

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR
22 Meán Fómhair, 2009

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain, 28 Meán Fómhair, 2009,
ag **12.00 meán lae in Áras an Chontae, Leifear**

DO GACH BHALL DEN CHOMHAIRLE

A Chara

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

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

Mise, le meas

A. MacSuibhne

Riarthóir Cruinnithe(RÚNAI CHONTAE)

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
22nd September, 2009

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 28th September, 2009 at **12.00 noon in the County House, Lifford.**

TO EACH MEMBER OF DONEGAL COUNTY COUNCIL

Dear Councillor

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

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

Yours sincerely

E. Sweeney

Meetings Administrator (County Secretary)

AGENDA

1. Section 140 Motion

Motion under Section 140 of the Local Government Act 2001 in the names of Clrs; Larkin, Brogan, Blaney, Harte and McGarvey to grant planning permission to Eamon and Brendan McGlynn for Retention of Raised Site Levels Due to Imported Fill Material and Permission For Construction of Single Storey Building Consisting of 2 No. Warehouse/Distribution Units With Wastewater Treatment System and Associated Siteworks at Tullygay, Letterkenny, Co. Donegal Application reference 09/40090, subject to such conditions as the Council may see fit to impose upon consideration of the motion or without conditions as the Council may see fit.

2. Confirmation of Minutes

- a) Confirmation of Minutes of Meeting of Donegal County Council held on the 20th July, 2009.
- b) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on the 29th July, 2009.

3. Planning and Economic Development

- a) Consideration of Manager's Report on the Material Alterations to the Draft Letterkenny & Environs Development Plan 2009-2015 and to make the new plan.

MOTIONS

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

GLENTIES ELECTORAL AREA

Community, Enterprise and Cultural Services

4. Clr. M.T. Gallagher

“Go dtabharfaidh Comhairle Contae Dhún na nGall tacaíocht do cúig phrionsabail Guth na Gaeltachta, is iad sin:

1. Roinn na Gaeltachta faoi cheannasaíocht an Aire a choinneáil.
2. Cúraimí fiontraíochta Údarás na Gaeltachta a choinneáil.
3. Oideachas Gaeltachta agus Gaeilge a chosaint.
4. Scéimeanna forbartha teanga, cultúrtha agus ealaíne a choinneáil

agus a leasú más gá.

5. Ciste caiteachais a bheith ar fáil d'oibreacha caipitil, infreastruchtúir agus pobail i gceantair iargúlta mar an Ghaeltacht”

“That Donegal County Council support the five principles of Guth na Gaeltachta, which are:

1. To retain Roinn na Gaeltachta under the direction of a minister of the Gaeltacht.
2. To retain the enterprise responsibilities of Údarás na Gaeltachta
3. To protect Gaeltacht and Gaeilge education.
4. To retain language development, cultural and arts schemes and amend them if necessary.
5. Funding to be made available for capital works, infrastructure and communities in rural areas such as the Gaeltacht.” (O)

INISHOWEN ELECTORAL AREA

Corporate Services

5. Clr. Farren

"That Donegal County Council supports the provision of a Car Testing Centre in Inishowen." (O)

6. Clr. McConalogue

"That Donegal County Council use its business account with Eircom as leverage to exert economic pressure on the company to enable the Culdaff/Gleneely telephone exchange for internet as well as the other three remaining exchanges in the County." (L)

Roads & Transportation Services

7. Clr. MacLochlainn

"That this Council opposes the proposals in the McCarthy Report (An Bord Snip Nua) to cease funding for the Rural Transport Scheme that delivers important public transport services to many parts of Donegal." (O)

Community, Enterprise and Cultural Services

8. Clr. McGuinness

"That this Council call on the Minister for Transport and the relevant Minister in the Northern Assembly to jointly provide money to enable the Foyle Ferry Service to continue to operate." (C)

LETTERKENNY ELECTORAL AREA

Planning and Economic Development

9. Clr. McGarvey

"That this Council will allow that any payment made to a Group Water Scheme is fully deducted from the water charges." (C)

10. Clr. Harte

"That this Council adopt a policy of keeping telecommunications masts at least 1km from schools." (C)

11. Clr. Quinn

"That Donegal County Council amends / varies the County Development Plan, Chapter 3, Policy no. TC10, which presently reads :

“ The County Council will encourage applicants for telecommunications antennae and support structures to engage in pre-application discussions with local stakeholders with a view to addressing local concerns regarding to siting of same”.

To then read

“The County Council requires applicants for telecommunications antennae and support structures to:

1. Advertise their planning application in a local newspaper.
2. Include with their application all technical data pertaining to the Radio Path Profile, the Beam of Greatest Intensity, Exclusion Zones and Safety Procedures.
3. Facilitate a pre-application public information meeting at a venue as close as possible to the location of the proposed structure.
4. Engage in pre-application discussions with local stakeholders with a view to addressing local concerns regarding the siting of same.
5. Inform local Elected Representatives of their application prior to lodgement with the Council.” (C)

Water and Environment and Emergency Services

12. Clr. McBride

"That this Council condemn the Minister for Agriculture and the Government for their decision to close the REPS 4 Scheme for new applicants, and that this Council call on our Donegal TDs and senators to object in Oireachtas Eireann to Minister Smith's decision on this matter." (O)

13. Clr. Larkin

"That the elected members be given a time for the construction of the new sewage treatment plant in Letterkenny." (L)

DONEGAL ELECTORAL AREA

Roads & Transportation Services

14. Clr. O'Neill

"I call on Donegal County Council to address the issue of School Safety for Schools located in Town Centres particularly in South Donegal in light of the Traffic Warden situation at Scoil Aodh Rua agus Nuala in Donegal Town and the absence of a Traffic Warden at Scoil Catriona at College Street in Ballyshannon." (C)

STRANORLAR ELECTORAL AREA

Roads & Transportation Services

15. Clr. Harvey

"That this Council take whatever steps necessary to secure the small section of land on the Trusk Road, Ballybofey as to extend the footpath from the Supervalu Complex to the Weavers Estate, and to give an update on the progress made at the next meeting of the Council." (L)

16. Clr. McGowan

"That the Council outlines a winter plan/work programme for road maintenance in each Electoral area this winter following the disastrous conditions which many motorists faced last winter." (C)

Water and Environment and Emergency Services

17. Clr. McBrearty

"That this Council seek the immediate funding necessary from John Gormley the Environment Minister and for the support of all the Donegal TDs especially that of Mary Coughlan Tanaiste who is a TD for Donegal South West, in order to solve the ongoing health hazard in St Johnston and to have work started on a new sewage treatment plant in St Johnston ASAP." (L)

18. **Finance**

To resolve to approve overdraft accommodation of Fifty Million euro (€50,000,000) for half-year ending 30th June, 2010.

19. **Corporate and Procedural Programme**

- a) Establishment and Election of Members to the County Committee for Rural Water Monitoring.
- b) To approve HEG Scheme 2009.
- c) To adopt Draft Strategic Policy Committee Scheme 2009-2014.
- d) To consider report on the Review of the Committee Structure.
- e) To note that copies of statements and statutory declarations have been circulated to Members of the Local Authority pursuant to Section 14 of the Local Elections (Disclosure of Donations, Expenditure) Act 1999, as amended.

