

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR

20 Márta 2007

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

DO GACH BHALL DEN CHOMHAIRLE

A Chara

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

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

Mise, le meas

A. MacSuibhne

Riarthóir Cruinniú (RUNAI CHONTAE)

DONEGAL COUNTY COUNCIL

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

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 26th March, 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 Statutory Budget Meeting held on 12th January, 2007.
- (b) Confirmation of Minutes of Meeting of Donegal County Council held on 29th January, 2007.
- (c) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on 12th February, 2007.
- (d) Confirmation of Minutes of General Purposes Committee Meeting held on 12th February, 2007.
- (e) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on 19th February, 2007.

3. **VEC Casual Vacancy**

To appoint person to fill Casual Vacancy in County Donegal Vocational Education Committee- Minutes of Consultation Meeting held by the Council on 26th February, 2007, attached.

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

- (a) Notice under Section 183 of the Local Government Act, 2001 to dispose of circa 0.01 Hectares of land to Clare & Declan McLoughlin, 5 Harbour View Drive, Killybegs.
- (b) Notice under Section 183 of the Local Government Act, 2001 to dispose of circa 0.07 Hectares of land to Aidan & Brenda Foy, 85 Emerald Drive, Killybegs.
- (c) Notice under Section 183 of the Local Government Act, 2001 to dispose of circa 0.025 Hectares of land to Michael Lafferty, 2 Conlin Road, Killybegs.
- (d) Notice under Section 183 of the Local Government Act, 2001 to dispose of circa 0.005 Hectares of land to Pat & Kathleen Cannon, 22 Conlin Road, Killybegs.
- (e) Notice under Section 183 of the Local Government Act, 2001 to dispose of circa 0.7 acres of land at Car Park, Three Rivers Centre, Station Road, Lifford to Ainsford Contractors Limited, c/o Lifford Cinema Complex, Station Road, Three Rivers Centre, Lifford.

- (f) Notice under Section 183 of the Local Government Act, 2001 to dispose of lands at Finner, Donegal to Mr. Sean McEniff 2007 Limited, Dinglei Cough, Bundoran, County Donegal.
- (g) Notice under Section 183 of the Local Government Act, 2001 to dispose of lands at Cranford to Ms. Brigid McHugh.
- (h) Notice under Section 183 of the Local Government Act, 2001 to dispose of lands at Manorcunningham to Inish Developments Ltd, c/o McFeely Group.
- (i) Notice under Section 183 of the Local Government Act, 2001 to dispose of lands to Ms. Brid Ann Boyle, Ranafast, Annagry.
- (j) Notice under Section 183 of the Local Government Act, 2001 to dispose of lands at Lunniaghbeg, Derrybeg to Mr. Ms. Margaret Coyle, Lunniaghbeg, Derrybeg.
- (k) Notice under Section 183 of the Local Government Act, 2001 to dispose of lands at Roughpark, Ramelton to Mr. Patrick Crossan, Roughpark, Ramelton.

5. **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 Meencrumlin Water Treatment Plant.
- (b) To approve the carrying out of works with regard to the Frosses Inver Water Treatment Plant, Drumbeagh, Mountcharles.
- (c) To approve the carrying out of works with regard to 5no Specific Instance Cottages (listed in attached report).
- (d) To approve the carrying out of works with regard roadworks scheme on “N56 Tirlin – Drumnaraw School”
- (e) To approve the carrying out of works with regard to pumping station at Meenacross, Glencolmcille.
- (f) To approve the carrying out of works with regard to pumping station and office at Letter, Kilcar.
- (g) To approve the carrying out of works with regard to pumping station at Lergadaghtan TD, Teelin.
- (h) To approve the carrying out of works with regard to Storage Reservoir & Access Road at Balleeghan Upper, Malin.
- (i) To approve the carrying out of works with regard to Reservoir at Magherabeg, Rosguill.
- (j) To approve the carrying out of works with regard to proposed road project- Barrick Hill Access Road.

- (k) To approve the carrying out of works with regard to R262 – Kilrean –Frosses Road Realignment Phase 5 (Ivy Bridge-Tullnaglaggan).
- (l) To approve the carrying out of works with regard to 11no housing units at Coporation Td, Killybegs
- (m) To approve the carrying out of works with regard to 12no housing units at Tawny Td, Kilcar.

6. **Finance Programme**

- (a) To consider report of Local Government Auditor on the 2005 Annual Financial Statement.
- (b) To consider report on Irrecoverable County Rates 2006.
- (c) To approve the application of proceeds of disposal of certain Assets in 2006 to the retirement of specific Mortgage and Non Mortgage Loans in the Council’s Loan Book.

7. **Housing & Building Programme**

- (a) To approve the raising of a loan amount of €4,000,000 for the purposes of payment of Affordable Housing Loans.
- (b) To approve the raising of a loan amount of €2,341,028.32 for the development of a Voluntary Housing Project at Ballyshannon by Cluid Housing Association.
- (c) To approve the raising of a loan of €10million from the Housing Finance Agency – to finance the purchase of suitable land for housing.
- (d) To approve the seeking of tenders for the procurement of a new library for Donegal Town.

8. **Planning & Economic Development**

- (a) To adopt the Draft Pettigo Local Area Plan 2007 and to issue same for a 6 week period for public consultation.
- (b) To adopt the Draft Lifford Local Area Plan 2007 and to issue same for a 6 week period for public consultation.

9. **Roads Programme including Marine**

- (a) To adopt the “Road Traffic (Special Speed Limits-County of Donegal) (Amendment) Bye-Laws 2007.”
- (b) To adopt the updated priority list for “The Coastal Protection Programme 2007-2013.”
- (c) Extinguishment of Public Right of Way at Corveen, Barnesmore.

- (d) Extinguishment of Public Right of Way at Doonan, Donegal Town.
- (e) To consider grant offer from the Department of Marine, Communications and Natural Resources for the funding of Greencastle Harbour Capital Development Project (Phase 1).

10. **Corporate Programme**

To elect representative to Donegal Sports Partnership.

11. **Community, Culture & Corporate Programme**

- (a) To adopt the North West Region Cross-Border Group's- "A Regional Framework for the North West."
- (b) To approve the "Draft Merville (Regulation and Control of the Consumption and possession of intoxicating liquor in public places) Bye-Laws 2007."
- (c) To adopt the following policies: -
 - (i) County Museum Loan Policy
 - (ii) County Museum Collection Policy
 - (iii) County Museum Disposal Policy
- (d) To appoint members to An Coiste Logainmneacha/Placenames Committee.
- (e) Social and Community Facilities Capital Scheme 2007- Request for project proposals.

12. **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).

