

**COMHAIRLE CHONTAE DHUN NA nGALL**

Oifig Riarthóir na  
gCruinnithe  
Aras an Chontae  
LEIFEAR

23 Saimhain 2004

Beidh an Cruinniú Comhairle Chontae Dhun na nGall ag dul ar aghaidh Dé Luain, 29 Saimhain, 2004, ag **2.00 ag Arás an Chontae, Leifear**

**DO GACH BHALL DEN CHOMHAIRLE**

**A Chara**

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

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

**Mise, le meas**

**A. MacSuibhne**

**Riarthóir Cruinniú (RUNAI CHONTAE)**

\*\*\*\*\*

**DONEGAL COUNTY COUNCIL**

Office of Meetings Administrator  
County House  
Lifford

23<sup>rd</sup> November, 2004

**NOTICE OF MEETING**

A Meeting of Donegal County Council will be held on Monday 29<sup>th</sup> November, at 2.00 p.m. in the County House, Lifford.

**TO EACH MEMBER OF DONEGAL COUNTY COUNCIL**

**Dear Councillor**

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

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

**Yours sincerely**

**E. Sweeney**

**Meetings Administrator (County Secretary)**

## AGENDA

1. **Section 140 Motion**  
Consideration of planning application by Patrick and Ellen Ann McDaid for permission for erection of dwelling and septic tank at Drumardagh, Letterkenny.
  
2. **Confirmation of Minutes**
  - (a) Confirmation of Minutes of General Purposes Committee Meeting held on 13<sup>th</sup> September, 2004
  - (b) Confirmation of Minutes of General Purposes Committee Meeting held on 11<sup>th</sup> October, 2004
  - (c) Confirmation of Minutes of Meeting of Donegal County Council held on 27<sup>th</sup> September, 2004
  - (d) Confirmation of Minutes of Special Meeting of Donegal County Council held on 27<sup>th</sup> September, 2004
  - (e) Confirmation of Minutes of Special Meeting of Donegal County Council held on 29<sup>th</sup> September, 2004
  - (f) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on 11<sup>th</sup> October, 2004.
  - (g) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on 18<sup>th</sup> October, 2004.
  - (h) Confirmation of Minutes of Meeting of Special Meeting of Donegal County Council held on 18<sup>th</sup> October, 2004.
  
3. **Disposal of Land- Section 211 Planning & Development Act, 2000**
  - (a) Notice under Section 183 of the Local Government Act, 2001 to resolve to dispose of land at Bree, Malin Head, to Forward Emphasis International Limited.
  - (b) Notice under Section 183 of the Local Government Act, 2001 to resolve to dispose of land at Lisfannon, Fahan to Seatem (Donegal) Limited.
  - (c) Notice under Section 183 of the Local Government Act, 2001 to resolve to dispose of land at Ramelton to Education Board of the Donegal Presbytery (in charge of Ramelton No. 2 National School)

4. **Taking of decision pursuant to Planning & Development Act, 2000 (Part XI), & Planning & Development Regulations, 2001 (Part 8)**
  - (a) The carrying out of works with regard to proposed Specific Instance Cottages 2004 Programme
  - (b) The carrying out of works with regard to improvement to Wastewater Treatment Works at Convoy Sewerage Scheme
  - (c) The carrying out of works with regard to the proposed Environmental Improvement Scheme in Moville.
  - (d) The carrying out of works at Lower Main Street, Moville with regard to New Fire Station for Moville.
  - (e) The carrying out of works with regard to 8no. houses, Dungloe
  
5. **Financial Programme**

To approve Overdraft Accommodation for €25,000,000 for half year ending 30<sup>th</sup> June, 2005.
  
6. **Corporate Programme**
  - (a) To resolve to hold Consultation Meeting prescribed in Vocational Education (Amendment) Act, 2001 and regulations made thereunder.
  - (b) To resolve to hold a Special Meeting to appoint four persons (two male, two female) to County Donegal Vocational Education Committee, from among persons nominated from such bodies as, in the opinion of the Council, are representative of interest groups specified in Section 7 of the Vocational Education (Amendment) Act, 2001.
  - (c) Election of members to the five Strategic Policy Committees.
  
7. **Roads Programme**
  - (a) To agree to meet NRA in Dublin at 11.00am on Thursday 06<sup>th</sup> January, 2005
  - (b) To consider, and if agreed, adopt the Road Traffic (Speed Limit) (County of Donegal) Bye-Laws 2005.

8. **Conferences**

- (a) To approve attendance of the Cathaoirleach and Leas Cathaoirleach at the General Council of County councils “Mayors & Chairs Seminar” to be held in Johnstown House Hotel, Enfield, Co. Meath on Friday 03<sup>rd</sup> December, 2004
- (b) Confederation of European Councillors “North-South Political Relations in the 21<sup>st</sup> Century” to be held in Killyhevlin Hotel, Enniskillen, Co. Fermanagh on 02<sup>nd</sup> –03<sup>rd</sup> December, 2004

9. **Cathaoirleach’s Business**

10. **Manager’s Report**

## MOTIONS

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

*Motions in the names of Clrs. A. Bonner and F. Conaghan deferred from Meeting of Donegal County Council held on 27<sup>th</sup> September, 2004*

11. Clr. A. Bonner  
“That the Council examines the ERG and DPG grants in relation to the maximum level of grant for the various elements of work e.g. maximum roof grant –€4,000, heating €1,500 etc.” (C)
  
12. Clr. F. Conaghan  
“That this Council would explore the possibility of providing a permanent library service in the Newtowncunningham area.” (L)

## MILFORD ELECTORAL AREA

### *Corporate Services*

13. Clr. I. McGarvey  
“That this Council would request and meet our Senators, T.D.’s, Ministers and MEP’s at least four times per year to advise on the required funding for services and other related matters that adversely affected Donegal over the years.” (C)

### *Planning & Economic Development*

14. Clr. L. Blaney  
“That Donegal County Council discuss the need to employ a Solicitor to collect outstanding millions of Euro in Development Charges to provide much needed revenue for this years Budget rather than increasing Commercial Rates.” (C)

## DONEGAL ELECTORAL AREA

### *Planning & Economic Development*

15. Clr. B. O'Neill

“That this Council address the ongoing problem of derelict buildings in Ballyshannon and introduce a strong plan of action to deal with the future enhancement of such properties.” (L)

### *Roads & Transportation*

16. Clr. B. Byrne

“That this Council prioritise the need to improve and widen the Carrick to Meenaneary road in order to sustain the employment potential of the Meenaneary area?” (L)

### *Community, Culture & Enterprise*

17. Clr. T. Pringle

“Bearing in mind that the National Childcare Strategy introduced five years ago remains, in the words of the Strategy “uncoordinated, variable in quality and in short supply” we call on the Government to :

- Provide greater assistance to parents, especially those on lower incomes, with the cost of childcare
- Harmonise maternity leave on an all Ireland basis by increasing maternity leave to 26 weeks paid and 26 weeks unpaid and harmonise paternity leave on an all Ireland basis by introducing paid paternity entitlements of two weeks per child
- Increase revenue for the Equal Opportunities Childcare Programme, including capital, staffing and operational funding and immediately expedite all outstanding applications which have been delayed due to the review of the programme
- Reinstate the Creche Supplement and the CTOS childcare supports the cutting of which have caused severe hardship to parents and children in disadvantaged communities
- Review the “Childcare Facilities: Guidelines for Planning Authorities” to assess effectiveness of the guidelines and investigate the possibility of introducing legislation in line with Part V of the Planning & Development Act, 2000 to require developers to construct childcare facilities in housing

developments and to transfer these to the ownership of the local authority upon completion.