20. **Planning and Economic Development**

- a) To note response received from Mr John Gormley T.D. Minister for the Environment Heritage and Local Government in connection with the extension of Planning Permissions.

21. **Housing and Building**

To note the names of officials of Donegal County Council and Travellers Representatives nominated to the newly constituted Donegal Local Traveller Accommodation Consultative Committee.

22. **Endorsement of Confirmed Meetings**

- a) Endorsement of the Confirmed Minutes of Meeting of the Glenties Electoral Area Committee held on the 5th May, 2009.
- b) Endorsement of the Confirmed Minutes of Meeting of the Inishowen Electoral Area Committee held on the 11th May, 2009.
- c) Endorsement of the Confirmed Minutes of Meeting of the Milford Electoral Area Committee held on the 12th May, 2009.

- d) Endorsement of the Confirmed Minutes of Meeting of the Donegal Electoral Area Committee held on the 13th May, 2009.
- e) Endorsement of the Confirmed Minutes of Meeting of the Letterkenny Electoral Area Committee held on the 18th May, 2009.
- f) Endorsement of the Confirmed Minutes of Meeting of the Glenties Electoral Area Committee held on the 14th July, 2009.

23. Conferences

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

a) **HOME**

- Induction Seminar for newly elected members to be held in Sligo on 14th October, 2009.
- Greystones Town Council in association with Ards Borough Council, 2009 La Touche Legacy Seminar to be held from Friday 2nd October to Sunday 4th October 2009 at the Charlesland Golf and Country Club Hotel, Greystones, Co. Wicklow.
- Training Seminar, “Councillor Co-operation, North and South – The Challenges” to be held Friday 9th and Saturday 10th October, 2009 at the Bellingham Castle Hotel, Castlebellingham, Co. Louth.
- Douglas Hyde Conference '09, “Culture and The Economy” to be held from Friday 16th to Sunday 18th, October, 2009 at the Abbeyfield Hotel Conference and Leisure Centre, Ballaghderreen, Co. Roscommon.

b) **Abroad**

- Invitation to a “Journey of Remembering Weekend” in Flanders on the 6th-8th November, 2009, *Cost provisional. Trip to proceed on the basis that there are sufficient numbers available to attend.*
- NASC EU Briefing Programme in Brussels, to be held Tuesday 17th and Wednesday 18th November, 2009.

24. Mayor's Business

25. Manager's Report

QUESTIONS

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

GLENTIES ELECTORAL AREA

Housing and Building

26. Clr. Slowey

"What is the position regarding the provision of a Turnkey Housing Development at Glenties and the 8 houses which were listed for Ardara?" (L)

Roads & Transportation Services

27. Clr. Slowey

"Will Donegal County Council put a sign for Dungloe at Ann Bonner's shop at Belcruit as this junction is not signposted?" (L)

28. Clr. M.T. Gallagher

"What measures does this Council propose to take to ensure that safety measures are installed on the N56 on Gweedore Road Dungloe, at Pete Greene's house as this black spot on the road has accidents happening regularly?" (L)

29. Clr. M.T. Gallagher

"What measures does this Council propose to take to ensure that safety measures are installed on the road between Burtonport and Dungloe, at James O' Hagens house as this black spot on the road has accidents happening regularly?" (L)

INISHOWEN ELECTORAL AREA

Roads & Transportation Services

30. Clr. MacLochlainn

"Following the report from road design section, how soon can Donegal County Council deliver traffic lights at the Cockhill Road/Westbrook Junction, Buncrana to alleviate serious traffic delays at certain times for the local community?" (L)

31. Clr. McConalogue

"Will the additional finances necessary for the erection of a footbridge in Clonmany be provided by the County Council?" (L)

Corporate Services

32. Clr. MacLochlainn

"When will Buncrana link into and benefit from the Project Kelvin infrastructure?" (L)

Community, Enterprise and Cultural Services

33. Clr. McConalogue

"What is the estimated commencement date for the construction of a new playground at Clos Phadraig in Carndonagh?" (L)

34. Clr. McGuinness

"What is the current position regarding Malin Head Tourism Project?" (L)

Planning and Economic Development

35. Clr. McGuinness

"What is the current position regarding the Barrack Hill/Town Park development in Carndonagh?" (L)

LETTERKENNY ELECTORAL AREA

Corporate Services

36. Clr. McGarvey

"What is the intended Plan for Milford PSC, and how many services and staff will be retained there?" (L)

37. Clr. McGarvey

"How much rent was paid by this Council for property during 2008 and to date for 2009?" (C)

38. Clr. Larkin

"Can this Council have a update on the progress being made to bring much needed broadband coverage to the people of the Glenswilly, Churchill and Gartan areas?" (L)

Finance

39. Clr. Harte

"In light of the fall in commercial rental values does the Council expect rateable valuations to be amended accordingly?" (C)

Roads & Transportation Services

40. Clr. Harte

"Will the Council endeavour to cut down bushes that are obscuring road signs throughout the county?" (C)

41. Clr. Quinn

"I am requesting an up-to-date on the County Council's plans regarding the road from Ballymacool Terrace to the new roundabout at O'Donnell Park, particularly in relation to the widening of the footpath?" (L)

42. Clr. Quinn

"Has Donegal County Council agreed a date on which work on a pedestrian crossing at the Aura Leisure Centre will commence?" (L)

43. Clr. Larkin

"When will the long overdue road works take place in the Woodlands/Lisnennan area?" (L)

Water and Environment and Emergency Services

44. Clr. McBride

"What is the update on the proposed improvement works to the Churchill Water Scheme?" (L)

Planning and Economic Development

45. Clr. McBride

"What is the start date for the Milford Environmental Improvement works?" (L)

DONEGAL ELECTORAL AREA

Roads & Transportation Services

46. Clr. O'Neill

"Will Donegal County Council in conjunction with the NRDO erect Tourism/Heritage Signing along the Ballyshannon By-Pass to help promote Ballyshannon?" (L)

STRANORLAR ELECTORAL AREA

Water and Environment and Emergency Services

47. Clr. Harvey

"What plans does this Council intend to take to address the fact that there is 26 houses in Leitirbrick, Glenfin with no mains water

supply, and is there any immediate plans to connect this area to a mains supply?" (L)

Roads & Transportation Services

48. Clr. Harvey

"What practical steps have the Council taken to prevent a recurrence of flooding in Raphoe?" (L)

49. Clr. McGowan

"Can the Council outline a plan/timeframe to construct a footpath between Chapel Street Stranorlar and the New Finnvalley College site at Drumboe Stranorlar as works need to be completed prior to opening of the College?" (L)

50. Clr. McGowan

"Can the Council prepare the necessary documents and request funding from the various funding agencies such as DoEHLG, Clar and Roinn Na Gaeltachta etc, to replace the Elactagh Bridge Cloghan R-252-7 which is in a dangerous condition?" (L)

51. Clr. McBrearty

"Will the Council seek funding for the Tober road and if funding is not forthcoming for this road will the Council prioritise funding when it becomes available?" (L)

52. Clr. Crawford

"What is the current position of the flood prevention study with regards to Raphoe?" (L)

53. Clr. Crawford

"Why has there been such a delay in having 'scene attended' tape or an alternative put in place at R.T.A. locations - which has been brought before the Road Safety Group?" (C)

Housing and Building

54. Clr. McBrearty

"What is the Council position on the problems associated with 25, 26, 27, 28, 29 and 30 Beechwood Grove, Lifford and similar problems in other partly owned Council estates?" (L)

55. Clr. Crawford

"When will traffic calming ramps promised for Coneyburrow Estate, Lifford be put in place?" (L)

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD
IN THE COUNTY HOUSE, LIFFORD ON 28th SEPTEMBER, 2009

C/421/09 MEMBERS PRESENT

Clrs. B. Byrne, Mayor, D. Alcorn, J. Boyle, C. Brogan, G. Crawford, M. Doherty, Padraig Doherty, R. Donaghey, M. Farren, M.T. Gallagher, M. Harley, J. Harte, C. Harvey, D. Larkin, P. Mac Lochlainn, F. Mc Brearty, N. McBride, C. Mc Conalogue, S. McEniff, I. McGarvey, P. McGowan, B. McGuinness, S. O'Domhnaill, B. O'Neill, T. Pringle, M. Quinn, J. Ryan, and T. Slowey.