- (a) 23rd Annual Environmental Conference to be held on 29th & 30th March, 2007 at the Carrigaline Court Hotel, Carrigaline, Co. Cork
- (b) Department of Government UCC – Communicating the Campaign to be held on March 29th 2007, at the O'Rahilly Building, UCC.
- (c) LAMA Annual Spring Conference to be held on the 12th & 13th April, 2007 at the Gleneagle Hotel, Kilarney, Co. Kerry.

- (d) 08th Annual Regional Assembly Conference to be held on 20th April, 2007 at Kilashee House Hotel, Naas, Co. Kildare
- (e) The Local Government Housing Service Conference to be held on 27th-29th April, 2007 at the Silver Tassie Hotel, Milford Road, Letterkenny.

13. **Mayor's Business**

14. **Manager's Report**

MOTIONS

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

LETTERKENNY ELECTORAL AREA

Roads & Transportation

- 15. **Clr.. Harte**
“That this Council rename the Business Park Road, Letterkenny “The Flight of the Earls Road” in recognition of the 400th Anniversary.” (C)
- 16. **Clr.. Crawford**
“That this Council review its system of road restoration after water supply network repairs.” (C)

Community, Culture & Enterprise

- 17. **Clr.. Larkin**
“That this Council discuss the running and costs involved in manning the Regional Arts Centre.” (C)

DONEGAL ELECTORAL AREA

Roads & Transportation

18. Clr.. McEniff
“That the Council name the re-constructed bridge in Donegal Town the Peter Kennedy Bridge.” (L)

MILFORD ELECTORAL AREA

Roads & Transportation

19. Clr.. McGarvey
“That this Council as a matter of urgency survey the Letterkenny to Milford road and make a special application for funding to provide a road to meet the requirement for the volume of traffic using this road.” (L)
20. Clr.. Blaney
“That this Council discuss the consequences of the new Health & Safety Regulations that were signed up recently by members of the Roads & Transportation Section of Donegal County Council?” (C)

Planning & Economic Development

21. Clr.. McBride
“That this Council deliver on a commitment to fund the shortfall on the cost of the Economic Impact Report for Downings Harbour development.” (L)

STRANORLAR ELECTORAL AREA

Corporate Services

22. Clr.. Reid
“That any Councillor who does not take up all or part of their conference allocation fund be allowed to use their monies for their members development allocation fund.” (C)

Planning & Economic Development

23. Clr.. Bonner
“That this Council sell their one acre site at Donegal Road, Ballybofey and purchase 10 acres at Drumboe Avenue, Stranorlar for a park/playground for the Twin Towns.” (L)

Community, Cultural & Corporate

24. Clr.. McGowan
“That this Council prioritise Lough Mourne as a tourism project for benign watersports, walks and other tourism related facilities in conjunction with Failte Ireland North West and that a report be given on all proposals under consideration.” (L)

GLENTIES ELECTORAL AREA

Roads & Transportation

25. Clr.. Slowey
“That this Council commission a study into the deplorable condition of the Ardara/Ardaghy road with a view to having it upgraded over the next few years.” (L)

Planning & Economic Development

26. Clr.. Alcorn
“Now that the Planning Office have been allocated extra staffing I am asking Donegal County Council to have planning applications for County Council S.I. houses dealt with during the same time frame as all other planning applications.” (C)

Community, Culture & Enterprise

27. Clr.. Pearse Doherty
“That Donegal County Council raises its concerns with the Northern Regional Fisheries Board as to the procedure it employed to agree a management plan for the Gweebarra River and that this Council has concerns in funding such a plan (as was suggested in the 2007 Budget Book) that has excluded local angling clubs that have fished this river for decades from the consultation process. This Council, furthermore, calls on all interested parties and stakeholders to enter into discussions in order to avert any further dispute.” (L)

INISHOWEN ELECTORAL AREA

Water, Environment & Emergency Services

28. Clr.. MacLochlainn
“That Donegal County Council scrap plans to build a sewerage treatment plant at Carnagarve, Merville, Co. Donegal and immediately embark upon a renewed consultation process to select a new site for the Merville/Greencastle Sewerage Scheme.” (L)
29. Clr.. McGuinness
“That this Council discuss the water charge increase and the effect this will have on the economy of the county particularly on the farming, fish processing and tourism industry.” (L)

Planning & Economic Development

30. Clr.. Conaghan
“That this Council commence an immediate review of the County Development Plan to address some of the difficulties being encountered e.g. Policy UB1, Design Guide and the new National Regulations.” (C)

Roads & Transportation

31. Clr.. McGonagle
“That money be provided in 2008 for major works on the Glentogher Road, Carndonagh?” (L)

QUESTIONS

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

LETTERKENNY ELECTORAL AREA

Planning & Economic Development

32. Clr.. Larkin
“What progress has been made on my motion to open up the Planning Service to the general public, agents and especially Councillors?” (C)

33. Clr.. Larkin
“How does the Council plan to deal with planning enforcement in our Town Council areas?” (C)

Roads & Transportation

34. Clr.. Crawford
“What progress has been made in relation to unfinished works at Ard na Meala, St. Johnston?” (L)

35. Clr.. Crawford
“When is it envisaged to begin improvement and environmental works at the roundabout-Lifford?” (L)

DONEGAL ELECTORAL AREA

Water, Environment & Emergency Services

36. Clr.. Pringle
“What progress has been made on Killybegs Sewer Scheme since our last meeting, particularly on the Phasing Report and decoupling from Bundoran?” (L)
37. Clr.. McEniff
“Can the Council explain why Mr. Thomas Carr has not received any payment from the Water Section for works he has done on their behalf?” (L)

Corporate Services

38. Clr.. Pringle
“What court proceedings have been carried out by Donegal County Council since 2005 and what proceedings have been issued against Donegal County Council in the same time? (except non-payment of Council charges) (C)

MILFORD ELECTORAL AREA

Water, Environment & Emergency Services

39. Clr.. McGarvey
“When will this Council provide the required extension to Milford reservoir?”(L)
40. Clr.. McBride
“Can this Council enter into discussions with developers in and around Milford Town with the view to a Public Private Partnership for the construction of a new reservoir for the town which would also be of benefit to surrounding areas such as Ramelton, Fanad and Glenvar?” (L)

Community, Culture & Enterprise

41. Clr.. Blaney
“What is the up to date position on the Rathmullan-Buncrana Car Ferry and is it being extended to accommodate the Flight of the Earls celebrations this year?” (L)

Housing

42. Clr.. McGarvey
“When will this Council address the issue of single men seeking housing and is it now necessary to consider some alternative as they are given very low priority at present and have no chance of being considered?” (C)

Planning & Economic Development

43. Clr.. McBride
“When can we expect the EIS to commence in Milford Town?” (L)

Finance

44. Clr.. Blaney
“Is this Council purchasing goods outside this state such as stationary, road material, protective clothing & footwear, etc. and, if so, why?” (C)

