

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR

25 Eanáir 2005

Beidh an Cruinniu Comhairle Chontae Dhun na nGall ag dul ar aghaidh Dé Luain, 31 Eanáir, 2005, ag **2.00 ag Arás an Chontae, Leifear**

DO GACH BHALL DEN CHOMHAIRLE

A Chara

Iarrtar ort bheith i lathair ag an gcruinniu seo den Chomhairle. Ta Clar an Cruinnithe le seo.

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

Mise, le meas

A. MacSuibhne

Riarthóir Cruinniu (RUNAI CHONTAE)

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford

25th January, 2005

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 31st January, 2005, 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 Special Meeting of Donegal County Council held on 05th November, 2004
 - (b) Confirmation of Minutes of Special Meeting of Donegal County Council held on 29th November, 2004.
 - (c) Confirmation of Minutes of Meeting of Donegal County Council held on 29th November, 2004.
 - (d) Confirmation of Minutes of Special Meeting of Donegal County Council held on 09th December, 2004.
 - (e) Confirmation of Minutes of Meeting of General Purposes Committee held on 13th December, 2004.
 - (f) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on 14th December, 2004.
 - (g) Confirmation of Minutes of Special Meeting of Donegal County Council held on 10th January, 2005.
 - (h) Confirmation of Minute no. C/476/04 – Meeting of Donegal County Council held on 18th October, 2004
 - (i) Confirmation of Minute no. C/345/04 and G/95/04 – County Council and General Purposes Meetings held 26th July, 2004 and 13th September, 2004 respectively.

MINUTES TO BE CIRCULATED

2. **Section 140 Motion- Material Contravention of County Development Plan**
 - (a) Consideration of planning application by Donegal Potatoes Ltd., for provision of vehicular entrance from National Primary Road to existing Potato Factory at Colehill, Newtowncunningham, Co. Donegal. Ref 04/11017.
 - (b) Consideration of planning application by Inishowen Co-Op Society Ltd., for the retention of existing building, material

compound and car parking area and permission for the erection of a new retail shop and stores, to develop lands for a materials storage yard with associated parking, to provide a weighbridge, and tanks for bulk storage, and to erect perimeter fencing at Churchland Quarters, Moville Road, Carndonagh, Co. Donegal. Ref 04/5913

- (c) Consideration of planning application by Joanne Coll, for erection of dwelling house, garage and domestic sewerage treatment system with percolation area at Cronashallog, Dungloe, Letterkenny, Co. Donegal. Ref 04/3668

3. **Disposal of Land- Section 211 Planning & Development Act, 2000**

Notice under Section 183 of the Local Government Act, 2001 to resolve to dispose of lands at New Public Service Centre, Drumlonagher, Donegal Town to Donegal Community Playgroup Ltd, Tirconail St., Donegal Town.

4. **Taking of decision pursuant to Planning & Development Act, 2000 (Part XI), and Planning & Development Regulations, 2001 (Part 8).**

- (a) To approve the carrying out of works with regard to 2 no Specific Instance Cottages
- (b) To approve the carrying out of works with regard to 2 no. houses at Greencastle
- (c) To approve the carrying out of works with regard to N56 Mountain Top to Illistrin
Realignment/Amendment to Junction at Calhame

5. **Planning Programme**

- (a) To approve the publication of the Draft Casual Trading Byelaws for Dungloe.
- (b) To approve the publication of Draft Casual Trading Byelaws for Falcarragh.

6. **Corporate Services Programme**

- (a) To appoint four persons (two men and two women) to County Donegal Vocational Education Committee pursuant to Vocational Education (Amendment)Act,

2001. (Minute of Consultation Meeting held on 21st January, 2005, enclosed.)

- (b) To recommend attendance at the St. Patrick's Day Celebrations in the U.S.A.

7. **Financial Programme**

To approve agreement to provide for Inter Authority Borrowing/Lending between Donegal County Council, Letterkenny, Buncrana, Bundoran and Ballyshannon Town Councils for period up to 31st December, 2005.