C/422/09 OFFICIALS IN ATTENDANCE

Mr. Michael McLoone, County Manager, Mr. Francie Coyle, Director of Planning and Economic Development, Mr. Sean Sheridan, Director Corporate Services, Mr. John Mc Laughlin, Director Roads and Transportation, Mr. Seamus Neely, Director Water, Environment and Emergency Services, Mr. Aidan Mc Nicholas, Head of Finance, Mr. Michael Heaney, Director Community, Culture and Enterprise, Ms Helena O'Toole, Senior Planner, Mr. Gerry Richards, Senior Planner, Mr. Denis Kelly, Senior Planner, Mr. Eunan Quinn, Senior Executive Planner, Mr. Liam Ward, Senior Executive Officer, Mr. Joe Peoples A/ Meetings Administrator, Ms. Anne Marie Crawford, Staff Officer, Corporate Services.

C/423/09 ADJOURNMENT OF MEETING

On the proposal of Clr. Larkin, seconded by Clr. Mc Conalogue, it was resolved to adjourn the meeting for 15 minutes to accommodate a number of Members who were attending prior engagements.

C/424/09 MOTION TO HAVE MATTER DISCUSSED AS URGENT BUSINESS

A request signed by Clrs. Slowey, Mc Guinness, Harley, Mc Bride, Ryan, M. Doherty, Mc Gowan, Crawford, Alcorn, Larkin and Mc Brearty to have the following motion discussed as urgent business was read into the record by the Mayor: -

“That this Council asks the people of Donegal to vote YES in the Lisbon Treaty Referendum on this Friday, October 2nd, 2009.”

A further request signed by Clrs. Mc Brearty, O’ Domhnaill, Quinn, Mac Lochlainn, Harvey, Gallagher to have the following motion discussed as urgent business was also submitted: -

“That An Tánaiste and Minister for Enterprise, Trade and Employment Mary Coughlan explain on behalf of the Government why they did not ensure that the European Globalisation Adjustment Fund, with a budget of €500 million per annum to support workers in regions that have suffered mass redundancies due to the global economy, was applicable to the workers at Fruit of the Loom and other Textile Companies in Donegal when and after the European Council agreed the fund in 2005.

In the context of the news that former Dell workers in Limerick and the Mid West Region are to receive €14.8 million in support from the fund, this Council while congratulating the people of the region, call on the Government to clarify what they are now going to do to compensate and support the thousands of workers in Donegal who have lost their jobs in similar circumstances, considering the above failure.”

It was unanimously agreed to consider both in order of receipt prior to the close of business.

C/425/09 MOTION UNDER SECTION 140 OF THE LOCAL GOVERNMENT ACT 2001 TO GRANT PLANNING PERMISSION TO EAMON AND BRENDAN MC GLYNN FOR RETENTION OF RAISED SITE LEVELS DUE TO IMPORTED FILL MATERIAL AND PERMISSION FOR CONSTRUCTION OF SINGLE STOREY BUILDING CONSISTING OF 2 NO WAREHOUSE/DISTRIBUTION UNITS WITH WASTEWATER TREATMENT SYSTEM AND ASSOCIATED SITE WORKS AT TULLYGAY, LETTERKENNY, CO DONEGAL.

The motion was duly proposed by Clr. Larkin, seconded by Clr. Mc Bride.

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.

D. Alcorn, J. Boyle, C. Brogan, B. Byrne, G. Crawford, M. Doherty, P Doherty, R. Donaghey, M. Farren, M.T. Gallagher, M. Harley, J. Harte, C. Harvey, D. Larkin, P. Mac Lochlainn, F. Mc Brearty, N. McBride, C. Mc Conalogue, S. McEniff, I. McGarvey, P. McGowan, B. McGuinness, S. O'Domhnaill, T. Pringle, M. Quinn, J. Ryan, and T. Slowey.
(27)

Mr. Francie Coyle, Director of Services, Planning and Economic Development read into the record his report and the report from Mr. Denis Kelly, Senior Planner, dated 21st September, 2009.

Mr. Kelly's report stated that the proposed development was contrary to the Council's Spatial Strategy as set out in Chapter 2 of the County Donegal Development Plan, 2006-2012 (as varied) and would be contrary to the Flood Risk and Development Policy ESP2 as set out in the said Plan. It was he advised at variance with the proper planning and sustainable development of the area and thus he recommended that permission be refused for the following reasons:

1. The proposed development would contribute to a haphazard and sporadic pattern of commercial development in an area outside the boundaries of Letterkenny and its environs. The grant of permission would prejudice the achievement of the spatial strategy for the County and an objective of the Council to create a vibrant and fully functioning Gateway as the principal driver for the development of the region, by guiding development into a number of predefined urban centres in order to add to the critical mass of Letterkenny (Chapter 2 of County Development Plan 2006-2012 refers). To permit the development of the scale proposed would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development is located within the River Swilly Flood Plain. It is the policy of the Planning Authority that development should not itself be subject to an inappropriate risk of flooding, nor should it cause or exacerbate such a risk at another location (Rf. Policy ESP2, County Development Plan, 2006-2012 (as varied)). On the basis of the information submitted, the Planning Authority is not satisfied that the applicant has carried out the necessary appropriate detailed assessment of the flood risk arising from the development at the site, which is necessary to establish if the proposed development is subject to an inappropriate risk of flooding or that it will not cause or exacerbate such a risk at another location. Therefore to permit the proposed development, in the absence of such evidence, would be contrary to Policy ESP2 of the County Development Plan, 2006-2012 (as varied) and would be contrary to the proper planning and sustainable development of the area.

Clr. Larkin informed the meeting that flooding would not be an issue in this instance as the proposed development with a ridge height of 4.8 m would not materially affect the floodplain. The traffic hazard impact he noted would be minimal as there was a low volume of traffic in the area. The fact that there had been no objection to the development on the grounds that it was located in close proximity to the Conwal Ecclesiastical Site was he advised hugely significant. The Department of the Environment, Heritage and Local Government had he informed Members concurred with the Cultural Heritage and Archaeological Visual Impact Assessment commissioned by the applicant. Pollution and Public Health issues it was noted had been adequately dealt with.

Clr. Larkin in conclusion drew Members attention to the fact that there had been no third party submissions/observations submitted in relation to the application. Permission he advised should be granted as it was clearly evident that the applicant had dealt with all the issues raised in connection with the development.