STRANORLAR ELECTORAL AREA

Housing

45. Clr.. Reid
“Has the Council made any progress in acquiring a land bank in Ballybofey/Stranorlar?” (L)

Planning & Economic Development

46. Clr.. Reid
“In view of the disposal of Finn Park has the Council any plans to consider a new plan for Ballybofey Town Centre?”(L)
47. Clr.. A. Bonner
“Will this Council ensure that sufficient lands are zoned to cater for industrial/enterprise park development for the Twin Towns, as the position to date has been a total failure?” (L)
48. Clr.. McGowan
“Will the Council give a report/outline on the North West Regional Sports Centre at the Finn Valley centre lands in Stranorlar showing the proposals for swimming pool, Finn Harps Stadium, training pitches for football, Finn Valley Athletic, GAA, BASICC Community Enterprise Centre etc. given an overall layout of same?” (L)

Community, Culture & Enterprise

49. Clr.. A. Bonner
“Will this Council secure funding from Community & Enterprise or Development Contribution Scheme to carry out a feasibility study on the possibility of promoting non-motorised water sports on Lough Mourne?” (L)

Roads & Transportation

50. Clr.. McGowan
“Can a full report be given as to what proposals the Council has for Castlefin Bridge following the two structural assessment carried out in 2004 and 2006?” (L)

GLENTIES ELECTORAL AREA

Corporate Services

51. Clr.. Slowey
“What actions are this County Council going to take to meet the minimum requirement of 3% for the employment of people with a disability?” (C)

Community, Culture & Enterprise

52. Clr.. Slowey
“When will the people of Glenties have their library restored to the town?” (L)

Water, Environment & Emergency Services

53. Clr.. Pearse Doherty
“What is the current and planned situation in relation to development of new fire stations at Ballyshannon & Bundoran?” (L)
54. Clr.. Pearse Doherty
“What is the latest progress in relation to the Gweedore Sewerage Scheme?” (L)
55. Clr.. Alcorn
“Could I have an update on the new Burtonport Sewerage Scheme and details of what work has been carried out by Donegal County Council on this application since clarification was sought by the Department of the Environment some 7 months ago?” (L)
56. Clr.. O’Domhnaill
“What progress is being made to progress the provision of a new sewerage scheme in Gortahork?” (L)

Roads & Transportation

57. Clr.. Alcorn
“What was the overall cost incurred by Donegal County Council in sanding roads after oil spillages for year ending 23/12/2006?” (C)

Housing

58. Clr.. O'Domhnaill
“What progress is being made to allow single applicants to be considered for a Specific Instance cottage built on their own land?” (C)

INIISHOWEN ELECTORAL AREA

Roads & Transportation

59. Clr.. MacLochlainn
“What progress has been made to date on implementing the motion passed last year, that Donegal County Council would liaise with the School Boards of Management and Parents Committees across the county to erect bus shelters at agreed locations funded by advertisements from private businesses as is the case in the six counties?” (C)
60. Clr.. McGuinness
“Has the Council put in place the necessary funding to progress the Greencastle Harbour Development?” (L)
61. Clr.. McGonagle
“When will the footpath at Straid Road, Clonmany be started?” (L)
62. Clr.. McGonagle
“When will work begin at Barrack Hill, Carndonagh?” (L)

Water, Environment & Emergency Services

63. Clr.. MacLochlainn
“What timeframe is envisaged before the delivery of a Civic Amenity Site for Buncrana?” (L)
64. Clr.. McGuinness
“What progress has been made on my motion adopted at the September 2006 meeting to introduce bylaws and plans for Culdaff beach and environs?” (L)

65. Clr.. Conaghan
“What is the latest position on a new sewerage scheme for Carrigans and when is work likely to start?” (L)

Planning & Economic Development

66. Clr.. Conaghan
“Is the Planning Office adhering to the Killea Local Area Plan given that a number of multiple developments have been applied for in the area?” (L)

MOTIONS FROM OTHER COUNCILS

67. **LIMERICK COUNTY COUNCIL**
“At the January Monthly Meeting of Limerick County Council, reference was made to the inadequacy of services to cater for the needs of young adults suffering from Cystic Fibrosis, despite the fact that €7 million has been allocated for Cystic Fibrosis between 2005 and the beginning of 2007. it was unanimously agreed to write to the Taoiseach, the Tanaiste and the Minister for Health and Children urging that the funding provided would be spent effectively and speedily for the benefit of this age group.”
68. **COUNTY CARLOW VOCATIONAL EDUCATION COMMITTEE**
“Against the background of high death rates amongst young people in road accidents in Ireland, we, the members of County Carlow Vocational Educational Committee call on the Minister for Finance to amend the current 21% rate of VAT charged on personal protective equipment for road users to Zero Rated and include in Annex H of the Sixth VAT Directive 77/388/EEC lifesaving equipment such as helmets, boots, jackets, trousers, gloves, reflective helmets and child car safety seats.”

Points to Note

- Life saving safety equipment such as a helmet and child safety seat are required by law.
- The six basic pieces of equipment for a juvenile using a motorcycle, moped or scooter, cost as follows:-
 - Helmet € 79.00
 - Boots €160.00
 - Jacket €150.00
 - Trousers € 85.00
 - Gloves € 40.00
 - Reflective Belt € 22.00

Total €36 (inc. €12.56 VAT)

All the gear mentioned above has armour plating at elbows and knees, finger supports, reinforced protective panels, settle toe-caps and no perforative soles. The helmets have to abide by stringent international standards. Lowest cost price used.

- Child Car Safety Seats cost from €49.00 (including €8.67 VAT) to €119.99 (including €20.82 VAT) – Argos and Ken Black’s Stores.
- Lifesaving Safety Equipment in the U.K. is currently zero VAT rate
- The recently published European Road Safety Action Programme (Feb 06) highlights the need for legislation to increase safety for motorcycle riders and “to give consideration to additional measures.”

69.

ASSOCIATION OF COUNTY AND CITY COUNCILS

“That the Association of County and City Councils calls on the Minister for the Environment to update the dog control legislation of 1998 so that an OUTRIGHT BAN can be applied to certain dangerous breeds such as pit-bull terriers.”

70. LIMERICK COUNTY COUNCIL
“That Limerick County Council calls on the Minister for the Environment, Heritage and Local Government and the Minister for Social, Community & Family Affairs to put a grant/voucher system in place for pensioners to assist them in the cleaning of their chimneys on a twice yearly basis.”
71. SOUTH TIPPERARY COUNTY COUNCIL
“That South Tipperary County Council bring to the attention of the Minister for the Environment, Heritage and Local Government the difficulty in getting the ESB to provide and maintain the public lighting network throughout South Tipperary and to identify what, if any, procedure can be applied to rectify this situation.”

**MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD
IN THE COUNTY HOUSE, LIFFORD ON 26TH MARCH 2007.**

C/108/07 MEMBERS PRESENT

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

C/109/07 APOLOGIES

Apologies were received from Clr.. A. Bonner

C/110/07 OFFICIALS IN ATTENDANCE

Mr. Michael McLoone, County Manager, Mr. Jim Holohan, Director of Water, Environment & Emergency Services, Mr. Francie Coyle, Director, Planning & Economic Development, Mr. Michael Heaney, Director of Community, Culture and Enterprise, Mr. Sean Sheridan, Director of Corporate Services, Mr. Aidan McNicholas, Head of Finance, Mr. John McLaughlin, Director of Roads & Transportation, Mr. Eunan Quinn, Senior Planner, Mr. Gerry Richards, Senior Planner, Mr. Vincent Lynn, Senior Engineer, Mr. Brian Cullen, Chief Technician, Mr. Peadar Thomas, Senior Executive Engineer, Mr. Gary Martin, Senior Executive Officer, Mr. Patrick McLaughlin, Senior Executive Officer, Mr. Eunan Sweeney, Meetings Administrator, Ms. Catherine McLaughlin, Graduate Planner, Mr. Simon Harron, Executive Planner, Mr Eugene Devenney, Staff Officer and Ms. Kathleen Browne, Staff Officer.

C/111/07 CONFIRMATION OF MINUTES OF MEETING OF
STATUORY BUDGET MEETING HELD ON 12TH
JANUARY 2007 AND 16TH JANUARY 2007

Following a brief discussion, on the proposal of Clr.. Conaghan, seconded by Clr.. Alcorn, it was resolved to defer consideration of the minutes to allow for clarification of Minute No. C/16/07.

- C/112/07 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 29TH JANUARY 2007
On the proposal of Clr.. Byrne, seconded by Clr.. Conaghan, the Minutes of Meeting of Donegal County Council held on 29th January 2007 were adopted.
- C/113/07 CONFIRMATION OF MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON 12TH FEBURARY 2007
On the proposal of Clr.. Alcorn, seconded by Clr.. Crawford, the Minutes of Adjourned Meeting of Donegal County Council held on 12th February were adopted.
- C/114/07 CONFIRMATION OF MINUTES OF MEETING OF GENERAL PURPOSES COMMITTEE HELD ON 12TH FEBRUARY 2007
On the proposal of Clr.. Byrne, seconded by Clr.. Kennedy, the Minutes of Meeting of General Purposes Committee held on 12th February were adopted.
- C/115/07 CONFIRMATION OF MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON 19TH FEBRUARY 2007
On the proposal of Clr.. Conaghan, seconded by Clr.. Crawford, the Minutes of Adjourned Meeting of Donegal County Council held on 19th February were adopted.
- C/116/07 SECTION 140 NOTICES
Clr.. Larkin queried the legal requirement to accept only Section 140 Notices with original signatures. Mr. Sweeney advised that he would set out the legal requirements in relation to this matter to Clr. Larkin.
- C/117/07 APPOINTMENT OF PERSON TO FILL CASUAL VACANCY ON COUNTY DONEGAL VOCATIONAL EDUCATION COMMITTEE
The Council considered the Minutes of the Consultation Meeting held on 26th February in relation to the above matter. The following nominations were proposed:-

Nominee	Proposed	Seconded
Clr. Liam Blaney	Clr. Conaghan	Clr. Alcorn
Mr Sean McClafferty	Clr. McDaid	Clr. Pringle
Mr Albert Doherty	Clr. P MacLochlainn	Clr. McDaid

A recorded vote was taken resulting as follows:-

Clr. Liam Blaney 16 votes for:-

Clr. Alcorn, Clr.. Blaney, Clr. Enda Bonner, Clr. Brogan, Clr. Byrne, Clr. Conaghan, Clr. Crawford, Clr. Donaghey, Clr. Kennedy, Clr. Larkin, Clr. McBride, Clr. McDonald, Clr. McGarvey, Clr. McGonagle, Clr. McGowan, Clr. O'Domhnaill

Mr. Sean McClafferty 3 votes for:-

Clr.. Harte, Clr.. McDaid and Clr.. Pringle

Mr. Albert Doherty 1 vote for:-

Clr.. Pdraig MacLochlainn

Cls. Boyle, Pdraig Doherty, McGuinness and Reid abstained.

Clr. Blaney was deemed to be elected to fill Casual Vacancy on Donegal Vocational Education Committee.

C/118/07

DISPOSAL OF CIRCA 0.01 HECTARES OF LAND TO CLARE AND DECLAN MCLAUGHLIN, 5 HARBOUR VIEW DRIVE, KILLYBEGS

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

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to dispose of circa 0.01 Hectares of land to Clare and Declan McLaughlin, 5 Harbour View, Killybegs in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/119/07 DISPOSAL OF CIRCA 0.07 HECTARES OF LAND TO AIDAN & BRENDA FOY, 85 EMERALD DRIVE, KILLYBEGS

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

On the proposal of Clr.. Pringle, seconded by Clr.. Byrne, it was resolved to dispose of Circa 0.07 Hectares of land to Aidan & Brenda Foy, 85 Emerald Drive, Killybegs, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/120/07 DISPOSAL OF CIRCA 0.025 HECTARES OF LAND TO MICHAEL LAFFERTY, 2 CONLIN ROAD, KILLYBEGS

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

On the proposal of Clr. Pringle, seconded by Clr. Boyle, it was resolved to dispose of circa 0.025 Hectares of land to Michael Lafferty, 2 Conlin Road, Killybegs, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/121/07 DISPOSAL OF CIRCA 0.005 HECTARES OF LAND TO PAT AND KATHLEEN CANNON, 22 CONLIN ROAD, KILLYBEGS

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

On the proposal of Clr. Pringle, seconded by Clr. Boyle, it was resolved to dispose of circa 0.005 Hectares of land to Pat and Kathleen Cannon, 22 Conlin Road, Killybegs, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/122/07

DISPOSAL OF CIRCA 0.7 ACRES OF LAND AT CAR PARK, THREE RIVERS CENTRE, STATION ROAD, LIFFORD TO AINSFORD CONTRACTORS LIMITED, C/O LIFFORD CINEMA COMPLEX, STATION ROAD, THREE RIVERS CENTRE, LIFFORD

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

Clr. Crawford sought clarification as to why the decision to use the revenue from the sale of this land towards the improvements at the Roundabout, Lifford, as agreed at the Letterkenny Electoral Area Meeting, was not included in the conditions of sale. The County Manager, advised that it was not included as it was not legally part of the agreement for sale; however, the Councils decision to spend the revenue in this way still stood.