8. **Roads Programme**

- (a) To adopt the Marine Programme of Works, 2005
- (b) To adopt the Winter Maintenance Policy
- (c) To adopt Updated Priority List for Coastal Protection 2003-2006.

9. **Housing Programme**

To adopt the Draft Traveller Accommodation Programme 2005-2008, subject to recommendations set out in the Manager's Report.

10. **Community, Culture & Enterprise**

To approve payment of Arts Grants.

11. **Conferences**

- (a) S.T.O.P. –Suicide Prevention Conference to be held in The Abbey Manor Hotel, Dumohair, Co. Leitrim on 18th-19th February, 2005.
- (b) Association of Municipal Authorities Spring Seminar to be held in The Holiday Inn, Letterkenny on 11th-12th February, 2005.
- (c) Mid West Regional Authority Annual Conference to be held in The Temple Gate Hotel, Ennis on 3rd –4th February, 2005.
- (d) National Energy Conference to be held in The Hibernian Hotel, Mallow, Co. Cork on 10th-11th February, 2005.

- (e) NASC-European Briefing Programme to be held in Conference Centre at the NASC Office, Brussels on 2nd –3rd March, 2005.

12. ***Cathaoirleach's Business***

13. ***Manager's Report***

MOTIONS

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

DONEGAL ELECTORAL AREA

Water, Environment & Emergency Services

14. Clr. Byrne
“That this Council prioritise plans to improve the Glencolumbkille Fire Station in line with similar improvements to Fire Stations throughout the county. Ensuring equal opportunity and priority is given to this strategically important station and the personnel who man it.” (L)

Roads & Transportation

15. Clr. McEniff
“That the Council extend the speed limit another 30 metres on the Donegal Town side of Pettigo.” (L)

Miscellaneous

16. Clr. Pringle
“That Donegal County Council mark the 100th Anniversary of the foundation of Sinn Fein.” (O)

STRANORLAR ELECTORAL AREA

Corporate Services

17. Clr. A. Bonner
“That this Council supports and establishes a Women’s Council similar to that of our Youth Council, to given women an understanding of the political structures and a platform to raise their concerns etc.” (C)

GLENTIES ELECTORAL AREA

Planning & Economic Development

18. Clr. Pearse Doherty
“That this Council call on all mobile phone operators to introduce an all Ireland rate at no extra cost to their customers and that this policy be reflected in the County Development Plan” (C)

Roads & Transportation

19. Clr. Alcorn
“When roadworks are being carried out by this Council i.e. restoration programme and surface dressing etc, that we retain the exiting width and leave the hardshoulder side of road safe.” (C)
20. Clr. Slowey
“That this Council immediately put in place a comprehensive system backed up by legal enforcement to ensure that all hedges bordering our roads are cut.” (C)

Community, Culture & Enterprise

21. Clr. O’Domhnaill
“That Donegal County Council pursue with the Government, the need for Tax Incentive Business Development Scheme for Donegal” (C)

INISHOWEN ELECTORAL AREA

Roads & Transportation

22. Clr. Conaghan
“That this Council look seriously at the Bridgend-Buncrana road in the context of the County Development Plan Review, particularly in light of the new speed limits.” (L)
23. Clr. Donaghey
“That this Council through the County Tourism Committee, erect proper tourist information signage at the gateways to the county and that this be in place for the incoming tourist season.” (C)
24. Clr. MacLochlainn
“That Donegal County Council ensure that it is in a position to provide the necessary matching funding to progress marine projects across the county in 2005 including Islands, Gaeltacht, ICBAN, Capital DCMNR Projects and the design and preparation of agreed projects.” (C)

Water, Environment & Emergency Services

25. Clr. McGuinness
“That the Council review its policy on Blue Flag beaches and include Kinnegoe Bay in this years scheme.” (L)
26. Clr. McGonagle
“That the Council reply promptly to queries from the Department of Environment about each stage of Major Capital Schemes.” (C)