On the proposal of Clr. Larkin, seconded by Clr. Mc Bride, 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 Eamon and Brendan Mc Glynn for Retention of Raised Site Levels due to Imported Fill Material and permission for construction of Single Storey Building consisting of 2 No Warehouse/Distribution Units with Wastewater Treatment System and Associated Siteworks at Tullygay Letterkenny, Co Donegal.”

The vote resulted in 22 for with 5 abstentions.

Those voting in favour were:-

Clrs. D. Alcorn, J. Boyle, C. Brogan, B. Byrne, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M. Harley, J. Harte, D. Larkin, F. Mc Brearty, N. McBride, C. Mc Conalogue, S. McEniff, I. McGarvey, P. McGowan, B. McGuinness, S. O’Domhnaill, J. Ryan, and T. Slowey. (22)

Clrs. Gallagher, Harvey, MacLochlainn, Pringle, and Quinn abstained. (5)

The Mayor declared the motion carried.

Mr. Francie Coyle read into the record the Schedule of Conditions which Mr. Denis Kelly, Senior Planner had set out in his report for consideration of Members if, despite his recommendation, the Council decided to grant permission. It was proposed by Clr Larkin, seconded by, Clr. Mc Bride that the Schedule of Conditions set out in Mr. Kelly’s report be attached to the permission subject to Condition No 3 being amended from:-

“Opening hours shall be limited to 8.00am - 6.00pm Monday - Saturday inclusive (excluding Sundays and Public Holidays) and no service deliveries shall take place outside these hours”.

To:- Opening hours shall be limited to 12 midnight - 6.00pm Monday - Sunday inclusive and no service deliveries shall take place outside these hours.

Those voting in favour were;-

Clrs. D. Alcorn, J. Boyle, C. Brogan, B. Byrne, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M. Harley, J. Harte, D. Larkin, F. Mc Brearty, N. McBride, C. Mc Conalogue, S. McEniff, I. McGarvey, P. McGowan, B. McGuinness, S. O'Domhnaill, T. Pringle, J. Ryan, and T. Slowey. (23)

Clrs. Gallagher, Harvey, MacLochlainn, and Quinn abstained. (4)

The Mayor declared the motion carried.

C/426/09 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 20TH JULY, 2009.

On the proposal of Clr. Brogan, seconded by Clr. Boyle, the minutes of the Meeting of Donegal County held on the 20th of July, 2009 were adopted subject to the following clarification in respect of Minute C/353/09. It was agreed that the reference in respect of S2010 Lands at Tullan Strand, Bundoran should read as follows: -

“ On the proposal of Clr. Brogan, seconded by Clr. Byrne, it was resolved to accept the County Manager’s recommendation and materially alter the Draft Bundoran and Environs Development Plan 2010-2016 by rezoning lands identified as both “Low Density Residential” and “ Coastal Conservation Area” to “ Open Space Amenity”. It was also agreed that the following paragraph should be deleted: -

“In addition to, require the provision of appropriate public pedestrian access to Tullan Strand a Section 47 Agreement shall be completed between the relevant Councils and the landowner(s) in relation to the ceding of public open space for the provision of access to Tullan Strand, to both Town and County Council as part of any planning permission with the proviso that the land is ceded prior to the commencement of any houses".

C/427/09 CONFIRMATION OF MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 29TH JULY, 2009.

On the proposal of Clr. Larkin, seconded by Clr. Gallagher, the minutes of the Adjourned Meeting of Donegal County Council held on the 29th July, 2009 were adopted.

C/428/09 CONSIDERATION OF MANAGER'S REPORT ON THE MATERIAL ALTERATIONS TO THE DRAFT LETTERKENNY AND ENVIRONS DEVELOPMENT PLAN 2009-2015 AND TO MAKE THE NEW PLAN.

Mr. Francie Coyle, Director Planning and Economic Development advised Members that they should consider those submissions identified as being located within the DCC and the joint DCC & LTC areas only.

Material Alteration 1

On the proposal of Clr. Larkin, seconded by Clr. Bonner, it was resolved to materially alter the Draft Letterkenny and Environs Development Plan 2009-2015 and amend the plan so as to zone said lands as “Established Development”

Material Alteration 2

On the proposal of Clr. Larkin, seconded by Clr. Harte, Members noted that it had been resolved by Letterkenny Town Council to amend the plan so that the text associated with policy RT2 (para 111, para2) be replaced with the following text: -

“The Planning Authority considers there are ample development opportunities currently available within the Town Centre for a variety of proposals. Development proposals within the town centre are clear opportunities to strengthen the physical urban form of the town. Such proposals, including those in backlands and within Urban Blocks 1, 3 & 4 (Map 6) must be based on the provision of strong pedestrian and vehicular linkages through the town centre and be designed to provide a quality urban streetscape. In addition the planning authority consider that the potential for a larger retail development in traditional town centre, through the sensitive amalgamation of individual retail units/buildings, remains virtually untapped. The sequential test does not apply to retail proposals located within the defined town centre.

Material Alteration 3

On the proposal of Clr. Larkin, seconded by Clr. Harte, it was resolved to materially alter the Draft Letterkenny and Environs Development Plan 2009-2015 and amend the plan so as to zone the land as “Commercial”

Material Alteration 4

On the proposal of Clr. Harte, seconded by Clr. Brogan, Members noted that it had been resolved by Letterkenny Town Council to amend the plan boundary to broaden the defined uses for Opportunity Site 7 to include neighbourhood retail, bulky goods retail, car retail and hotel uses.

Material Alteration 5

On the proposal of Clr. Harte, seconded by Clr. Brogan, Members noted that it had been resolved by Letterkenny Town Council to amend the plan from the proposed “Community/Education” Zoning to “Established Development”.

Material Alteration 6

On the proposal of Clr. Harte, seconded by Clr. Larkin, members noted that it had been resolved by Letterkenny Town Council to amend the plan so as to omit the “LYIT Strategic Future Zone” – Policy CF8.

Material Alteration 7

On the proposal of Clr. Brogan, seconded by Clr. Larkin, it was resolved to materially alter the Draft Letterkenny and Environs Development Plan 2009-2015 and amend the plan by inserting the following text into S.2.6: -

‘In order to facilitate this ongoing process, the table on the following pages sets out a basic analysis of the future need for facilities and amenities within each ‘Key Growth Node Neighbourhood’ [Map no 3 ‘Neighbourhood Strategy - New Neighbourhood Structure’] on the basis of the neighbourhoods being developed in one phase. It is recognised however, that this assessment is based on round figures in relation to land mass, density, percentage of population in various age cohorts, school class sizes, and that the analysis does not provide for a phased implementation. Therefore, the analysis has limitations and

will be used as a guide to the level of provision that may be required in each neighbourhood. In particular, the land capacity referred to in the table on the following pages is indicative only and is not intended to prescribe the number of units permissible at any particular location. In lieu, the number of units that may be delivered at any particular location may be higher or lower as a result of a number of factors arising through the design process including topography, the nature of the site (Brownfield/Greenfield) and the design concepts employed. As a result, through the life of the plan, it will be necessary to review the table on the following pages so as to update data on the number of units supplied in each neighbourhood and any resultant revised requirements at a neighbourhood level for associated services and amenities. Guided by this analysis, the Councils will apply the principles and guides set out in this section to developing neighbourhoods through good urban design. The quality agenda (requiring innovative and quality led layouts and design structure) together with a recognition and understanding of the importance of the existing built form is the most appropriate method of achieving integrated and sustainable neighbourhoods. This process is about setting a clear and new direction for the Gateway that establishes quality and integration at the heart of the strategy”.