On the proposal of Clr. McDaid, seconded by Clr. Crawford, it was resolved to dispose of circa 0.7 Acres of land at Car Park, Three Rivers Centre, Station Road, Lifford, to Ainsford Contractors Limited, c/o Lifford Cinema Complex, Station Road, Three Rivers Centre, Lifford, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/123/07

DISPOSAL OF LANDS AT FINNER, DONEGAL TO MR SEAN MCENIFF 2007 LIMITED DINGEI COUSH, BUNDORAN

Prior to consideration of this item, Clr. McEniff declared that he had a beneficial interest in the matter and that he was withdrawing from the Council Meeting while the matter was under consideration. He then left the meeting.

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

On the proposal of Clr. Conaghan, seconded by Clr. Byrne, it was resolved to dispose of lands at Finner, Donegal to Mr Sean McEniff 2007 Limited, Dinglei Cough, Bundoran, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/124/07

DISPOSAL OF LANDS AT CRANFORD TO MS BRIGID MCHUGH

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

On the proposal of Clr. Blaney, seconded by Clr. McBride, it was resolved to dispose of lands at Cranford to Ms Brigid McHugh, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/125/07

DISPOSAL OF LANDS AT MANORCUNNINGHAM TO INISH DEVELOPMENTS LTD, C/O MCFEELY GROUP

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

On the proposal of Clr. Larkin, seconded by Clr. McDaid, it was resolved to dispose of lands at Manorcunningham to Inish Developments Ltd, C/o McFeely Group, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/126/07

DISPOSAL OF LANDS TO MS BRID ANN BOYLE, RANAFast, ANNAGRY

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

On the proposal of Clr. D Alcorn, seconded by Clr. B.O' Domhnaill, it was resolved to dispose of lands at Ranafast, Annagry to Ms Brid Ann Boyle, Ranafast, Annagry, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/127/07

DISPOSAL OF LANDS AT LUNNIAGHBEG, DERRYBEG TO MR & MS MARGARET COYLE, LUNNIAGHBEG, DERRYBEG

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

On the proposal of Clr. Padraig O Dochartaigh, seconded by Clr. B O Domhnaill, it was resolved to dispose of lands at Lunniaghbeg, Derrybeg to Mr & Mrs Margaret Coule, Lunniaghbeg, Derrybeg, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/128/07

DISPOSAL OF LANDS AT ROUGHPARK,
RAMELTON TO MR PATRICK CROSSAN,
ROUGHPARK, RAMELTON

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

On the proposal of Clr. McGarvey, seconded by Clr. McBride, it was resolved to dispose of lands at Roughpark, Ramelton to Mr Patrick Crossan, Roughpark, Ramelton, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/129/07

TAKING OF DECISION WITH REGARD TO
CARRYING OUT OF WORKS TO THE
MEENCRUMLIN WATER TREATMENT PLANT

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

On the proposal of Clr. Reid, seconded by Clr. McBride, 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 Meencrumlin Water Treatment Plant was approved.

C/130/07

TAKING OF DECISION WITH REGARD TO FROSSES
INVER WATER TREATMENT PLANT,
DRUMBEAGH, MOUNTCHARLES

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

On the proposal of Clr. Byrne, seconded by Clr. Kennedy, 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 Frosses

Inver Water Treatment Plant, Drumbeagh, Mountcharles was approved.

C/131/07

TAKING OF DECISION WITH REGARD TO 5 NO SPECIFIC INSTANCE COTTAGES

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

On the proposal of Clr. Alcorn, seconded by Clr. Pdraig Doherty, 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 5 No. Specific Instance Cottages was approved.

C/132/07

TAKING OF DECISION WITH REGARD TO ROADWORKS SCHEME ON N56 TIRLIN – DRUMNARAW SCHOOL

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

On the proposal of Clr. O Domhaill, seconded by Clr. McGarvey, 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 roadworks scheme on N56 Tirlin – Drumnaraw School was approved.

C/133/07

TAKING OF DECISION WITH REGARD TO PUMPING STATION AT MEENACROSS, GLENCOLMCILLE

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

On the proposal of Clr. Byrne, seconded by Clr. Pringle the carrying out of works under Part XI of the Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, with regard to Pumping Station at Meenacross, Glencolmcille was approved.

C/134/07

TAKING OF DECISION WITH REGARD TO
PUMPING STATION AND OFFICE AT LETTTER,
KILCAR

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

On the proposal of Clr. Byrne, seconded by Clr. Boyle, the carrying out of works under Part XI of the Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, with regard to Pumping Station and Office at Letter, Kilcar was approved.

C/135/07

TAKING OF DECISION WITH REGARD TO
PUMPING STATION AT LERGADAGHTAN TD,
TEELIN

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

On the proposal of Clr. Byrne, seconded by Clr. Pringle, the carrying out of works under Part XI of the Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, with regard to Lergadaghtan TD, Teelin, was approved.

C/136/07

TAKING OF DECISION WITH REGARD TO
STORAGE RESERVOIR AND ACCESS ROAD AT
BALLEEGHAN UPPER, MALIN

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

On the proposal of Clr. McGuinness, seconded by Clr. McGonagle, 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 Storage Reservoir and Access Road at Balleeghan Upper, Malin was approved.

C/137/07

TAKING OF DECISION WITH REGARD TO
RESERVOIR AT MAGHERABEG, ROSSGUILL

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

On the proposal of Clr. McBride, seconded by Clr. McGarvey, 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 Reservoir at Magherabeg, Rossguill was approved.

C/138/07

TAKING OF DECISION WITH REGARD TO
PROPOSED ROAD PROJECT – BARRICK HILL
ACCESS ROAD

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

On the proposal of Clr. McGuinness, seconded by Clr. Donaghey, 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 Barrick Hill Access Road was approved.

C/139/07

TAKING OF DECISION WITH REGARD TO R262 –
KILREAN-FROSSES ROAD REALIGNMENT PHASE
5 (IVY BRIDGE – TULLNAGLAGGAN)

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

On the proposal of Clr. Alcorn, seconded by Clr. Boyle, 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 R262 – Kilrean-Frosses Road Realignment Phase 5 (Ivy Bridge – Tullnaglaggan) was approved.

C/140/07

TAKING OF DECISION WITH REGARD TO 11 NO.
HOUSING UNITS AT COPORATION TD, KILLYBEGS

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

On the proposal of Clr. Pringe, seconded by Clr. Byrne, 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 11 No. Housing Units at Coporation Td, Killybegs was approved.

C/141/07

TAKING OF DECISION WITH REGARD TO 12 NO HOUSING UNITS AT TAWNY TD, KILCAR

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

On the proposal of Clr. Byrne, seconded by Clr. Boyle, 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 12 No. Housing Units at Tawny TD, Kilcar was approved.

C/142/07

CONSIDERATION OF REPORT OF LOCAL GOVERNMENT AUDITOR ON THE 2005 ANNUAL FINANCIAL STATEMENT

Members considered the Report of the Local Government Auditor on the 2005 Annual Financial Statement, circulated with the Agenda. Clr. Larkin voiced concerns in relation to the disposal of Council's assets to reduce the Council's deficit. He referred specifically to the sale of assets which lay within the Letterkenny Town Council area and felt that the residents of this area were entitled to benefit from the sale of a valuable site. He also queried why the sale of the site had not come before the Electoral Area Committee. Clr. Brogan expressed his support for the issues raised by Clr. Larkin.