### STRANORLAR ELECTORAL AREA

#### **Community, Culture & Enterprise**

18. Clr. A. Bonner  
“I propose that Donegal County Council adopts the 1890 Public Health Amendment Act. This would allow the awarding of music and singing licence under the Council’s jurisdiction which is a necessary prerequisite for venues such as the The Balor Theatre to obtain a theatre licence.” (L)

#### **Roads & Transportation**

19. Clr. Reid  
“That the Manager appoint a Clerk Typist to the Ballybofey/Stranorlar Roads Office.” (L)

### GLENTIES ELECTORAL AREA

#### **Roads & Transportation**

20. Clr. T. Slowey  
“That this Council actively support the development of infrastructure that will enhance the development of Killybegs Port and its hinterland.” (L)
21. Clr. Pdraig Doherty  
“That Donegal County Council will erect proper signposts at the Waterfall Junction Ards, to ensure access and safety for the local people and visitors to the friary,” (L)
22. Clr. D. Alcorn  
“That Donegal County Council ensure that all monies allocated from the various agencies be expended within the year it is allocated to enable us to have further funding available from these Departments the following year.” (C)

23. Clr. Pearse Doherty  
“That this Council in recognising the importance that Carrickfinn Airport plays in relation to employment, tourism and access to the county, prioritises the surrounding roads network that lead to and from this airport and also conducts without delay a feasibility study of developing a bridge and link road across Gweedore Bay linking Gweedore directly with Carrickfinn Airport. This would be done in full consultation with the public.”

### **Corporate Services**

24. Clr. O’Domhnaill  
“That Donegal County Council ensure that our National Flag is flying at the County House and at each Public Services Centre in the county.” (C)

## **INISHOWEN ELECTORAL AREA**

### **Roads & Transportation**

25. Clr. M. McDonald  
“That this Council give a full report on traffic management issues including one way system in the Square and the junction at Bonner’s Corner in Moville as promised for the November Meeting and as discussed at public meeting held in McNamara’s Hotel on 26<sup>th</sup> August, 2004.” (L)

### **Planning & Economic Development**

26. Clr. D. McGonagle  
“That the Council immediately implement the Casual Trading Regulations in Carndonagh.” (L)

### **Community, Culture & Enterprise**

27. Clr. B. McGuinness  
“That the Council discuss our role in Tourism.” (C)

### **Corporate Services**

28. Clr. F. Conaghan  
“That this Council outline in an Annual Report its Programme of Work and the Services that have been delivered for the 12 month period preferably in an Electoral Area basis.” (C)

**Miscellaneous**

29. Clr. P. MacLochlainn  
“That this Council call on the Government to complement plans for a new A&E Department at Letterkenny General Hospital by providing capital funding for an extension to the hospital that would facilitate space for extra beds to ease the ongoing and well documented crisis in terms of in patient beds capacity.”

**LETTERKENNY ELECTORAL AREA**

**Roads & Transportation**

30. Clr. J. Harte  
“That a safety barrier be erected on the Cooladerry/Miltown Road, Raphoe as a matter of urgency.” (L)
31. Clr. D. Larkin  
“That this Council make a formal proposal to the NRA to put a right turning lane on the Main Letterkenny to Stranorlar Road at the junction into Cullion.” (L)
32. Clr. C. Brogan  
“That we discuss the progress on the N56 from Mountain Top to Coolboy.” (L)

**Water, Environment & Emergency Services**

33. Clr. G. Crawford  
“That this Council construct without delay the reservoir at Dooish to facilitate the immediate distribution of the long awaited water supply to Manorcunningham and surrounding areas.” (L)

**Community, Culture & Enterprise**

34. Clr. T. McDaid  
“That this Council calls on the Government to substantially increase the level of funding available to Donegal Domestic Violence Service and to Inishowen Womens Outreach Service in recognition of the valuable contribution both organisations make in addressing the needs of victims of domestic violence in the county.” (O)

## QUESTIONS

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

### MILFORD ELECTORAL AREA

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

35. Clr. I. McGarvey  
“Is there valid applications with this Council at present for Rareagh and Drumoghill/Labadish Group Water Scheme or is preparatory work ongoing and when may this be concluded?” (L)
36. Clr. I. McGarvey  
“I would like information on where Ramelton is on the Priority List for Sewerage Treatment as with additional housing in town and district this is very urgently needed”? (L)

#### *Roads & Transportation*

37. Clr. L. Blaney  
“When does Donegal County Council intend finalising safety measures at Foxhall Junction where the R250 meets with the R251?” (L)

38. Clr. L. Blaney  
“What does Donegal County Council intend doing about the river at Ballymastoker Beach that is changing direction and causing havoc with sand dunes and needs to be rectified immediately?” (L)

## DONEGAL ELECTORAL AREA

### **Roads & Transportation**

39. Clr. B. O’Neill  
“What works do Donegal County Council plan to undertake on “Connor’s Bridge” on the Main Road from Ballintra to Rossnowlagh and a possible start date?”(L)
40. Clr. B. O’Neill  
“Can Donegal County Council carry out necessary road improvements to the Bundoran Pier so as to assist members of Bundoran RNLi Lifeboat in their station development – which is of crucial importance to the region?” (L)
41. Clr. T. Pringle  
“What is Donegal County Council’s policy in relation to the installation of speed ramps on Council Housing Estates?” (C)

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

42. Clr. T. Pringle  
“What progress has been made on the implementation of the Waiver Scheme, approved in Budget Estimates 2004, for Landfill Charges?” (C)
43. Clr. B. Byrne  
“What is the present position on the proposed improvements to the Kilcar Sewerage Scheme?” (L)

### **Planning & Economic Development**

44. Clr. B. Byrne  
“What steps are this Council taking to ensure that Kilcar Village Renewal Phase I and Phase II will be finished on schedule and be completed to the highest standard possible?” (L)

## STRANORLAR ELECTORAL AREA

### *Water, Environment & Emergency Services*

45. Clr. Reid  
“What has been the outcome of my proposal to meet with the Minister of Environment to acquire extra grant aid for isolated areas in Group Water Schemes?” (C)
46. Clr. A. Bonner  
“What works have been carried out at the Wastewater Treatment Plant in Convoy and what is the time schedule for the remaining works?” (L)
47. Clr. A. Bonner  
“What is the schedule timeframe to completion on the new Civic Amenity Site in Stranorlar and what works are left to be completed?” (L)