LETTERKENNY ELECTORAL AREA

Community, Culture & Enterprise

27. Clr. McDaid
“That this Council makes representations to the Department of Community, Rural & Gaeltacht Affairs to extend the R.A.P.I.D. Programme to Donegal.” (C)

Roads & Transportation

28. Clr. Crawford
“That this Council explore options for the development of a centre of excellence at the Big Isle, Letterkenny to establish an Academy of Motoring Skills in conjunction with the Department of Environment, Heritage and Local Government, Motor Insurance Companies, Gardai Siochanna etc.”(C)

MILFORD ELECTORAL AREA

Housing

29. Clr. McGarvey
“That people from each county who were forced to emigrate for economic reasons, are allowed to apply for L.A. Housing in areas where they previously left.” (C)

Finance

30. Clr. McBride
“That this Council through its Finance Department set up a Committee (to include members) which should look at alternative means of raising revenue which would reduce the impact on business, who have been the target of sharp and excessive rate increases yearly.” (C)

Roads & Transportation

31. Clr. Blaney
“That Donegal County Council hold a public consultation meeting in Kilmacrennan with a view to constructing a by-pass for the town in conjunction with the re-aligning works on the N56.”(L)

QUESTIONS

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

DONEGAL ELECTORAL AREA

Roads & Transportation

32. Clr. Byrne
“What plans has this Council to improve and widen Fintragh Bridge?” (L)
33. Clr. Byrne
“Can this Council provide for a comprehensive plan to improve signage (directional etc.) in the Kilcar Glencolmbkille area in the course of 2005 as a priority?” (L)

Water, Environment & Emergency Services

34. Clr. Pringle
“When will the Killybegs Sewer Scheme commence?” (L)
35. Clr. Pringle
“How much have the consultants on the Commercial Water Metering Programme been paid to date?” (L)

STRANORLAR ELECTORAL AREA

Water, Environment & Emergency Services

36. Clr. A. Bonner
“Can considerations be given to providing facilities for paper recycling for the business people in the Stranorlar Electoral Area in the new Civic Amenity Site in Stranorlar?” (L)
37. Clr. A. Bonner
“What is the up to date position on the Stranorlar Swimming Pool and can I have a schedule for 2005 on this project?” (L)

GLENTIES ELECTORAL AREA

Planning & Economic Development

38. Clr. Pearse Doherty
“How many in the past two years single housing planning applications have been subject to the condition that they would have to lay a 4” water main, and where in the County Development Plan does it allow this policy to be enacted sometimes to the cost of €20,000 to the applicant.” (C)

Corporate Services

39. Clr. Pearse Doherty
“Does this Council propose to review the Electoral Area Boundaries, and if so, when?” (C)

Water, Environment & Emergency Services

40. Clr. Alcorn
“When will the Council have suitable Civic Amenity Site for Dungloe (The present bottle bank and plastic paper banks are completely inadequate.” (L)
41. Clr. Slowey
“When can we expect that all drinking water supplies in Donegal will comply with the potable water standards laid down?” (C)
42. Clr. O’Domhnaill
“What is the up to date position on the Gortahork/Falcarragh Water Supply Scheme; has the supply improved, has the water quality improved over the past number of years?” (L)

Housing

43. Clr. Alcorn
“Why is there such a long delay in payment to building contractors erecting S.I. houses ? (because of this the Council will find it difficult obtaining contractors?)” (C)

Roads & Transportation

44. Clr. Slowey
“Will Donegal County Council now review all the speed limits across the county to ensure that the correct limits are in place on all our roads?” (C)
45. Clr. O’Domhnaill
“Can the Council ensure that the road into Ranafast be improved and that the road surface works on the Bun a Bhaile county road be carried out i.e. removal of rock at (Danny Neddy Frank’s); inclusion of lay bys and improvement of vision lines?” (L)