Clr. McGarvey stated that it was an inequitable situation where some people paid and some were permitted to default on payment.

Clr. McGowan expressed his concern at the use of the income raised by disposal of assets to reduce the deficit when it had been previously agreed by the Council to use this income to fund the completion of the Stranorlar Electoral Area Office and Phase 2 of the Refurbishment of the County House. Clr. McGowan requested that this be formally factored into the Council's budgets.

Clrs. O'Neill and McGuinness requested that disposal of any of the Council's assets be discussed at Electoral Area as well as at Council level.

The County Manager advised that the issue of paying for Capital Investments for which the Council borrowed money was an important question. The Council now had €40 million worth of assets in the five electoral areas. The outstanding balance on the loans was €20 million. The strategy to dispose of assets, which were no longer needed by the Council, would reduce the loan charges accuracy. Mr McLoone agreed to revert with detailed proposals for each disposal as a Section 183. He advised that the Local Government Auditor was satisfied in general with the approach being taken by the Council to reduce the deficit.

On the proposal of Clr. Brogan, seconded by Clr. Byrne, the Council adopted the Report of the Local Government Auditor on the 2005 Annual Financial Statement.

C/143/07

TO CONSIDER REPORT ON IRRECOVERABLE COUNTY RATES 2006

The members noted the report on irrecoverable County Rates 2006, which had been circulated with the agenda.

Clr. Alcorn requested details of how the figure of €2.012 million was calculated. A number of members also raised concerns at the amount being written off.

Mr A McNicholas, Head of Finance, advised that rates were only written off in exceptional circumstances and a clear criteria was followed. He confirmed that the Council were continuing to prosecute 100 legal cases in relation to non- payment of rates and that the collection rate for 2006 had increased to 82%, 1% more than 2005. He agreed to provide the members with a detailed breakdown of the irrecoverable County Rates.

C/144/07

TO APPROVE THE APPLICATION OF PROCEEDS OF DISPOSAL OF CERTAIN ASSETS IN 2006 TO THE RETIREMENT OF SPECIFIC MORTGAGE AND NON - MORTGAGE LOANS IN THE COUNCIL LOAN BOOK

The Council considered the report on the application of proceeds received in 2006 from Disposal of Assets, which was circulated with the Agenda.

The County Manger advised the Council on the background to this matter, and that this action would save the Council €483,00 per annum for the next 12 years.

Following clarification of a number of queries raised, on the proposal of Clr. Larkin, seconded by Clr. McGarvey, the Council approved the application of proceeds of disposal of certain assets in 2006 to the retirement of specific mortgage and non- mortgage loans in the Council loan book.

Clr. Larkin raised the issue of setting up a Finance SPC and was supported by other members.

Mayor Bonner advised that his matter had been discussed at the Corporate Policy Group recently and a full report would issue.

Mr McLoone agreed to examine the finance reports being issued to the Members. He advised that quarterly reports were already issuing to members on Capital Expenditure. He further advised that Audit Committees were being set up by the Minister for the Environment and a report would be prepared for the members when the regulations for same issued.

C/145/07

TO APPROVE THE RAISING OF A LOAN AMOUNT OF €4,000,000 FOR THE PURPOSES OF PAYMENT OF AFFORDABLE HOUSING LOANS.

The Council considered the report circulated with the agenda in relation to the above matter.

On the proposal of Clr. Conaghan, seconded by Clr. Larkin, the Council approved the raising of a loan of €4,000,000 for the purposes of payment of Affordable Housing Loans.

C/146/07 TO APPROVE THE RAISING OF A LOAN OF €2,341,028.32 FOR THE DEVELOPMENT OF A VOLUNTARY HOUSING PROJECT AT BALLYSHANNON BY CLUID HOUSING ASSOCIATION

The Council considered the report circulated with the agenda in relation to the above matter.

On the proposal of Clr. O Neill, seconded by Clr. Harte, the Council approved the raising of a loan of €2,341,028.32 for the development of a Voluntary Housing Project at Ballyshannon by Cluid Housing Association.

C/147/07 TO APPROVE THE RAISING OF A LOAN OF €10 MILLION FROM THE HOUSING FINANCE AGENCY – TO FINANCE THE PURCHASE OF SUITABLE LAND FOR HOUSING

The Council considered the report, circulated with the agenda, in relation to the above matter.

On the proposal of Clr. Conaghan, seconded by Clr. Donaghey, the members approved the raising of a loan of €10 million from the Housing Finance Agency to finance the purchase of suitable land for housing.

C/148/07 TO APPROVE; THE SEEKING OF TENDERS FOR THE PROCUREMENT OF A NEW LIBRARY FOR DONEGAL TOWN

The Council considered the report, circulated with the agenda, in relation to the above matter.

Clr. O' Neill queried whether the 75% funding from the Department of Environment would be forthcoming if the library were housed in a leased property. Mr G Martin, Senior Executive Officer confirmed that the funding would be available.

Clr. O' Neill stated that he felt that there should be a lease/purchase agreement on the property and that the Council should be looking at their own property, eg the Old Fire Station. He felt this would be better value for money.

On the proposal of Clr. Kennedy, seconded by Clr. Byrne, the Council approved the seeking of tenders for the procurement of a new library for Donegal Town.

C/149/07

ADOPTION OF THE DRAFT PETTIGO LOCAL AREA PLAN 2007 AND TO ISSUE SAME FOR A 6 WEEK PERIOD OF PUBLIC CONSULTATION

The Council considered the report, circulated with the agenda, in relation to the above matter.

On the proposal of Clr. Byrne, seconded by Clr. Boyle, the Council adopted the Draft Pettigo Local Area Plan 2007 and agreed to issue same for a 6 week period of public consultation.

C/150/07

ADOPTION OF THE DRAFT LIFFORD LOCAL AREA PLAN 2006 AND TO ISSUE SAME FOR A 6 WEEK PERIOD OF PUBLIC CONSULTATION

The Council considered the report circulated with the agenda, in relation to the above matter.

Clr. Crawford spoke in support of the plan. He paid tribute to the local community groups in Lifford for their work in developing facilities in the town. He queried where the plan would be available for inspection and urged the members of the public to come forward with their ideas. Clr. Crawford requested that the Planners change the proposal in the plan for a street market in the town centre to a street market in the town.

Clr. McDaid requested that the Planners take the concerns raised in relation to the flood plains around the town into consideration.

Clr. Harte also spoke in favour of the plan and stated that the establishment of a secondary school in the town should be sought.