### *Housing*

48. Clr. Reid  
“What has been the individual cost of each of our Public Service Centres to date?” (C)

## GLENTIES ELECTORAL AREA

### *Community, Culture & Enterprise (D.E.A.T.)*

49. Clr. T. Slowey  
“Will this Council put in place a comprehensive energy saving policy at its head office and decentralised offices?” (C)
50. Clr. T. Slowey  
“What is the status of the provision of a library for the town of Falacarragh?” (L)
51. Clr. B. O’Domhnaill  
“Can Donegal County Council give the necessary priority to the provision of a full time library service in Falcarragh and Gweedore?” (L)

### **Roads & Transportation**

52. Clr. Padraig Doherty  
“When will Donegal County Council complete the Public Lights Programme for Mullaghduff, Annagry?” (L)
53. Clr. Padraig Doherty  
“When will Donegal County Council erect safety barriers on the Errigal Road?” (L)
54. Clr. B. O’Domhnaill  
“Will Donegal County Council ensure that adequate financial allocations are made available over the next number of years to improve the Strategic Muckish Road into Falcarragh?” (L)

### **Housing**

55. Clr. D. Alcorn  
“Now that the County Council have purchased land for housing in the Lettermacaward area (opposite chapel) when is it proposed to have plans prepared for housing scheme?” (L)

### **Corporate Services**

56. Clr. D. Alcorn  
“How many of the Sub Committees of Donegal County Council for which members were appointed at A.G.M. of County Council, have had meetings to date?” (C)

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

576. Clr. Pearse Doherty  
“Does this Council acknowledge that parts of the preliminary report of the Gweedore Sewerage Scheme in particular, Section 9: site selection 9.5: Site no. 4 is untrue and misleading. These items are:
- |       |  |
|-------|--|
| 61656 | Houses less than 200 meters                    |
| 61656 | Houses overlooking or on a level with the site |
| 61656 | Conifer planting around the site               |

58. Clr. Pearse Doherty  
“Can this Council explain when the decision to select the site for the Gweedore Sewerage Scheme Treatment Plant was decided and why planning permission obtained by Údaras Na Gaeltachta from Donegal County Council in 1999 for the development of factory units (ref no 99/2513 Manager’s Order 2000/P4364) contained a condition in the Schedule stated that Údaras Na Gaeltachta would not develop a certain piece of land the reason given:

“To ensure that the development does not prejudice the provision of the public mains sewerage system for the area.”

### INISHOWEN ELECTORAL AREA

#### *Housing*

59. Clr. M. McDonald  
“To ask this Council what efforts have been made to draw down extra funding from the Department of Environment for DPG’s and ERG’s prior to the end of the year?” (C)

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

60. Clr. M. McDonald  
“To ask this Council further to Deputy Cecilia Keaveney’s question in 2001, what funding has been sought to address the long term needs of Moville and what interim measures have been taken since the question was previously tabled?” (L)
61. Clr. D. McGonagle  
“What is the up to date position regarding Malin Sewerage Scheme?” (L)
62. Clr. P. MacLochlainn  
“What is the status of the sewerage scheme for Cleagh, Clonmany and can it be progressed in 2005?” (L)
63. Clr. P. MacLochlainn  
“Is it possible to upgrade the water supply to Moville in the near future to allow multi unit residential developments to progress and how can a town of this size be brought to a standstill in terms of residential housing and not be prioritised.” (L)

64. Clr. R. Donaghey  
“When will work begin on Phase 3 of Desertegney Water Supply i.e. building of reservoir etc. in Aughaweel?” (L)
65. Clr. F. Conaghan  
“What action is being taken to enforce the law regarding unauthorised dumping around the county?” (C)
66. Clr. F. Conaghan  
“When will the Newtowncunningham Sewerage Scheme (extension & upgrading) be commissioned?” (L)

### **Roads & Transportation**

67. Clr. D. McGonagle  
“What plans has the Council to deal with the erosion problems at Lagg Strand, Malin?” (L)
68. Clr. B. McGuinness  
“What was the outcome of the meeting with the Department of Environment Inspector regarding regional roads speed limits?” (C)

### **Planning & Economic Development**

69. Clr. B. McGuinness  
“How much money was collected in Development Charges in the Inishowen area and how much of this was returned to the area?” (L)

## **LETTERKENNY ELECTORAL AREA**

### **Road & Transportation**

70. Clr. D. Larkin  
“Have Road Design scheduled the preparation of alternative solutions for the junction at Murlog as given in the answer to myself in July?” (L)
71. Clr. D. Larkin  
“What is the latest development with regard promised speed calming and associate works at Lurgybrack School?” (L)

72. Clr. G. Crawford  
“Will the Council provide a Disabled Parking Space at the Pharmacy in Lifford?” (L)
73. Clr. C. Brogan  
“When does the County Council think that the new Relief Road from Carnamuggagh to Lisnennan will be opened.” (L)

**Water, Environment & Emergency Services**

74. Clr. G. Crawford  
“What is the delay in progressing the much needed Sewerage Scheme in St. Johnston?” (L)

**Community, Culture & Enterprise**

75. Clr. T. McDaid  
“In light of the recent announcement by the Minister for Enterprise, Trade and Employment that he will be introducing changes to the FÁS Employment Schemes, will this Council urge the Minister to consider lowering the present age eligibility criteria from 25 years of age to 21 to allow those young people in the 21-25 age bracket to access Community Employment Schemes?” (C)

**Planning & Economic Development**

76. Clr. T. McDaid  
“Is it the policy of the Planning Section of this Council to inspect building works that are subject to objections prior to the granting of permission for retention?” (C)

**MOTIONS FROM OTHER COUNCILS**

77. KERRY COUNTY COUNCIL  
“That any objections to planning permission can only be made by a person or persons living or having an interest (like ownership of land, buildings or business) within a radius of 3 miles of the location of the site for which planning is applied for.”

“That the Council calls on Rialtas na hEireann to re-introduce the House Improvement Grant.”

78. NENAGH TOWN COUNCIL

In light of the fact that there are 45 undetected cancers in women over 50 in North Tipperary every year, this Council calls on the Minister for Health to ensure that breast check is given the funding necessary to immediately begin to roll out the screening program for the women of North Tipperary.”

79. FERMOY TOWN COUNCIL

“That we as a Local Authority call on Minister for the Environment to enact legislation where taxation on waste can be at the point of entry rather than the point of disposal to enable us as a society to realistically face up to our National and International obligations in the are of waste management.”

80. LEITRIM COUNTY COUNCIL

“That local elected representatives have the determining role in deciding road speed limits within their jurisdiction, subject to consultation with the Gardaí Síochana.”

81. CLONMEL BOROUGH COUNCIL

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

82. KILARNEY TOWN COUNCIL

“That Kilarney Town Council call on the Minister for the Environment to use the same colouring and logo on disabled parking bays, in uniformity with other EU countries.”