INISHOWEN ELECTORAL AREA

Roads & Transportation

46. Clr. Conaghan
“What action will the Council take to address concerns about traffic calming on Nurses Lane at Tooban?” (L)
47. Clr. Conaghan
“When will works commence on the Causeway at Inch Island?” (L)
48. Clr. Donaghey
“To ask this Council, given the number of new traffic islands through this county if they would introduce a policy to have reflector bands placed around the base of all traffic islands and that lighting on such islands would be provided in the interest of safety.” (C)
49. Clr. MacLochlainn
“What is the status of road works being carried out at Cratlagh Wood on the main Milford to Carrigart Road, specifically in relation to land purchased on the existing Cratlagh Wood to the right (Major Perry’s land), together with monies spent and allocated towards the upgrading of the road?” (L)

50. Clr. McGonagle
“What is the position regarding bridge repairs and improvements in Inishowen?” (L)
51. Clr. McGonagle
When will the problem with access to Five Fingers Beach at Lagg be dealt with?” (L)

Housing

52. Clr. McGuinness
“Will the Council advertise to purchase land for housing in close proximity to rural schools?”(C)
53. Clr. MacLochlainn
“How many units of Affordable Housing does Donegal County Council intend to construct in Inishowen in 2005?” (L)

Water, Environment & Emergency Services

54. Clr. McGuinness
“What action do the Council propose to take (a) to provide a reservoir for the Culdaff area (b) reduce the lime content of the water in this scheme which is causing serious damage to heating systems and appliances?” (L)
55. Clr. Donaghey
“When will Tullydish 1 Group Water Scheme be taken over as the majority of members are becoming increasingly unhappy and say they are encountering problems?” (L)

LETTERKENNY ELECTORAL AREA

Planning & Economic Development

56. Clr. McDaid
“When will the Planning & Economic Development Unit present the Local Area Plans for the towns of Lifford, Raphoe, St. Johnston & Manorcunningham to this Council for consideration by members?” (L)

Housing

57. Clr. McDaid
“Will this Council refer the Draft Accommodation Programme for Travellers 2005-2008 back to the Local Traveller Accommodation Consultative Committee for more meaningful consultation?” (C)
58. Clr. Crawford
“What efforts have been made to secure much needed land for housing in St. Johnston?” (L)

Roads & Transportation

59. Clr. Crawford
“What is the delay in having the long overdue roads works carried out from Deele Cottage to the Church in Raphoe?” (L)

MILFORD ELECTORAL AREA

Roads & Transportation

60. Clr. McGarvey
“When will the Bridge across Mulroy start and what is the projected cost?” (L)
61. Clr. Blaney
“Can this Council explain the delay in implementing the Councillors Public Lighting Programme as it is currently taking 2 years plus to have lights erected?” (C)

Water, Environment & Emergency Services

62. Clr. McGarvey
“What progress is being made for Waste Management on a county wide basis?” (C)
63. Clr. Blaney
“What does Donegal County Council intend doing about the rate of progress in Water and Sewerage Schemes in the County and in particular in the Milford Electoral Area?” (L)

Miscellaneous

64. Clr. McBride
“Are there any means that this Council can use to request the Department of Foreign Affairs to bring pressure to bear on the American Government to grant an amnesty to the so-called “illegal Irish immigrants” living in America.” (O)

MOTIONS FROM OTHER COUNCILS

65. CARRICK ON SUIR TOWN COUNCIL
“That each Council would request a report from the recycling company that processes the recycling materials collected within their administrative areas, detailing the recycling process, usage at the end product and/or eventual destinations of such materials.”
66. BALBRIGGIN TOWN COUNCIL
“That we Balbriggan Town Council call on the Minister for Justice Equality and Law Reform to return all asylum seeking unaccompanied children under the age of 18 to their country of origin at immigration point.”
67. MACROOM TOWN COUNCIL
“That local authorities would be allowed to register for VAT so they could claim VAT rebates on their various inputs.”
68. KERRY COUNTY COUNCIL
“That the discount of 3% per annum, subject to maximum of 30% allowed to tenants who purchase their local authority houses be extended to a lower rate for a further 20 years.”
69. TIPPERARY COUNTY COUNCIL
“Calling on the Government and An Post to sustain the Post Office network both urban and rural and to automate non – automated offices.”
70. WATERFORD CITY COUNCIL
“That Waterford City Council calls on the Minister for Justice, Equality & Law Reform to consider the introduction of mandatory custodial sentences for those who have been convicted of rape or other serious forms of sexual abuse.”