On the proposal of Clr. Crawford, seconded by Clr. McDaid, the Council adopted the Draft Lifford Local Area Plan 2007 and agreed to issue same for a six week period or public consultation.

C/151/07

ADOPTION OF THE “ROAD TRAFFIC (SPEED LIMITS – COUNTY OF DONEGAL) (AMENDMENT) BYE LAWS 2007

The Council considered the report, circulated with the agenda, in relation to the above matter.

A number of additional issues/changes were raised by the members as follows:

Member	Issue raised
Clr. McDonald	To note letter from residents of Moville who wish to have existing speed limit retained
Clr. McDonald	To change the speed limit on Muff to Moville Road to 100 kph
Clr. McGowan	Endorsed and welcomed the extension of the speed limit to Meenglass Road, Ballybofey and reduction of speed limit at Liscooley
Clr. McGowan	Propose to reduce the speed limit from Kilross to Stranorlar from 100 to 80 kph. This matter had already been proposed at the Stranorlar Electoral Area Meeting
Clr. Alcorn	Sought clarification as to why the request to extend the speed limit at Lettermacaward to beyond Gweebarra Bridge had been rejected by the NRA
Clr. Conaghan	Sought clarification as to whether the Speed limit on the Muff to Quigleys Point road had been increased or decreased. Mr J McLaughlin advised that it had been increased
Clr. Conaghan	To reduce the speed limit on the main road at Tooban
Clr. Conaghan	To reduce the speed limit at Nurses Lane to 50 kph
Clr. McGuinness	To extend the 100 kph speed limit at Redcastle. He advised that the residents of Redcastle wanted the 50 kph speed limit retained in the town but to have moved closer to the town on the

	Derry Road and extended further from the town on the Redcastle Hotel side
Clr. Padraig Doherty	Welcomed the introduction of the new speed limits, particularly at Bunbeg/Coisclady to the Business Park Entrance
Clr. McGonagle	Welcomed the proposals for Carndonagh but queried why there was no reference to the Schools on the main road.
Clr. Reid	Welcomed the proposals re. Liscooley but did not agree with Clr. McGowan's proposal to extend the 80kph speed limit to Kilross
Clr. Boyle	Advised that there had been 17 submissions on the N56 after completion of works on new road from Dunkineely.
Clr. O Domhail	Wished to be associated with Clr. Dohertys comments regarding extension of speed limit at Falcarragh
Clr. O Domhail	Queried whether there will be a county wide review of the speed limits in the near future.
Clr. P MacLochlainn	Supported the comments and proposals of Clr. McGuinness
Clr. Kennedy	Agreed with Clr. O Domhnaill in relation to county wide review of speed limits. Unsuccessfully trying to get the speed limits changed at Doolin, Donegal town for the past two years
Clr. E Bonner	Support Clr. Alcorns proposal re speed limit at Lettermacaward. Acknowledged that half of this area had been included but requested that the request to extend it further be examined.

Mr John McLaughlin, Director of Services, advised members that he would examine the issues and revert to the Council. It was agreed to defer further consideration of the item until then.

C/152/07

ADOPTION OF THE UPDATED PRIORITY LIST FOR
“THE COASTAL PROTECTION PROGRAMME 2007 –
2013”

The Council considered the report, circulated with the agenda, in relation to the above matter.

It was resolved on the proposal of Clr. McGonagle, seconded by Clr. McGuinness that Castle Isle of Doagh be added to the list.

It was resolved on the proposal of Clr. McGuinness, seconded by Clr. McGonagle that Lagg Beach remain on the Priority List.

On the proposal of Clr. Conaghan, seconded by Clr. McGuinness, the Council adopted the updated priority list, as amended at the meeting, for “The Coastal Protection Programme 2007-2013”

C/153/07

EXTINGUISHMENT OF RIGHT OF WAY AT
CORVEEN BARNESMORE

The Council considered the report, circulated with the agenda, in relation to the above matter.

On the proposal of Clr. Byrne, seconded by Clr. Kennedy, the Council approved the extinguishment of right of way at Corveen, Barnesmore.

C/154/07

EXTINGUISHMENT OF PUBLIC RIGHT OF WAY AT
DOONAN, DONEGAL TOWN

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

On the proposal of Clr. Byrne, seconded by Clr. Kennedy, the Council approved the extinguishments of public right of way at Doonan, Donegal Town.

C/155/07

CONSIDERATION OF GRANT OFFER FROM THE
DEPARTMENT OF MARINE, COMMUNICATIONS
AND NATURAL RESOURCES FOR THE FUNDING

OF GREENCASTLE HARBOUR CAPITAL
DEVELOPMENT PROJECT (PHASE 1)

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

Clr. Pádraig MacLochláinn expressed his disappointment that no special intervention or deal under peace dividend could have been arranged to allow for 100% funding of this project rather than the 75% offered.

Clr. McGuinness, Conaghan and McGarvey welcomed the funding and commended the County Manager and Minister O Cuiv for their work in getting the funding.

Mr McLoone advised that the approval of the Council was sought for acceptance of the grant allocation and use the Members Development Scheme to provide the 12.5% matching funding. He confirmed that if the members approved the acceptance of the grant allocation a report, with detailed proposals in relation to the use of the Members Development Fund for the co-funding element, would be brought to the Council.

Clr. Conaghan queried when work was expected to commence. Mr. John McLaughlin advised that a letter would issue to the Department of the Marine confirming the Council's decision on this matter and the proposal work would commence with the next few months.

On the proposal of Clr. McDonald, seconded by Clr. McGuinness, the Council resolved to accept the grant offer from the Department of Marine, Communications and Natural Resources for the funding of Greencastle Harbour Capital Development Project (Phase 1).

C/156/07

ELECTION OF REPRESENTATIVE TO DONEGAL
SPORTS PARTNERSHIP

The Council was advised that Clr. Alice Bonner had submitted her resignation as representative to the Donegal Sports Partnership. On the proposal of Clr. Conaghan, seconded by Clr. O Domhnaill, the Council nominated Clr. Kennedy as the Council's representative to the Donegal Sports Partnership.

C/157/07 ADOPTION OF THE NORTH WEST REGIONS CROSS BORDER GROUPS “A REGIONAL FRAMEWORK FOR THE NORTH WEST”

The Council considered the report, circulated with the agenda in relation to the above matter.

Mr Gary Martin advised that the document contained a caveat that it be read in conjunction with various statutory plans and reports with particular reference to County Donegal

Following a query from Clr. Larkin, Mr Martin confirmed that the document circulated with the agenda was not the finalised document and undertook to circulate a copy to all members. It was agreed that the finalised document be attached as an appendix, Vide Appendix 1.

On the proposal of Clr. Brogan, seconded by Clr. Byrne, the members agreed to adopt the North West Region Cross Border Group’s “A Regional Framework for the North West”. (Vide Appendix 1)

C/158/07 TO APPROVE THE “DRAFT MOVILLE (REGULATION AND CONTROL OF THE CONSUMPTION AND POSSESSION OF INTOXICATING LIQUOR IN PUBLIC PLACES) BYE LAWS 2007

The Council considered the report, circulated with the agenda, in relation to the above matter.