83. KILARNEY TOWN COUNCIL

“That we Kilarney Town Council call on the appropriate authorities to make the banks responsible for the payment of the movement of monies throughout the country, in view of the vast profits they are making and remove all the burden of payments from the taxpayer”

“That we Kilarney Town Council ask the relevant Government Department to subsidise the increase in diesel and heating oil, until

the price drops again. This increase is affecting the cost of living and putting a burden on people.”

84. OFFALY COUNTY COUNCIL

“That Offaly County Council call on the Department of Foreign Affairs to increase substantially its Overseas Aid this year, and that a multi year agreement between the Department of Finance and Department of Foreign Affairs is reached, to ensure gradual aid increases for the coming three years, in order to fulfil the Government’s commitment the 8 Millennium Development Goals”

85. BUNDORAN TOWN COUNCIL

“That Donegal County Council call together Bundoran and Ballyshannon Town Councils and all parties involved i.e. Anglers, Inshore Fishermen, Farm Fish Operators and the Tourist Sector with a view to setting up a Coastal Zone Management Plan that could be adopted into the County Development Plan.”

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD  
IN THE COUNTY HOUSE LIFFORD ON THE 29<sup>TH</sup> NOVEMBER,  
2004

C/523/04     MEMBERS PRESENT

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

C/524/04     OFFICIALS IN ATTENDANCE

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

C/525/04     ADJOURNMENT OF MEETING

On the proposal of Clr. Conaghan, seconded by Clr. Larkin, it was agreed to adjourn the meeting for fifteen minutes.

C/526/04     SECTION 140 MOTION-CONSIDERATION OF  
PLANNING APPLICATION BY PATRICK AND ELLEN  
ANN MCDAID FOR PERMISSION FOR ERECTION OF  
DWELLING AND SEPTIC TANK AT DRUMARDAGH,  
LETTERKENNY

The Cathaoirleach advised that a Section 140 motion had been received in relation to the above in the names of Clrs. Larkin, Crawford, Conaghan and Harte.

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

Clrs. Alcorn, Blaney, A. Bonner, E. Bonner, Boyle, Brogan, Byrne, Conaghan, Crawford, Pádraig Doherty, Pearse Doherty, Donaghey, Harte, Larkin, McBride, McDaid, McDonald, McEniff, McGarvey, McGonagle, McGowan, McGuinness, MacLochláinn, O'Neill, Pringle, Reid and Slowey. (27)

Mr. Francie Coyle, Director Planning & Economic Development, read into the record the report from Mr. Jim Harley, Senior Planner dated 17<sup>th</sup> November, 2004, which was circulated at the meeting, together with his own advice to members. The report recommended that planning permission be refused for the following reasons:-

1. “It is Council policy as set out in Section 2.2.2., to ensure that all dwellings proposed in Landscape Category 1 areas satisfy the principles of siting and design as set out in Volume 3 “Location, Siting and Design Guide”, of the County Development Plan 2000 (as varied). The proposed development, which is situated on an elevated and prominent site on the ridgeline of a peninsula, would represent a visually obtrusive feature when viewed from the adjoining road network and would thereby constitute a discordant intrusion in the rural landscape. Accordingly, to permit the proposed development would contravene the aforementioned provisions of the County Development Plan 2000 (as varied) and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is the policy of the Council as set out in the Urban and Rural Development, Policy No. 3 – “Rural Development”: “to promote and support a vibrant living countryside which can sustain a range of human activities and variety of landscapes whilst retaining a distinctive rural character.” It was considered that the proposed development when taken in conjunction with existing and permitted development at this location would represent an unsustainable form of suburban development, which would militate against the preservation of the rural character of the area and therefore be contrary to the aforementioned policy of the County Development Plan. Accordingly to permit the proposed development would materially contravene the provisions of the County Development Plan, 2000 (as varied) and would

be contrary to the proper planning and sustainable development of the area.

3. To permit the proposed development would set an undesirable precedent for further similar developments, which would in themselves and cumulatively not be in the interests of the proper planning and development of the area.”

Clr. Larkin stated that the previous Senior Planner in the Letterkenny area had been of the opinion that the area was suitable for such a development. The visual impact involved was negative, he added, given that the road in question was a 60mph dual carriageway.

The couple involved, he said, had made rigorous attempts to procure the site and were indigenous rural dwellers though not in this specific area. It should also be noted, Clr. Larkin advised, that within the context of the National Spatial Strategy that this area would be required for development to cater for the predicted population explosion in the Letterkenny area.

Mr. Francie Coyle, Director Planning & Economic Development reminded members that the development in question was significantly higher on the landscape than other sites in the area.

Clr. Larkin affirmed that this was a once off request and acknowledged that there was a need to sit down and assess the development plan for the area.

Mr. Francie Coyle, confirmed that a number of members in the area had submitted requests for the developments of such a plan.

On the proposal of Clr. Larkin, seconded by Clr. Blaney, the following motion was put to the meeting by the Cathaoirleach, and a recorded vote was taken by the Meetings Administrator :-

“That in accordance with Section 140 of the Local Government Act, 2001, we the members of Donegal County Council hereby resolve that a decision be made to grant planning permission to Patrick and Ellen McDaid for permission for erection of dwelling house and septic tank at Drumardagh, Letterkenny, the subject of planning permission no. 04/6585”

The vote resulted in 20 for and 7 abstentions.

Those voting in favour were :-

Clrs. Alcorn, Blaney, A. Bonner, E. Bonner, Boyle, Brogan, Byrne, Conaghan, Crawford, Pdraig Doherty, Donaghey, Harte, Larkin, McBride, McDonald, McEniff, McGarvey, McGonagle, McGowan and Slowey. (20)

Clrs. Pearse Doherty, McDaid, McGuinness, MacLochlainn, O'Neill, Pringle and Reid abstained.

The Cathaoirleach declared the motion lost owing to less than three quarters of the membership of the Council (fractions excluded) voting in favour.

C/527/04 MOTION TO HAVE MATTER DISCUSSED AS URGENT BUSINESS

A request in the names of Clrs. MacLochlainn, Pearse Doherty, McDaid, McGarvey and Pringle to have the following motion discussed as Urgent Business was placed before the Council:-

“That this Council condemns the Government’s recent acceptance of a report from the Decentralisation Implementation Group which excluded all three of the agreed Donegal locations, Donegal Town, Buncrana and Gweedore from Phase I of the Decentralisation Programme.”

Following some discussion it was resolved to amend the motion and remove the word condemns.

It was agreed that the matter would be dealt with in accordance with Standing Orders before the close of business and that the motion would be reworded to read as follows:-

“That this Council expresses disappointment at the Government’s recent acceptance of a report from the Decentralisation Implementation Group which excluded all three of the agreed Donegal locations, Donegal Town, Buncrana and Gweedore, from Phase I of the Decentralisation Programme.”