Material Alteration 8

On the proposal of Clr. Brogan, seconded by Clr. Larkin, it was resolved to materially alter the Draft Letterkenny and Environs Development Plan 2009-2015, so as to incorporate screening for an Appropriate Assessment with regard to impacts on Natura 2000 sites.

Material Alteration No 9

On the proposal of Clr. Harte, seconded by Clr. Larkin, Members noted that Letterkenny Town Council had agreed to amend the Draft Plan so as to bring policy in relation to “Built Heritage” into line with the appropriate provisions of the Planning Acts.

Material Alteration No 10

On the proposal of Clr. Larkin, seconded by Clr. Brogan, Members noted that Letterkenny Town Council had agreed

to amend the Draft Plan and zone the lands in question as “Primarily Residential” in accordance with ref 10 contained in the map booklet.

Material Alteration No 11

On the proposal of Clr. Brogan, seconded by Clr. Larkin, it was resolved not to accept the County Manager’s recommendation but instead to materially alter the Draft Letterkenny and Environs Development Plan 2009 –2015 as published.

Material Alteration No 12

Members noted that Letterkenny Town Council had agreed to amend the Draft Plan and zone lands as “Opportunity Site - Kiltyoy”.

Material Alteration No 13

On the proposal of Clr. Harte, seconded by Clr. Brogan, it was resolved to materially alter the Draft Letterkenny and Environs Development Plan 2009-2015 and amend the Draft Plan so as to zone the lands as “Established Development” and extend the Plan Boundary to have account of the extent of the permitted development at this location.

Material Alteration No 14

On the proposal of Clr. Larkin, seconded by Clr. Brogan, it was resolved not to accept the County Manager’s recommendation but instead to materially alter the Draft Letterkenny and Environs Development Plan 2009-2015 and amend the draft plan by extending the plan boundary and zoning the entirety of the lands as “ Strategic Residential Reserve”

Material Alteration No 15

On the proposal of Clr. Larkin, seconded by Clr. Brogan, it was resolved not to accept the County Manager’s recommendation but instead to materially alter the Draft Letterkenny and Environs Development Plan 2009-2015 by amending the plan so as to zone the lands as “ Primarily Residential”

Material Alteration No 16

Members noted that Letterkenny Town Council had agreed to amend the Draft Plan by zoning from “Open Space” to “General Employment”

Material Alteration No 17

Members noted that Letterkenny Town Council had agreed to amend the Draft Plan and rezone the lands from “Local Environment” to “Low Density Residential”

Material Alteration No 18

On the proposal of Clr. Brogan, seconded by Clr. Larkin, it was resolved not to accept the County Manager’s recommendation but instead to materially alter the Draft Letterkenny and Environs Development Plan 2009-2015 by rezoning the lands from “Local Environment” to “Low Density Residential”.

Material Alteration No 19

On the proposal of Clr. Larkin, seconded by Clr. Brogan, it was resolved to materially alter the Draft Letterkenny and Environs Development Plan 2009-2015 by zoning the lands in question as “Established Development”.

Material Alteration No 20

Members noted that Letterkenny Town Council had agreed to amend the Draft Plan and zone the lands in question as “Primarily Residential”

Material Alteration No 21

On the proposal of Clr. Larkin, seconded by Clr. Brogan, members noted that Letterkenny Town Council had materially altered the Draft Letterkenny and Environs Development Plan 2009-2015 and amended policy CF12 to read as follows: -

‘It is the policy of the Councils to protect land of recreation and open space value in order to ensure the provision of sufficient lands and amenities for the use and enjoyment of the public. There will be a presumption against development on open space.’

On the proposal of Clr. Larkin, seconded by Clr. Brogan, Letterkenny Town Council it was resolved to make the Letterkenny and Environs Development Plan 2009-2015

subject to the adopted amendments in the Manger's Reports (March 2009 and July 2009) and to publish said plan together with information on the likely significant effects on the environment) in accordance with section 12(10) of the Planning and Development Act 2000.

Mr. Francie Coyle, Director Planning and Economic Development thanked all those who had worked to develop and progress the plan. He acknowledged also the co-operation of the Members of Donegal and Letterkenny Town Councils.

Members also acknowledged the work of the Council Officials in bringing this work to a satisfactory completion.

C/429/09 THAT DONEGAL COUNTY COUNCIL SUPPORT THE FIVE PRINCIPLES OF GUTH NA GAELTACHTA
On the proposal of Clr. Gallagher, seconded by Clr. P. Doherty, the following motion was adopted:-

“Go dtabharfaidh Comhairle Contae Dhún na nGall tacaíocht do cúig phrionsabail Guth na Gaeltachta, is iad sin:

1. Roinn na Gaeltachta faoi cheannasaíocht an Aire a choinneáil.
2. Cúraimí fiontraíochta Údarás na Gaeltachta a choinneáil.
3. Oideachas Gaeltachta agus Gaeilge a chosaint.
4. Scéimeanna forbartha teanga, cultúrtha agus ealaíne a choinneáil agus a leasú más gá.
5. Ciste caiteachais a bheith ar fáil d'oibreacha caipitil, infreastruchtúir agus pobail i gceantair iargúlta mar an Ghaeltacht”

“That Donegal County Council support the five principles of Guth na Gaeltachta, which are:

1. To retain Roinn na Gaeltachta under the direction of a minister of the Gaeltacht.
2. To retain the enterprise responsibilities of Údarás na Gaeltachta.
3. To protect Gaeltacht and Gaeilge education.
4. To retain language development, cultural and arts schemes and amend them if necessary.

5. Funding to be made available for capital works, infrastructure and communities in rural areas such as the Gaeltacht.”

Members were informed that:-

Ta Comhairle Chontae Dhun na nGall ag obair i bpairtneireacht le Udaras na Gaeltachta agus leis an Roinn Gnothai Pobail, Tuaithe agus Gaeltachta i gcotheacs Bord Forbartha Chontae Dhun na nGall. Ta cultur agus an ghaeilge aitheanta mar aimhainni tabhacheach den chontae agus ta forbairt na hacmhainni seo mor phriomhacht den Bord Forbartha den tri bliana amach romhainn. Beidh an Bord Forbatha ag iarraidh go mbainfear an usaid is mo is gur feidir as an tachmainn seo chun leas an phobail o thaobh turasoireacht, fiontair agus forbhairt eachnamiul go ginearalta.

Donegal County Council is working in close partnership with Udaras na Gaeltachta and the Roinn nGnothai Pobail, Tuaithe agus Gaeltachta in the context of Donegal County Development Board. Culture and the Irish language have been identified as valuable resources for this county and the development of these resources is a priority goal for the County Development Board over the next three years. The CDB will seek to ensure that the maximum benefit is gained for the county from the resources in terms of tourism, enterprise and economic development in general.

Clr. Gallagher acknowledged Members support for the motion outlining the immense effect the promotion of these principles would have on the Irish Language and on our rich cultural identity. They were essential also she noted for the survival of the tourist industry and the overall economic development of the region.