On the proposal of Clr. McDonald, seconded by Clr. Donaghey, the Council approved the “Draft Merville (Regulation and Control of the Consumption and Possession of Intoxicating Liquor In Public Places) Bye Laws 2007 to go out to public consultation.

C/159/07 ADOPTION OF COUNTY MUSEUM LOAN POLICY

The Council considered the report, circulated with the agenda, in relation to the above matter.

On the proposal of Clr. Larkin, seconded by Clr. Brogan, the Council adopted the County Museum Loan Policy.

C/160/07 ADOPTION OF COUNTY MUSUEM COLLECTION POLICY

The Council considered the report, circulated with the agenda, in relation to the above matter.

On the proposal of Clr. Crawford, seconded by Clr. Brogan, the Council adopted the County Museum Collection Policy.

C/161/07 ADOPTION OF THE COUNTY MUSUEM DISPOSAL POLICY

The Council considered the report circulated with the agenda in relation to the above matter.

On the proposal of Clr. Larkin, seconded by Clr. Crawford, the Council adopted the County Museum Disposal Policy.

C/162/07 APPOINTMENT OF MEMBERS TO AN COISTE LOGAINMNEACHA/ PLACENAMES COMMITTEE

As all the nominations for the above Committee had not been received yet, the Council agreed to defer consideration of this item until later in the meeting.

C/163/07 SOCIAL AND COMMUNITY FACILITIES CAPITAL SCHEME 2007 – REQUEST FOR PROJECT PROPOSALS

The Members considered the report circulated at the meeting in relation to the above matter.

Mr G. Martin advised on the background and details of the various proposals for the Scheme.

On the proposal of Clr. Crawford, seconded by Clr. O' Neill, the members agreed to allocate funding of €25,000 from the 2007 Social and Community Facilities Scheme to each of the following projects:-

- Kid Zone, Ballyshannon
- Comharchumann Oilean Thorai Teo, Tory Island
- Buncrana Youth and Development Company Ltd, Buncrana
- Carrigart Development Association, Carrigart

- Castlefin Tidy Towns, Castlefin
- Lifford Athletic Club

C/164/07

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. Crawford, seconded by Clr. O'Neill, it was resolved to authorise any member if he/she so wished to attend the following conferences, subject to the following 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.

- (a) 23rd Annual Environmental Conference to be held on 29th and 30th March 2007 at the Carrigaline Court Hotel, Carrigaline, Co Cork
- (b) Department of Government UCC – Communicating the Campaign to be held on March 29th 2007 at the O Rahilly Building, UCC.
- (c) LAMA Annual Spring Conference to be held on the 12th & 13th April 2007 at the Gleneagle Hotel, Killarney, Co Kerry
- (d) 8th Annual Regional Assembly Conference to be held on 20th April 2007 at Kilashee House Hotel, Naas, Co Kildare
- (e) The Local Government Housing Service Conference to be held on 27th-29th April 2007 at the Silver Tassie Hotel, Milford Road, Letterkenny.

C/165/07

MAYOR'S BUSINESS

VOTES OF SYMPATY

Votes of Sympathy were proposed to the following:-

- Clr. Patrick McGowan on the death of his brother John
- Clr. David Alcorn on the death of his step-brother in law, Brian Boyle

VOTES OF CONGRATULATIONS

Votes of Congratulations were proposed to the following:-

- Clr. Brendan Byrne on his recent marriage
- Ms Claire Scanlon, Crossroads, Killygodon, on winning a Silver Medal in the World Speed Skating Championships
- Mr Gary Murray, Woodlawn, Stranorlar on winning Cross Country Championship in Sligo
- St Eunans College Team on winning the McLarnon Cup
- Recipients of the Donegal People of the Year Awards

USA TRIP 2007

Mayor Enda Bonner reported to the Council on his trip to Philadelphia and New York for the St Patricks Day Celebrations 2007. He expressed his gratitude to the Donegal Associations in Philadelphia, New York and Bayonne.

ESB

Mayor Bonner advised the members that the ESB had refused permission to an ESB Official to attend a recent meeting. He advised that a Workshop would be held at 10 am on 23rd April and a submission would be made to the ESB. A report would be circulated to each member prior to the workshop.

Mayor Bonner advised that he would complete Mayors Business at the adjourned Council Meeting.

C/166/07

COUNTY MANAGERS REPORT

Members considered the report circulated, with the agenda, and Addendum circulated at the meeting. The County Manager outlined the main points of his report.

RETIREMENT OF MR JIM HOLOHAN, DIRECTOR OF SERVICES, WATER ENVIRONMENT EMERGENCY

Mr McLoone paid tribute to Mr Holohan on his retirement, acknowledged his commitment to the Council and expressed the appreciation of himself and the staff of Donegal County Council for the contribution Mr Holohan had made.

Mayor Bonner also paid tribute to Mr Holohan.

Clr.s Conaghan and McGuinness, on behalf of their parties also thanked Mr Holohan and wished him well in his retirement.

All the members requested to be associated with the good wishes to Mr Holohan.

Mr Holohan thanked all present for their kind remarks and thanked Donegal County Council for a wonderful career.

JUDICIAL REVIEW OF FRAMEWORK OF HSA INVESTIGATION

Mr McLoone advised the Council that he had circulated a letter to each member in relation to a Road Traffic Accident in 2001, which set out the legal advise the Council had received on the matter. He advised that as the matter was subjudice it could not be tabled for discussion today.

Clr. MacLochlainn stated that this had been a great tragedy and acknowledged that the Council and its employees had a right to defend themselves. However, he felt that the current course of action would be perceived by the public as the Council preventing an investigation into itself. He advised that as a Member of Donegal Council he did not agree with the decision to seek a judicial review.

All the Councillors present expressed their sympathy to the family affected by the tragedy and raised various concerns and queries in relation to the matter. In particular, the members were concerned at the perception that the Council was preventing an investigation into the matter.

Mr McLoone confirmed that he had set out very comprehensively in the statement the background to the application for a judicial review. He confirmed that the Council had co-operated fully with the Garda investigation into the accident. He advised that the matter was an Executive Function and when any member of staff was being investigated into the way they carried out their duties they were entitled to legal representation. It was essential, he stated, that the employees knew the legal framework and their rights to representation. The best place to establish this was in the court. The Council was seeking no more or no less than this for their staff.

C/167/07

ADJOURNMENT OF MEETING

On the proposal of Clr. E Bonner, seconded by Clr. Conaghan, the Council agreed to adjourn the remainder of the business of the meeting to 10.00 am on Monday, 16th April 2007.

This concluded the business of the meeting.