- C/528/04 CONFIRMATION OF MINUTES OF GENERAL PURPOSES COMMITTEE MEETING HELD ON 13<sup>TH</sup> SEPTEMBER, 2004  
On the proposal of Clr. Alcorn, seconded by Clr. McEniff, the Minutes of Meeting of General Purposes Committee held on 13<sup>th</sup> September, 2004.
- C/529/04 CONFIRMATION OF MINUTES OF GENERAL PURPOSES COMMITTEE MEETING HELD ON 11<sup>TH</sup> OCTOBER, 2004  
On the proposal of Clr. McGarvey, seconded by Clr. Blaney, the Minutes of General Purposes Committee Meeting held on 11<sup>th</sup> October, 2004 were adopted subject to the following clarification:-  
**Minute G/101/04**  
Clr. Blaney queried whether an update had been circulated as indicated in the minutes of the meeting. Mr. Francie Coyle, Director of Planning & Economic Development advised that there was no written reply but that a verbal reply could be given.  
**Minute G/102/04**  
Clr. Pearse Doherty advised that he had requested that the Value for Money Committee be set up at the next scheduled Council Meeting, with further discussion on the matter to be raised by the Corporate Policy Group.
- C/530/04 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 27<sup>TH</sup> SEPTEMBER, 2004  
On the proposal of Clr. McBride, seconded by Clr. Conaghan, the Minutes of Meeting of Donegal County Council held on 27<sup>th</sup> September, 2004, were adopted.
- C/531/04 CONFIRMATION OF MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON 27<sup>TH</sup> SEPTEMBER, 2004  
On the proposal of Clr. Pearse Doherty, seconded by Clr. Pringle, the Minutes of Special Meeting of Donegal County Council held on 27<sup>th</sup> September, 2004, were adopted.

C/532/04 CONFIRMATION OF MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON 29<sup>TH</sup> SEPTEMBER, 2004

On the proposal of Clr. Boyle, seconded by Clr. Alcorn, the Minutes of Special Meeting of Donegal County Council held on 29<sup>th</sup> September, 2004 were adopted.

C/533/04 CONFIRMATION OF MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON 11<sup>TH</sup> OCTOBER

On the proposal of Clr. Slowey, seconded by Clr. Pringle, the Minutes of the Adjourned Meeting of Donegal County Council held on 11<sup>th</sup> October, 2004, were adopted.

C/534/04 CONFIRMATION OF MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON 18<sup>TH</sup> OCTOBER, 2004

On the proposal of Clr. McGowan, seconded by Clr. Conaghan, the Minutes of Adjourned Meeting of Donegal County Council held on 18<sup>th</sup> October, 2004, were approved subject to the following:-

**Minute C/476/04**

Clr. Donaghey requested that the minute C/476/04 be amended, to revert back to the original motion submitted by Clr. MacLochlainn, The amended motion, Clr. Donaghey added, was illegal. A lengthy debate ensued with Clr. MacLochlainn advising that in his assessment, the minute was correct, with Clr. Donaghey asserting that, in her opinion, no clear decision had been reached on the matter.

Clr. Conaghan, proposed, seconded by Clr. McEniff, that minute C/456/04 be deferred to the General Purposes Committee Meeting on the 13<sup>th</sup> December, 2004 for further consideration.

Clr. Pearse Doherty proposed, seconded by Clr. MacLochlainn that the minutes of Meeting of Donegal County Council held on 18<sup>th</sup> October, 2004, be adopted.

It was proposed by Clr. McGowan, seconded by Clr. Conaghan, and agreed that minute C/476/04 be amended to include Clr. P. McGowan as the listed nominee on the

Donegal Peace II TaskForce Committee with Clr. J.J. Reid as the Cathaoirleach's representative for 2004/2005.

Mr. Eunan Sweeney, Meetings Administrator, clarified for members benefit that when the question that the minutes be confirmed, in accordance with Schedule 10, is addressed by the chair, a member may object to any part thereof as not being an accurate record and, upon a motion, any question of altering the records shall be determined by the Council by a majority vote of these members who were present at the meeting to which the minutes relate provided that no entry (other than a record of dissent) shall be made in the minutes of the later meeting dealing with the confirmation.

Clr. MacLochlainn advised that legal advice should be sought and queried as to what scope existed within the Standing Orders for doing so.

Mr. Eunan Sweeney, Meetings Administrator, confirmed that in accordance with Standing Orders, a recorded vote would be taken on the amendment first, and that only those members present at the adjourned meeting on the 18<sup>th</sup> October, 2004 would be allowed to vote.

A recorded vote was taken on the amendment, resulting in 3 for, 15 against with 3 abstentions.

Those voting in favour were:

Clrs. Pearse Doherty, McDaid and MacLochlainn.(3)

Those voting against were:-

Clrs. Alcorn, Blaney, E. Bonner, Boyle, Brogan, Byrne, Crawford, Padraig Doherty, Donaghey, Harte, McDonald, McEniff, O'Neill, Reid and Slowey (15)

Clrs., Larkin, McGarvey and McGowan abstained.

The Cathaoirleach declared the amendment lost.

The motion was then put to the meeting and a recorded vote taken resulted in 16 for with 5 abstentions.

Those voting in favour were:-

Clrs. Alcorn, Blaney, E. Bonner, Boyle, Brogan, Byrne, Crawford, Pádraig Doherty, Donaghey, Harte, Larkin, McDonald, McEniff, O'Neill, Reid and Slowey (16)

Clrs. Pearse Doherty, McDaid, McGarvey, McGowan and MacLochlainn abstained.

The Cathaoirleach declared the motion carried.

C/535/04 CONFIRMATION OF MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON 18<sup>TH</sup> OCTOBER, 2004

On the proposal of Clr. Alcorn, seconded by Clr. Conaghan, the Minutes of Special Meeting of Donegal County Council held on 18<sup>th</sup> October, 2004.

C/536/04 DISPOSAL OF LANDS AT BREE, MALIN

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

On the proposal of Clr. Conaghan, seconded by Clr. Slowey, it was resolved to dispose of lands at Bree, Malin Head to Forward Emphasis International Ltd, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/537/04 DISPOSAL OF LANDS AT LISFANNON, FAHAN

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

On the proposal of Clr. Conaghan, seconded by Clr. McDonald, it was resolved to dispose of lands at Lisfannon, Fahan to Seatem (Donegal) Ltd in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/538/04 DISPOSAL OF LAND AT RAMELTON

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

On the proposal of Clr. McGarvey, seconded by Clr. Blaney, it was resolved to dispose of land at Ramelton to Education Board of the Donegal Presbytery (in charge of Ramelton No. 2 National School) in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/539/04 TAKING OF DECISION WITH REGARD TO PROPOSED SPECIFIC INSTANCE COTTAGES 2004 PROGRAMME.

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

On the proposal of Clr. Alcorn, seconded by Clr. McGuinness, the carrying out of works under Part XI Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, as appropriate with regard to 9 Specific Instance Cottages at the localities listed in the report circulated, was approved.