A number of members alluded to the fact that many of the proposals contained in the McCarthy Report would effectively marginalise Gaeltacht Areas. It was essential they noted that current structures be retained in these regions.

Clr. Gallagher asked that the Minister for Community, Rural and Gaeltacht Affairs and Guth na Gaeltachta be informed of the passing of the motion by Donegal County Council.

C/430/09 PROVISION OF A CAR TESTING CENTRE IN INISHOWEN

On the proposal of Clr. Farren, seconded by Clr. MacLochlainn, the following motion was adopted:-

"That Donegal County Council supports the provision of a Car Testing Centre in Inishowen."

Members were informed that:-

The provision of National Car Test Centres is a matter for the Department of Transport.

Clr. Farren advised that it was unacceptable that people in the Inishowen Peninsula had to make an 80 mile round trip to Letterkenny to avail of Car Testing services.

A number of members indicated that arrangements were being made to provide a Car Testing Centre, possibly in Carndonagh, though this was dependent on the relevant contracts being signed.

In conclusion Clr. Farren stated that it was imperative that such a centre was provided for the people of Inishowen as soon as possible.

C/431/09 INTERNET ACCESS IN THE CULDAFF/GLENEELY AREA

On the proposal of Clr. McConalogue, seconded by Clr. McGuinness, the following motion was adopted:-

"That Donegal County Council use its business account with Eircom as leverage to exert economic pressure on the company to enable the Culdaff/Gleneely telephone exchange for internet as well as the other three remaining exchanges in the County."

Members were informed that:-

The Council uses all opportunities in its business relationship with Eircom to promote the telecommunications and broadband agenda in the County. It should be noted that the proportion of broadband enabled exchanges in Donegal is high.

Members called for the provision of a fully serviceable internet network for the people of Donegal.

It was acknowledged that every effort should be made to upgrade all the remaining exchanges whilst providing a broadband service that would service the needs of the business community and the public in general.

C/432/09 RURAL TRANSPORT SCHEME AND THE DELIVERY OF PUBLIC TRANSPORT SERVICES TO MANY PARTS OF DONEGAL

On the proposal of Clr. MacLochlainn, seconded by Clr. Byrne, the following motion was adopted:-

"That this council opposes the proposals in the McCarthy Report (An Bord Snip Nua) to cease funding for the Rural Transport Scheme that delivers important public transport services to many parts of Donegal."

Members were informed that:-

In 2007 Donegal County Council through the Donegal County Development Board Transport Sectoral Forum identified the need for the further expansion and development of the Rural Transport Initiative in county Donegal. At that time there was limited cover in the county with two companies operating in specific sub regions - Siob Teo & SITT.

Over the past two years the Council has acted as a facilitator to advance the further expansion and delivery of the service to the county as a whole.

Representations were made to Pobal, the managing authority, to seek the expansion of the service to the county as a whole. This resulted in a further service provider being appointed for the Inishowen area. During these representations Pobal agreed with the expansion of the service areas of the two existing operating companies and at

a joint meeting the county was geographically divided to ensure that all areas of the county could have a rural transport company servicing it.

The three companies have now agreed boundary lines and have agreed service timetables to ensure there is no duplication of these services and that the best possible service is delivered.

The Council then held further discussions with the HSE as a County Development Board (CDB) partner to seek to develop a pilot project which could demonstrate the advantages of using the rural transport companies to act as transport coordinators for CDB partner agencies who have a transport requirement as part of the delivery of their services to the community.

This resulted in a mapping exercise being carried out in part of South West Donegal linking rural transport routes with HSE client service routes and developing an integrated transport service which has met the needs of both the community and the HSE clients with access to services.

The pilot scheme is now underway and is due for completion in December 2009. Subject to a positive evaluation it is proposed that this would be expanded into other areas of the county in association with the other two rural transport companies.

The Council are now seeking to meet with the Department of Transport Senior Officials to discuss methods of a redistribution of the free travel allocation to the county with an increase towards the rural transport companies. Members of the community availing of the rural transport service often have no other means of availing of this benefit.

Donegal County Council through the County Development Board are committed to supporting the further development of this service throughout the county. In 2007 Donegal County Council through the Donegal County Development Board Transport Sectoral Forum identified the need for the further expansion and development of the Rural Transport Initiative in county Donegal. At that time there was limited cover in the county with two companies operating in specific sub regions - Siob Teo & SITT.

Over the past two years the Council has acted as a facilitator to advance the further expansion and delivery of the service to the county as a whole.

Representations were made to Pobal, the managing authority, to seek the expansion of the service to the county as a whole. This resulted in a further service provider being appointed for the Inishowen area. During these representations Pobal agreed with the expansion of the service areas of the two existing operating companies and at a joint meeting the county was geographically divided to ensure that all areas of the county could have a rural transport company servicing it.

The three companies have now agreed boundary lines and have agreed service timetables to ensure there is no duplication of these services and that the best possible service is delivered.

The Council then held further discussions with the HSE as a County Development Board (CDB) partner to seek to develop a pilot project which could demonstrate the advantages of using the rural transport companies to act as transport coordinators for CDB partner agencies who have a transport requirement as part of the delivery of their services to the community.

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The Council are now seeking to meet with the Department of Transport Senior Officials to discuss methods of a redistribution of the free travel allocation to the county with an increase towards the rural transport companies. Members of the community availing of the rural transport service often have no other means of availing of this benefit.

Donegal County Council through the County Development Board are committed to supporting the further development of this service throughout the county.

Clr. MacLochlainn advised that he was strongly opposed to many of the recommendations in the McCarthy Report,

especially any attempt to dismantle the Rural Transport Initiative.

The Mayor advised that he had first hand knowledge of the scheme and that to cut off funding at his stage would effectively destroy in the region of 10 years hard work.

Many of the people who had availed of the service he affirmed had no access to transport of any kind.

It was suggested also that Donegal County Council lobby the H.S.E. to ensure the maintenance of funding levels.

Members acknowledged the fact that many of the key development stakeholders in the County supported the continuance of the scheme, as it provided a valuable service to many of the most vulnerable sections of the community.

C/433/09

PROVISION OF MONIES FOR THE FOYLE FERRY SERVICE

On the proposal of Clr. McGuinness, seconded by Clr. Farren, the following motion was adopted:-

"That this Council call on the Minister for Transport and the relevant Minister in the Northern Assembly to jointly provide money to enable the Foyle Ferry Service to continue to operate."

Members were informed that:-

Subsequent to agreement of both Councils a public tender for non-subvented service for the Foyle Ferry was proceeded with in early 2009. Only one tender was received which did not meet non subvented requirements. A negotiated process was entered into with tenderer which did not conclude successfully.

In view of above a short term extension to existing contract was agreed to run from mid June 2009 through to 30th September 2009. A further offer was made to existing service provider in July and August 2009 to further extend existing contract on non subvented basis or, alternatively, to

negotiate a more flexible permit based system, again for period post 30th September 2009. Current service provider declined this option both verbally and most recently in writing dated 20th August 2009. The Service provider had requested Council's to contribute to Company's operating losses and indicated that if Council's agree to do this Company would review option to continue post 30/09/09.

A detailed review was undertaken with regard to potential funding options for continued provision of service. No immediately accessible funding is available to allow for service to be funded/subvented effective 01/10/09 (the provision for funding in any event, it is felt, would require a further tendering process).

