowey. (23)

Clrs. Mc Daid, Mac Lochlainn, and Reid abstained.

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 in attendance those listed below: -

Clrs: - D. Alcorn, L. Blaney, Alice Bonnar, Enda Bonner, J Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, Pádraig Doherty, R. Donaghey, J. Kennedy, D. Larkin, N. Mc Bride, T. McDaid, M. McDonald, S. McEniff, I. McGarvey, D. McGonagle, P. McGowan, B. McGuinness, P. MacLochlainn, B. O'Domhnaill, B. O' Neill, J.J Reid, T. Slowey. (26)

Mr. Francie Coyle read into the record the Schedule of Conditions, which Mr. Denis Kelly, Senior Planner, had recommended in his report should be attached, in the event of the Council deciding to grant permission.

It was proposed by Clr. Kennedy, seconded by Clr. Mc Eniff that the Schedule of Conditions recommended by the Senior Planner 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 three abstentions..

Those voting in favour were:

Clrs: - D. Alcorn, L. Blaney, Alice Bonnar, Enda Bonner, J Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, Pádraig Doherty, R. Donaghey, J. Kennedy, D. Larkin, N. Mc Bride, M. McDonald, S. McEniff, I. McGarvey, D. McGonagle, P. McGowan, B. Mc Guinness, B. O'Domhnaill, B. O'Neill, T. Slowey. (23)

Clrs. Mc Daid, Mac Lochlainn, and Reid abstained.

The Mayor declared the motion carried.

C/31/07

DISPOSAL OF LAND AT DOON GLEBE, NEWMILLS, LETTERKENNY, TO MR. CORMAC GALLAGHER.

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

On the proposal of Clr. Larkin, seconded by Clr. Mc Bride, it was resolved to dispose of 0.4141 hectares of land at Doon Glebe , Newmills, Letterkenny to Mr. Cormac Gallagher, in

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

Clr. Larkin thanked all of those who had been involved in the satisfactory completion of this matter.

C/32/07 DISPOSAL OF NO 1 SESSIAGH VIEW, BALLYBOFEY TO GORDON AND BRENDA LUCAS.

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

On the proposal of Clr. A. Bonner, seconded by Clr. Mc Gowan, it was resolved to dispose of No. 1 Sessiagh View, Ballybofey, to Gordon and Brenda Lucas, at a nett cost of €130,470.00, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/33/07 DISPOSAL OF LAND AT DROMORE, KILLYGORDON TO CROSSROADS AND KILLYGORDON COMMUNITY PLAYGROUP.

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

On the proposal of Clr. Mc Gowan, seconded by Clr. A. Bonner, it was resolved to dispose of land at Dromore, Killygordon to Crossroads and Killygordon Community Playgroup in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/34/07 TAKING OF DECISION WITH REGARD TO DUNGLOE SEWERAGE SCHEME

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 Part XI of the Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, to Dungloe Sewerage Scheme was approved.

C/35/07 TAKING OF DECISION WITH REGARD TO VARIOUS SPECIFIC INSTANCE COTTAGES IN THE COUNTY

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

On the proposal of Clr. Byrne, seconded by Clr. Mc Bride, 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 various Specific Instance Cottages in the county was approved.

C/36/07 TAKING OF DECISION WITH REGARD TO CONSTRUCTION OF FIRE STATION AT GWEEDORE

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

On the proposal of Clr. Pádraig Doherty, seconded by Clr. Alcorn, 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 the construction of a Fire Station at Gweedore was approved.

C/37/07 TO RECOMMEND ATTENDANCE AT THE ST PATRICKS DAY CELEBRATIONS IN THE USA

On the proposal of Clr. Conaghan, seconded by Clr. Eniff, it was resolved that the party would consist of the Mayor, the Deputy Mayor and an official to be nominated by the County Manager.

C/38/07 TO NOTE THE EXISTENCE OF A CASUAL VACANCY IN THE MEMBERSHIP OF THE COUNTY DONEGAL VOCATIONAL EDUCATION COMMITTEE

Members noted the report circulated with the agenda in relation to the above

C/39/07 MOTION SUBMITTED BY CLR. PEARSE DOHERTY FOR NOVEMBER 2006 COUNCIL MEETING, A DECISION ON WHICH WAS DEFERRED AT THE ADJOURNED COUNCIL MEETING ON THE 11TH DECEMBER 2006 FOR CONSIDERATION AT THE JANUARY 2007 COUNCIL MEETING.

“ That Donegal County Council proceed immediately with a variation of the County Development Plan 2006-2012, that this variation deletes from the plan the “ESB reinforcement route” indicated on map 3(Strategic Infrastructure Corridors) of the plan.”

Clr. MacLochlainn withdrew the motion on behalf of Clr. Pearse Doherty.