C/540/04 TAKING OF DECISION WITH REGARD TO IMPROVEMENT WORKS TO THE EXISTING WASTEWATER TREATMENT PLANT AT KILTOLLE, TOWNLAND, CONVOY, CO. DONEGAL

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

On the proposal of Clr McGowan, seconded by Clr. Reid, the carrying out of works under, Part XI Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, as appropriate with regard to the existing Wastewater Treatment Plant at Kiltolle, Convooy was approved.

C/541/04 TAKING OF DECISION WITH REGARD TO THE PROPOSED ENVIRONMENTAL IMPROVEMENT SCHEME IN MOVILLE

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

On the proposal of Clr. McDonald, seconded by Clr. McGuinness, the carrying out of works under Part XI Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, as appropriate with regard to the Movice Environmental Improvement Scheme (Phase 2) was approved.

C/542/04 TAKING OF DECISION WITH REGARD TO THE CONSTRUCTION OF A NEW FIRE STATION IN MOVILLE

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

On the proposal of Clr. McDonald, seconded by Clr. McGuinness, the carrying out of works under Part XI Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, as appropriate with regard to the construction of a new Fire Station in Merville was approved.

C/543/04 TAKING OF DECISION WITH REGARD TO 8 SPECIFIC INSTANCE COTTAGES AT VARIOUS LOCATIONS IN THE DONEGAL AREA.

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

On the proposal of Clr. E. Bonner, seconded by Clr. Alcorn, the carrying out of works under Part XI Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, as appropriate with regard to 8 Specific Instance Cottages at locations listed in the report circulated was approved.

Clr. Padraig Doherty queried the omission of a number of cottages from the above list.

C/544/04 TO APPROVE OVERDRAFT ACCOMMODATION OF €25,000,000 FOR HALF YEAR ENDING 30<sup>TH</sup> JUNE, 2005

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

On the proposal of Clr. Conaghan, seconded by Clr. O'Neill, overdraft accommodation of €25,000,000 for half year ending, 30<sup>th</sup> June 2005 comprising €19.5m Capital and €5.5m was approved.

C/545/04 TO RESOLVE TO HOLD A CONSULTATION MEETING PRESCRIBED IN VOCATIONAL EDUCATION (AMENDMENT) ACT, 2001 AND REGULATIONS MADE THEREUNDER.

Members acknowledged that there had been a poor response to the advertisements inviting nominations from the various interest groups. On the proposal of Clr. Slowey, seconded by Clr. Boyle, it was resolved that in view of the poor response to the public advertisement the seeking of nominations from various interest groups in the county be re-advertised.

Clr. Pearse Doherty advised that it would be ridiculous to re-advertise as the public had had the chance to reply. He requested that legal advice be sought. Replying to a number

of questions on the validity of the nominations received, Mr. Sean Sheridan, Director of Corporate Services, confirmed that the Consultative Meeting would review the nominations and that it was not appropriate at this point to debate whether they were valid or not. Clr. McGuinness requested further clarification in relation to the nomination from church bodies.

A recorded vote was then taken on the motion.  
This resulted in 17 for, 6 against with 1 abstention

Those voting in favour were:-

Clrs. Alcorn, A. Bonner, E. Bonner, Boyle, Brogan, Byrne, Conaghan, Pdraig Doherty, Donaghey, McDonald, McEniff, McGonagle, McGowan, McGuinness, O'Neill, Reid and Slowey.(17)

Those voting against were:-

Clrs. Blaney, Pearse Doherty, Larkin, McDaid, MacLochlainn and Pringle. (6)

Clr. McGarvey abstained.

The Cathaoirleach declared the resolution carried.

Mr. Sean Sheridan, Director of Corporate Services reminded members that the matter was entirely in their own hands and that he could not give any assurance as to the legality of such a re-advertisement.

C/546/04

TO RESOLVE TO HOLD A SPECIAL MEETING TO APPOINT FOUR PERSONS (TWO MALE/TWO FEMALE) TO COUNTY DONEGAL VOCATIONAL EDUCATION COMMITTEE, FROM AMONG PERSONS NOMINATED FROM SUCH BODIES AS, IN THE OPINION OF THE COUNCIL, ARE REPRESENTATIVE OF INTEREST GROUPS SPECIFIED IN SECTION 7 OF THE VOCATIONAL EDUCATION (AMENDMENT) ACT, 2001.

This matter was deferred in the context of the previous item.

- C/547/04 ELECTION OF MEMBERS TO THE FIVE SPC COMMITTEES.  
On the proposal of Clr. Alcorn, seconded by Clr. Pringle, it was agreed that the Party Whips would submit the names of their nominees to each of the five Strategic Policy Committees.
- C/548/04 TO AGREE MEETING WITH THE N.R.A. IN DUBLIN AT 11.00AM ON THURSDAY 06<sup>TH</sup> JANUARY, 2005  
Members considered the report, circulated with the agenda, in relation to the above.  
On the proposal of Clr. Larkin, seconded by Clr. Conaghan, it was agreed that a delegation consisting of the Cathaoirleach, 7 elected members and 2 officials would meet with the N.R.A. in Dublin at 11.00am on Thursday 06<sup>th</sup> January, 2005, the Party Whips to agree the names of the elected members attending.
- C/549/04 REQUEST TO HOLD A SPECIAL MEETING TO FINALISE SPEED LIMITS BYE-LAWS  
Members considered the report, circulated with the agenda, in relation to the above.  
On the proposal of Clr. Alcorn, seconded by Clr. McGarvey, it was resolved to hold a Special Meeting on the 09<sup>th</sup> December, 2004 at 10.00am in the County House, Lifford to adopt the “Road Traffic (Speed Limit)(County Donegal)Byelaws 2005.”
- C/550/04 TO APPROVE ATTENDANCE OF THE CATHAOIRLEACH AND LEAS CATHAOIRLEACH AT THE GENERAL COUNCIL OF COUNTY COUNCILS “MAYORS AND CHAIRS” SEMINAR TO BE HELD ON 03<sup>RD</sup> DECEMBER, 2004 IN JOHNSTOWN HOUSE HOTEL, ENFIELD, CO. MEATH.  
Having considered the criteria set out in Section 142 5(d) of the Local Government Act, 2001, on the proposal of Clr. Alcorn, seconded by Clr. Brogan, the attendance of the Cathaoirleach and Leas Cathaoirleach at the above Conference was approved, together with the Conferences attended by the Cathaoirleach, Clr. Patrick McGowan during his term of office as Cathaoirleach.

C/551/04 TO APPROVE ATTENDANCE AT THE CONFEDERATION OF EUROPEAN COUNCILLORS (NORTH-SOUTH POLITICAL RELATIONS IN THE 21<sup>ST</sup> CENTURY” TO BE HELD IN KILLYHEVLIN HOTEL, ENNISKILLEN, CO. FERMANAGH.

Members considered the criteria set out in Section 142 5 (d) of the Local Government Act, 2001. Clr. Conaghan proposed, seconded by Clr. McGuinness, to send four members to the above Conference in accordance with the usual 2,1,1 arrangement i.e. 2 Fianna Fail, 1 Fine Gael and 1 other.