Donegal County Council is not be in a position to review the provision of funding for such a service until their annual budget meeting which, based upon previous years, will be scheduled to conclude in early January 2010.

Members of the Inishowen Electoral Area outlined the necessity of continuing the ferry service, given that it had proved to be a valuable economic and tourist attraction in the County.

They acknowledged also the need to maintain and develop the Buncrana to Rathmullan Ferry service.

The County Manager informed the meeting that he had met with the ferry operator at the end of July to review all available options. The operation of a non subvented permit system had been discussed, but proved not to be a viable option in the long term. Every effort he advised had been made to source Interegg IV funding.

It was he affirmed not possible to provide any guarantees in relation to 2010 funding as this had now to be considered in the context of the forthcoming budget.

There was also he noted the issue of tendering as the process involved the use of money from public funds.

Clr. McGuinness in conclusion called on Donegal County Council to explore all funding possibilities and make provisions where applicable for the ferry service in the 2010 estimates.

It was agreed that the minutes for transport and his counterpart in the Northern Ireland Assembly be contacted in relation to the provision of funding for the ferry service.

C/434/09

PAYMENTS TO GROUP WATER SCHEMES

On the proposal of Clr. McGarvey, seconded by Clr. Donaghey, the following motion was adopted:-

"That this Council will allow that any payment made to a Group Water Scheme is fully deducted from the water charges."

Members were informed that:-

The following reductions are available for the types of Development detailed below:

Developments Granted Permission under the Development Contribution Scheme 2008-2012 (where the Council made the Decision to Grant on or after the 18th of February 2008):

50% Reduction

Single House Developments that connect to Group Water Supply Schemes not taken over by the Council, which do consume public water and where the financial contribution to the Group is €1500 or greater.

100% Reduction

Developments that connect to Group Water Supply Schemes not taken over by the council, which do not consume public water.

Developments Granted Permission Under the Development Contribution Scheme 2006 (i.e. where the Council made the Decision to Grant between the 1st of March 2006 and the 18th of February 2008):

100% Reduction

Developments that connect to Group Water Supply Schemes that do not consume public water.”

Therefore, for developments granted permission before 18th February, 2008, there are no reductions available where the applicant proposes to connect to Group Water Supply Schemes not taken in charge by the Council but availing of public mains water supply.

A number of members advised that they were unhappy with the fact that people were having to pay a contribution under the DCS for water services having already made a substantial contribution to participate in a Group Scheme.

After some debate on the proposal of Clr. Larkin, seconded by Clr. McGowan, it was resolved that the policy should be referred back to the Planning SPC for consideration.

Mr Francie Coyle, Director of Planning and Economic Development agreed to take members comments on board and come back with a report through the Planning and Economic Development SPC.

C/435/09

POLICY IN RESPECT OF TELECOMMUNICATIONS ANTENNAE

It was unanimously agreed given the similar subject matter that motions 10 and 11 would be taken together.

On the proposal of Clr. Harte, seconded by Clr. Larkin, the following proposal was adopted:-

"That this Council adopt a policy of keeping telecommunications masts at least 1km from schools."

Members were informed that:-

Planning policy, on this matter, is guided by both a group of policies included in Chapter 3, Transportation and Telecommunications, included in the Donegal County Development Plan 2006-2012, (policies TC7- TC11, refer)., and also by the Government's publication, Telecommunications Antennae and Support Structures-Guidelines for Planning Authorities. There is nothing in the

Guidelines which advocates a specific distance for such infrastructure from schools or other buildings, and such a blanket approach would be inappropriate and inflexible in terms of the consideration of the proper planning and sustainable development of an area. The Guidelines, advice focuses on the processing of planning applications and relates to encouraging pre planning discussion with applicants, considerations of design, siting and visual impact, access arrangements and the sharing and clustering of structures. Also, Government advice clearly indicates, that there are no health and safety issues in regard to such masts.

On the proposal of Clr. Quinn, seconded by Clr. Harte, that the following motion would be adopted:-

"That Donegal County Council amends / varies the County Development Plan, Chapter 3, Policy no. TC10, which presently reads :

“ The County Council will encourage applicants for telecommunications antennae and support structures to engage in pre-application discussions with local stakeholders with a view to addressing local concerns regarding to siting of same “.

To then read

“The County Council requires applicants for telecommunications antennae and support structures to:

- (1) Advertise their planning application in a local newspaper
- (2) Include with their application all technical data pertaining to the Radio Path Profile, the Beam of Greatest Intensity, Exclusion Zones and Safety Procedures
- (3) Facilitate a pre-application public information meeting at a venue as close as possible to the location of the proposed structure
- (4) Engage in pre-application discussions with local stakeholders with a view to addressing local concerns regarding the siting of same

Members were informed that:-

The County Donegal Development Plan 2006-2012 was adopted by the County Council in July 2006. Chapter 3, Transportation and Communications refers to Policies on telecommunication systems and structures. The aim of the Council was to provide for the orderly and sustainable development of telecommunication infrastructure throughout the County in accordance with the most recent Government Guidelines, the 'Telecommunications Antennae and Support Structures Guidelines for Planning Authorities published by the Government in 1996.

As a result Policy Nos. 7-10 inclusive were published in the Development Plan. This suite of policies, especially Policy TC 10, referred to in the Motion, was prepared following extensive consideration, deliberation and discussion with Members.

Policy TC 10 states that the County Council will encourage applicants to engage in pre-application discussion with local stakeholders. This was to be achieved through discussions at pre-application stage, however there is no legal requirement or obligation in the Planning Regulations, to require applicants to participate in this course of action. It is a voluntary action on the part of applicants which was to be stimulated through the Development Management process. Similarly, there is no legal requirement to facilitate a pre-application public information meeting at a venue close to the site of proposed structure.

All applications for planning permission have to be advertised in the press and by way of a site notice in accordance with the Planning Regulations 2001. The Regulations indicate that within a period of 2 weeks before making an application, an applicant must give notice of the intention to make the application in a newspaper, circulating in the area. There is also no legal requirement for applicants to inform local elected representatives at pre planning stage. Members are circulated with the weekly lists of all planning applications received, but once more there is no legal

requirement for applicants to inform elected representatives of their application proposals prior to submission.

The Guidelines on Telecommunications are extensive, and they deal with a number of factors, such as pre-planning discussion, design, siting, visual impact, access, sharing/clustering of facilities and the health and safety issues.

In conclusion it is considered that this issue can be considered during the review of the County Development Plan which will commence in July 2010. An amendment to the policy could only be achieved through a Variation under Section 13 of the Planning and Development Acts 2000-2007 a lengthy process. It is considered that the policy itself is robust enough and coupled with the Guidelines in place, provides a sufficient basis to make an informed planning assessment and judgement of any proposal in terms of the proper planning and sustainable development of an area.

Members were in agreement that there was considerable ambiguity in relation to the siting of such masts together with the associated safety risks.

Health and Safety issues they noted were paramount and this Council they affirmed had a clear obligation to ensure that all such structures were located a reasonable distance from centres of population.

The granting of Planning Permission for such a structure in Ramelton recently Members was a cause for grave concern. Clr. Larkin called on the County Manager to investigate same.

Clr. Quinn noted the response provided by the Director of Planning and Economic Development, and stated that he was effectively looking for an immediate variation of the Development Plan.