C/40/07 TO PUBLISH DRAFT NEWTOWNCUNNINGHAM LOCAL AREA PLAN FOR THE PURPOSES OF CONSULTATION IN ACCORDANCE WITH THE REQUIREMENTS OF OF THE PLANNING AND DEVELOPMENT ACTS 2000-2006

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

On the proposal of Clr. Conaghan, seconded by Clr. McDonald, it was resolved to publish the Draft Newtowncunningham Local Area Plan for the purposes of consultation in accordance with the requirements of the Planning and Development Acts 2000 – 2006.

C/41/07 ROAD SAFETY PLAN 2007-2009

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

Mr. Eamon Brown, Road Safety Officer, in his presentation to members, provided an overview of the plan and outlined the importance of adopting a multi agency approach in relation to road safety. The plan itself had a four tiered approach, he noted, with emphasis being placed on (1) Education, (2) Engineering and Technical aspects, (3) Enforcement Measures, and (4) Evaluation.

Members welcomed the report and acknowledged the extensive work carried out by Mr. Brown in the production of the report.

On the proposal of Clr. Alcorn, seconded by Clr. Mc Gowan, it was agreed that Chair of the Roads SPC should be included on the Donegal Road Safety Working Group. Clr. Larkin suggested that a member from each Electoral Area should also be included in the membership of this group.

Clr. Crawford proposed, seconded by Clr. Larkin and it was resolved that Donegal County Council should, as a pilot project, set aside lands at the Big Isle, Letterkenny for the development of an Academy of Motoring.

C/42/07 BRIDGE STRENGTHENING PROGRAMME -NON NATIONAL ROADS 2007

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

Mr. John Mc Laughlin, Director of Roads and Transportation advised that two bridges per each Electoral Area waiting List had been included in the programme.

On the proposal of Clr. Mc Gowan, seconded by Clr. O' Domhnaill, the Bridge Strengthening Programme for Non-National Roads 2007 was agreed.

C/43/07 TO NOTE OTHER BRIDGE ISSUES – NON NATIONAL ROADS

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

In reply to a number of queries raised by members, Mr. John Mc Laughlin, advised that there were over 1500 bridges in the county and that specific training was necessary in order to carry out a risk assessment of all such structures.

Clr. Larkin raised the issue of the Relief Road, Letterkenny and setting up a meeting with the County Manager and the Director of Roads on the funding options.

C/44/07 TO APPROVE RAISING OF A REVISED LOAN AMOUNT OF €4,677,397.FOR THE DEVELOPMENT OF A VOLUNTARY HOUSING PROJECT AT MILLTOWN, CONVOY BY THE NORTH AND WEST HOUSING (IRELAND) Ltd, UNDER THE CAPITAL LOAN AND SUBSIDY SCHEME.

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

On the proposal of Clr. Reid, seconded by Clr. Bonner, the raising of a loan of €4,677,397.00 for the development of a Voluntary Housing Project at Milltown Convoy, by the North & West Housing (Ireland) Ltd, under the Capital Loan and Subsidy Scheme was approved.

C/45/07

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. Pádraig Doherty, 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:-

A.M.A.I. Conference to be held on the 09th and 10th February, 2007 at the Brandon Hotel, Tralee.

International Composting Conference to be held on 19th –21st February, 2007 at Dublin Castle.

Colmcille Winter School to be held 23rd-25th February 2007 at the Colmcille Heritage Centre, Gartan, Churchill, Letterkenny.

The Local Government Planning Service Seminar (organised by kadenza Consultancies) to be held 1st – 3rd February, 2007 at the Clonea Strand Hotel, Clonea, Dungarvan, Co. Waterford

“Energy and the Development Plan, Sustainable, Renewable, Efficient” Seminar (organised by Kadenza Consultancies) to be held 02nd –04th March, 2007 at the Clonmel Park Hotel, Clonmel, Co. Tipperary

Flight of the Earls Conference to be held 28th February – 02nd March 2007 at the East Tyrone College, Dungannon, Co. Tyrone.

Association of County and City Councils Annual Conference to be held 8th-10th March, 2007 at the Park Hotel, Dungarvan, Co. Waterford.

C/46/07

MAYOR’S BUSINESS

VOTES OF SYMPATHY

- Votes of sympathy were proposed to the following:

- The family of the late John Kerr, former Mayor of Derry City Council.
- Clr. Peter Mc Laughlin, Buncrana Town Council , on the death of his sister, Eithne Mc Laughlin.
- The family of the late Robert French, former employee Donegal County Council, Roads Section.

C/47/07

ADJOURNMENT OF MEETING

On the proposal of Clr. Mc Gowan, seconded by Clr. Pádraig Doherty, the Council resolved to adjourn the remainder of the business to Monday 12th February 2007 at 4.00pm.

This concluded the business of the meeting.