An Amendment was proposed by Clr. McDaid, seconded by Clr. Pearse Doherty, that two members only should attend the above conference in view of the value for money issues raised at previous meetings.

In accordance with Standing Orders a recorded vote was taken on the amendment.

The vote resulted in 5 for, 18 against and 1 abstention.

Those voting in favour were:-

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

Those voting against were:-

Clrs. Alcorn, Blaney, A. Bonner, E. Bonner, Boyle, Brogan, Byrne, Conaghan, Pdraig Doherty, Donaghey, Harte, McBride, McDonald, McGonagle, McGowan, McGuinness, O'Neill and Slowey. (18)

Clr. McGarvey abstained.

The Cathaoirleach declared the amendment lost.

A recorded vote was then taken on the motion resulting in 20 for and 4 against.

Those voting in favour were:-

Clrs. Alcorn, Blaney, A. Bonner, E. Bonner, Boyle, Brogan, Byrne, Conaghan, Pdraig Doherty, Donaghey, Harte, Larkin, McBride, McDonald, McGarvey, McGonagle, McGowan, McGuinness, O'Neill and Slowey (20)

Those voting against were:-

Clrs. Pearse Doherty, McDaid, MacLochlainn and Pringle  
(4)

The Cathaoirleach declared the motion carried and noted that the usual 2,1,1 arrangement would prevail.

Clr. McGowan advised that the issue of Conferences would be addressed at the forthcoming Budget Meeting and urged the Party Whips to sit down and discuss the matter of future attendances.

C/552/04 CATHAOIRLEACH'S BUSINESS

The Cathaoirleach deferred consideration of this item until the adjourned meeting to be held on the 18<sup>th</sup> October, 2004.

C/553/04 MANAGER'S REPORT

The County Manager outlined the main points of his report and addendum.

Members were presented with a copy of the presentation made to An Taoiseach, Mr. Bertie Ahern T.D. on the 26<sup>th</sup> November, 2004, in relation to the progress in implementing the recommendations of the Donegal Employment Initiative Taskforce (Vide Appendix I)

Clr. Conaghan complimented the Manager on his efforts to promote employment within the county and noted that a possible follow up would be a meeting with the Minister for Enterprise, Trade and Employment. The County Manager affirmed that such a meeting had already been organised, and that he would be following up the matters raised with the Taoiseach's office over the next couple of weeks.

REVIEW OF LOCAL GOVERNMENT FINANCING

Mr. McLoone confirmed that there would be no changes in the system of financing Local Government for the 2005 Budget, and that existing sources of funding would have to be relied upon.

Clr. Larkin called for the examination of rate valuations in the St. Johnston area.

MEETINGS WITH OIREACTHAS MEMBERS

The County Manager advised that there would be an opportunity to revisit many of the issues raised within the context of the 2005 Budget Report. It was essential, he added, that ongoing co-operation be maintained with the various political representatives.

CONCESSION AGREEMENT FOR THE MANAGEMENT, OPERATION AND MAINTENANCE OF THE METROPOLITAN AREA NETWORKS (OR MANS) INCLUDING LETTERKENNY M.A.N.

Members complimented the County Manager for his ongoing interest and proactive approach to this project. Clr. Slowey noted that it was imperative that other small communities had access to broadband.

On the proposal of Clr. McGuinness, seconded by Clr. Brogan, members endorsed the signing of the concession agreement for the management, operation and maintenance of the Metropolitan Area Networks (or M.A.N.S.) including Letterkenny M.A.N.

PROMOTION OF IRISH IN LOCAL AUTHORITIES

Members were informed that both Clr. Alcorn and the County Manager had been appointed to the Advisory Group to encourage and promote the use of the Irish Language in local authorities.

LANGUAGE SCHEME/SCÉIM TEANGA

Members were advised that a Draft Scheme was to be drawn up for Donegal County Council in order to ensure the provision of a high standard of services through Irish to the public.

HIGH LEVEL SUB GROUP ON TRAVELLER ACCOMMODATION

Clr. Larkin said that it was essential that the success of the traveller accommodation programme be highlighted given the significant progress made in providing permanent accommodation for travellers.

### STRANORLAR PUBLIC SERVICE CENTRE

On the proposal of Clr. A. Bonner, seconded by Clr. McGowan, members resolved that a submission be prepared and submitted to the Department of the Environment, Heritage and Local Government for funding for a Public Service Centre in the Stranorlar Electoral Area.

### OIREACHTAS NA GAELIGE

Members acknowledged the work carried out by Caithlin McCochlainn and the staff of the Community & Enterprise Section.

Mr. McLoone referred to the ongoing issue in relation to a right of way at Drumnacraig Beach.

This was, he confirmed, a matter for the parties involved to press forward rather than the Council.

Clr. Blaney stated that he wanted Donegal County Council to clarify whether or not a public Right of Way existed.

Clr. McGarvey added that the issue was being avoided and requested that the Council acknowledge the situation.

Clr. Larkin expressed concern that the establishment of the right of way would not be decided until the matter had been resolved by the two parties concerned. He advised that the Right of Way should be initiated as soon as possible.

Mr. Francie Coyle, Director of Planning & Economic Development informed members that the court case could go on indefinitely, and that he would bring updated information to the members at the next appropriate Council Meeting.

Mr. Coyle also confirmed that he would discuss matters with the Council Solicitor and would revert back to members at the relevant Electoral Area Meetings.

Best wishes were extended to Clr. Kennedy, who had been involved in a car accident.

### VOTES OF SYMPATHY

Votes of sympathy were extended to the following:-

- Clr. Brian O'Domhnaill on the death of his Uncle, Seamus O'Domhnaill.

- The Caulfield family on the death of their Father, Paddy Caulfield, Gallows Lane, Lifford
- The Palestinian Community on the death of Yasser Arafat.

C/554/04 ERG AND DPG GRANTS – MAXIMUM LEVEL OF GRANT FOR VARIOUS ELEMENTS OF WORKS

This motion was withdrawn by Clr. A. Bonner.

Clr. Pearse Doherty queried the inclusion of two motions from the same member, acknowledging that Standing Orders allowed for the submission of 1 motion and 2 questions. Thus, he advised, it should not be possible to defer a motion to the next scheduled Council Meeting and still subscribe to the allocated quota.

C/555/04 PERMANENT LIBRARY SERVICE IN NEWTOWNCUNNINGHAM

On the proposal of Clr. Conaghan, seconded by Clr. Alcorn, the following motion was adopted:-

“That this Council would explore the possibility of providing a permanent Library Service in the Newtowncunningham Area.”

Members were informed that a library service for Newtowncunningham would be included in the new Cross Border Mobile Library timetable, the schedule for which was being tested at present. The vehicle had been delivered and registered and would be tested in early October.

Travel times between stops, safe stopping and turning places, where exactly a signal was available for internet access and for online access to the library management system would all be tested. This would determine the exact location of each stop. Adjustments may need to be made following this test period.