It was agreed that the matter would be fully debated at the Adjourned Council Meeting.

C/436/09

DATE FOR ADJOURNED MEETING

Noting the time constraints involved it was resolved to deal with the following items contained in the County Manager's Report prior to consideration of the Emergency Motions. : -

- Proposals to reorganise the Management of Council Services.
- Retirement of Mr. Aidan Mc Nicholas, Head of Finance.

Thus on the proposal of Clr. Byrne, seconded by Clr. Brogan, it was resolved to adjourn the remainder of the business on the agenda to 10.00am on Friday 16th October, 2009.

C/437/09

COUNTY MANAGER'S REPORT
REORGANISATION OF THE MANAGEMENT OF COUNCIL SERVICES

The Manager updated Members in relation to the ongoing review dealing with the reorganisation of the management and staffing of council services to deal with the reductions in staffing numbers, budgetary constraints and the reduction in the number of Electoral Areas.

RETIREMENT OF MR. AIDAN MC NICHOLAS, HEAD OF FINANCE.

Members were informed that Mr. Aidan Mc Nicholas, was due to retire from his post as Head of Finance with Donegal County Council on the 31st October, 2009. The County Manager paid tribute to Mr. Mc Nicholas's long and distinguished career in the public service noting that he had worked in both the Health and Local Authorities sectors.

It was noted that over the past fourteen and a half years he had become a very valuable member of the Senior Management Team. His professionalism it was affirmed had carried over into his excellent presentation of countless Annual Budget and Annual Financial Statements. He acknowledged also the role he had played nationally as part of the national project team involved in the implementation of the Agresso Financial Management System for the Local Government Sector.

The Manager expressed his thanks to Mr. Mc Nicholas for the enormous commitment he had given over the years and for his support during the long and difficult negotiations around the preparation and adoption of the Annual Budget

by the Elected Members. In conclusion he extended his every good wish for a long and happy retirement.

Members complimented Mr. Mc Nicholas on the excellent manner in which he had carried out his duties as Head of Finance over the past number of years, very often they acknowledged in difficult financial circumstances. Best wishes were extended on behalf of all the political parties and the independent grouping.

Mr. Mc Nicholas thanked the County Manager and Members for their kind words. It had he advised been a privilege to work with Donegal County Council and he acknowledged the support provided by the Members over the years. He paid particular tribute to former Mayors, Clrs Charlie Bennett and Peter Kennedy.

As Head of Finance he had he affirmed received tremendous support from Finance personnel over the years, and acknowledged specifically the help and support provided by Mr. Bartley Mc Glynn, Senior Executive Officer.

He thanked also the County Manager , Mr Eunan Sweeney, Senior Executive Officer and the entire Senior Management Team for their assistance and support down through the years.

C/438/09

CONFERENCES

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. Brogan, seconded by Clr. Alcorn, it was resolved to authorise any member if he/she so wished to attend the following conferences, subject to the normal procedures:-

1. Individual members not exceeding their annual budget for attendance at conferences.
 2. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance.
- Induction Seminar for newly elected members to be held in Sligo on 14th October, 2009.

- Greystones Town Council in association with Ards Borough Council, 2009 La Touche Legacy Seminar to be held from Friday 2nd October to Sunday 4th October 2009 at the Charlesland Golf and Country Club Hotel, Greystones, Co. Wicklow.
- Training Seminar, “Councillor Co-operation, North and South – The Challenges” to be held Friday 9th and Saturday 10th October, 2009 at the Bellingham Castle Hotel, Castlebellingham, Co. Louth.
- Douglas Hyde Conference '09, “Culture and The Economy” to be held from Friday 16th to Sunday 18th, October, 2009 at the Abbeyfield Hotel Conference and Leisure Centre, Ballaghderreen, Co. Roscommon.
- On the proposal of Clr. Alcorn, seconded by Clr. Brogan the attendance of Members at the following conference was also approved.
- LAMA Annual Winter Seminar in the Carlton, Castletroy Park, Hotel, Limerick on the 6th & 7th November, 2009.
- Invitation to a “Journey of Remembering Weekend” in Flanders on the 6th-8th November, 2009,
Cost provisional. Trip to proceed on the basis that there are sufficient numbers available to attend.
- NASC EU Briefing Programme in Brussels, to be held Tuesday 17th and Wednesday 18th November, 2009.

C/439/09

MOTION TO HAVE MATTER DISCUSSED AS URGENT BUSINESS- LISBON TREATY REFERENDUM

Introducing the motion Clr. Slowey advised that it was imperative that the people of Donegal voted yes in the forthcoming Lisbon Treaty referendum. A yes vote he affirmed was essential for the future development of the country. Clarification in relation to a range of concerns raised after the first referendum had he confirmed been satisfactorily addressed and should be borne in mind by the electorate on referendum day. A number of Members indicated their support for the motion.

Clr. Mac Lochlainn in calling for a no vote advised that nothing had changed since the first referendum. There had

he noted been consistent scaremongering by the leading political parties spurred on by the current economic crisis. Thus on the proposal of Clr. Slowey, seconded by Clr. Mc Gowan the following motion was put to the meeting: -

“That this Council asks the people of Donegal to vote YES in the Lisbon Treaty Referendum on this Friday, October 2nd, 2009.”

A show of hands was taken by the Meetings Administrator resulting in 19 voting for with 6 against.

The Mayor declared the motion carried.

C/440/09

MOTION TO HAVE MATTER DISCUSSED AS URGENT BUSINESS- EUROPEAN GLOBALISATION ADJUSTMENT FUND

Clr. Mac Lochlainn confirmed that the motion was being introduced directly in response to the fact that the Irish Government had failed to secure funding from the European Globalisation Fund to support the Fruit of the Loom employees and workers from other Donegal Textile Companies who had lost their jobs in the period from 2006 onwards.

On the proposal of Clr. MacLochlainn, seconded by Clr. McGuinness, the following motion was adopted:-

“That An Tánaiste and Minister for Trade and Enterprise, trade and Employment Mary Coughlan explain on behalf of the Government why they did not ensure that the European Globalisation Adjustment Fund, with a budget of €500 million per annum to support workers in regions that have suffered mass redundancies due to the global economy, was applicable to the workers at Fruit of the Loom and other Textile Companies in Donegal when and after the European Council agreed the fund in 2005.

In the context of the news that former Dell workers in Limerick and the Mid West Region are to receive €14. 8 million in support from the fund, this council while congratulating the people of the region, call on the Government to clarify what they are now going to do to compensate and support the thousands of workers in

Donegal who have lost their jobs in similar circumstances, considering the above failure.”

A number of Members highlighted the need to bring the matter into the public arena given that €15m had been allocated following the demise of the Dell Plant in Limerick. They queried whether or not all funding avenues for Donegal Workers had been fully investigated at the time.

Members debated the background to the Globalisation Fund with a number clearly advocating that the fund only came into effect in January 2007, too late to assist those who had lost their jobs in Donegal.

Clr. Mac Lochlainn stated that the Government was fully aware in 2005 that the Fruit of the Loom Plant would close. There were he advised a number of issues to be confronted namely: -

How the Government had missed the boat in terms of the compensation and what compensation if any would be paid. It was agreed that further clarification would be sought from the Department of Enterprise, Trade and Environment in relation to the issues raised in this motion.

This concluded the business of the meeting.`