In the current draft timetable the vehicle was scheduled to stop in Newtowncunningham every Thursday morning from 10.30 to 12.00. The other Donegal stops in the schedule were Manorcunningham, Drumoghill, Carrigans, Killea, Burt, Bridgend, Porthall, St. Johnston and Muff. In order to allow maximum use of the service, each stop would be for a minimum of 40 minutes duration. The exact times would be

confirmed once testing was complete. The initial schedule would then run for 6 months after which it would be reviewed and adjusted if necessary.

Clr. Conaghan noted that the Mobile Library Service was working well and that the wheels could be set in motion for a permanent service. This was particularly relevant, he added, given the high ratio of secondary school children in the area.

C/556/04 MEETING WITH SENATORS, T.D.'s, MINISTERS AND M.E.P.'s AT LEAST FOUR TIMES A YEAR.

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

“That this Council would request and meet our Senators, T.D.'s , Ministers and M.E.P.'s at least four times per year to advise on the required funding for services and other related matters that adversely affected Donegal over the years.”

Members were informed that the dual mandate, whereby Oireachtas members could also be members of a local authority, was abolished with effect from June, 2004. In this context, the Minister had made Regulations to provide for effective continuing relationships between local Oireachtas members and the local authority. The Regulations provided, inter alia, that the County Manager and the Cathaoirleach should arrange to meet collectively at least once a year with the Oireachtas members to facilitate good communications and to review developments.

The first such meeting took place recently and was attended by Ministers Mary Coughlan and Pat the Cope Gallagher. The Council was represented by the Cathaoirleach, County Manager together with Directors of Service. Comprehensive briefings were presented to both Ministers on all key aspects of the Council's work programme and priority issues. Because the timing and location of the meeting was not suitable for the other Oireachtas members, it was expected that the second meeting would be arranged in the near future.

Clr. McGarvey stated that Donegal had been ignored in the funding stakes and that every effort to support and progress the well being of the county had to be explored.

Clr. Alcorn suggested that perhaps twice yearly meetings would be more appropriate.

C/557/04 COLLECTION OF OUTSTANDING DEVELOPMENT CHARGES

On the proposal of Clr. Alcorn, seconded by Clr. Larkin, it was resolved to defer this motion to the adjourned Council Meeting to be held on 14<sup>th</sup> December, 2004.

C/558/04 DERELICT BUILDINGS IN BALLYSHANNON

On the proposal of Clr. O'Neill, seconded by Clr. Pringle, the following motion was adopted:-

“That this Council address the ongoing problem of derelict buildings in Ballyshannon and introduce a strong plan of action to deal with future enhancement of such properties.”

Members were informed that the issue of Derelict Buildings, would be considered in the context of the preparation of the Local Area Plan for Ballyshannon. In addition, mechanisms such as tax incentives or reductions in Development Contributions may be applicable to tackle the problem. In the County Council's Development Contribution Scheme, 2004, there was provision for a reduction of a contribution in regard to development related to restoration/conservation of derelict properties part funded by the International Fund for Ireland and/or Special support Programme for Peace and Reconciliation or for those structures/buildings in the Councils Register of Derelict Sites. The Council had invested considerable funding in the town under the Urban Renewal Scheme which had enhanced the streetscape and provided high quality environmental improvements. This had encouraged property owners to upgrade and redevelop their properties, however, more work was required and the Council would be working with Ballyshannon Town Council to address this issue. Consideration would also be given to introducing the derelict sites levy which could form the basis for setting up a fund to kick start regeneration projects in the town including the elimination of dereliction.

Clr. O'Neill called on Donegal County Council to adopt a structured plan to address the ownership of such buildings. There had, he advised, been no definitive answer from

Ballyshannon Town Council on the matter either. The tax incentive scheme had not produced any effective results, he added.

Members agreed that there was a need for:-

1. Direct action and the pursuit of a self financing plan of action
2. A willingness at local level to identify sites
3. Examination of the resources available to Donegal County Council
4. Need for the matter to be examined within the context of the County Development Plan and the budgeting process.

Clr. MacLochlainn asked the County Manger to consider the matter as a rates issue and advised that the rating of such building could provide some form of solution to the problem.

Mr. Francie Coyle, Director Planning & Economic Developoment informed members that €2m was to be invested in the environmental improval of Ballyshannon. Until now, he acknowledged, there had been a carrot and stick approach. A more structured approach would be the implementation of a derelict site levy. It was very often, he confirmed, a question of ownership and the lack of sufficient resources which prevented more action from being taken. He agreed to investigate the matter further and bring a report back to the members.

Clr. O'Neill queried whether or not a register of derelict sites was available and requested documentation on same from the Ballyshannon area. Donegal County Council, he advised, needed to take the lead and thus, Ballyshannon could be the sample town for the project.

The County Manager advised that the situation would be reviewed with both planning and housing solutions being considered. Funding options under the Social Housing Programme needed to be examined.

C/559/04

SELECTION OF DATE FOR ADJOURNED COUNCIL MEETING

Members agreed that the Adjourned Meeting of Donegal County Council to finish the remainder of the items on the

agenda would be held on Tuesday 14<sup>th</sup> December, 2004 at 1pm in the County House, Lifford.

C/560/04 CONSIDERATION OF MOTION UNDER URGENT BUSINESS

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

“That this Council expresses disappointment at the Government’s recent acceptance of a report from the Decentralisation Implementation Group which excluded all three of the agreed Donegal Locations, Donegal Town, Buncrana and Gweedore from Phase 1 of the Decentralisation Programme.”

Clr. MacLochlainn stated that the first time decentralisation had been mentioned was 2000 when the Government focused on the issue of job losses in disadvantaged regions, and promised to bring jobs to such communities yet at the same time make Central Government more accessible to the general public.

The Donegal Employment Taskforce had, he acknowledged set a target of 815 new jobs per year. The situation, Clr. MacLochlainn added was that six years on the County has lost 2,500 jobs.

He further advised that the Decentralisation Programme had promised 30 jobs in Gweedore, 230 in Donegal Town and 120 in Buncrana, now the message from the Implementation Group was that over the next 3-4 years, Donegal would not get any of the promised jobs. This was, he affirmed, a devastating blow for the county as such jobs were urgently required. He called on the Minister for Finance and the Taoiseach to re-examine the entire programme in view of the fact that disadvantaged areas were not benefiting from the scheme. It was, he said, imperative that members registered their disappointment with the current decision.

Clr. Pearse Doherty in seconding the motion, welcomed cross party support on the motion.

Clr. McGonagle reminded members that the provision of such jobs depended on the uptake of Civil Servants. He was confident that the jobs would be provided in the long term.

Two sites had been earmarked in Buncrana with one identified in Donegal Town. There had been, as far as he was aware, a 30-40% uptake in the offer to relocate to Donegal. It was essential, he advised, that the correct message be conveyed to the public, that was that jobs would be provided.

This concluded the business of the meeting.