71.

LEITRIM COUNTY COUNCIL

“That we the members of Leitrim County Council call on the Minister for Communications, Marine and Natural Resources, Mr. Noel Dempsey, T.D., to immediately sit down with management and unions of An Post, with a view to putting in place a funding package in order for the company to meet its public obligation.”

MINUTES OF MEETING OF DONEGAL COUNTY
COUNCIL HELD IN THE COUNTY HOUSE, LIFFORD,
ON 31ST JANUARY, 2005

C/19/05

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, P. Kennedy, D. Larkin, N. McBride, T. McDaid, M. McDonald, S. McEniff, I. McGarvey, D. McGonagle, P. McGowan, B. McGuinness, P. MacLochlainn, B. O'Domhnaill, T. Pringle, J.J. Reid and T. Slowey.

C/20/05

APOLOGIES

Apologies were received from Clr. O'Neill, who was unable to attend the meeting.

C/21/05

OFFICIALS IN ATTENDANCE

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

Clr. Kennedy voiced concern at the lengthy delay in starting the meeting, and outlined the necessity for commencing meetings at the designated times.

Members agreed that the Party Whips should meet and discuss an appropriate strategy.

- C/22/05 CONFIRMATION OF MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON 05TH NOVEMBER, 2004.
On the proposal of Clr. Alcorn, seconded by Clr. Harte, the Minutes of Special Meeting of Donegal County Council held on 05th November, 2004, were adopted.
- C/23/05 CONFIRMATION OF MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON 29TH NOVEMBER, 2004
On the proposal of Clr. Byrne, seconded by Clr. McEniff, the Minutes of Special Meeting of Donegal County Council held on 29th November, 2004, were adopted subject to the clarification by Mr. Francie Coyle, Director Planning & Economic Development in relation to minute no C/522/04, that it had been resolved to materially alter the Draft Ballybofey/Stranorlar Local Area Plan by delineating the plan boundary southwards along the Letterkenny Road in accordance with the red line indicated on map circulated.
- C/24/05 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 29TH NOVEMBER, 2004
On the proposal of Clr. A. Bonner, seconded by Clr. Byrne, the Minutes of Meeting of Donegal County Council held on 29th November, 2004, were adopted.
- C/25/05 CONFIRMATION OF MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON 09TH DECEMBER, 2004
On the proposal of Clr. A. Bonner, seconded by Clr. McBride, the Minutes of Special Meeting of Donegal County Council held on 09th December, 2004, were adopted.
- C/26/05 CONFIRMATION OF MINUTES OF GENERAL PURPOSES COMMITTEE MEETING HELD ON 13TH DECEMBER, 2004
On the proposal of Clr. A. Bonner, seconded by Clr. McBride, the Minutes of General Purposes Committee Meeting held on 13th December, 2004, were adopted.

C/27/05 CONFIRMATION OF MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON 14TH DECEMBER, 2004
On the proposal of Clr. McGonagle, seconded by Clr. Conaghan, the Minutes of Adjourned Meeting of Donegal County Council held on 14th December, 2004, were adopted.

C/28/05 CONFIRMATION OF MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON 10TH JANUARY, 2004
On the proposal of Clr. Alcorn, seconded by Clr. Harte, the Minutes of Special Meeting of Donegal County Council held on 10th January, 2004, were adopted.

C/29/05 CONFIRMATION OF MINUTE NO. C/476/04 – OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 18TH OCTOBER, 2004
Motion submitted by Clr. Pádraig MacLochláinn:-

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

The motion was proposed by Clr. MacLochláinn, seconded by Clr. Donaghey and resolved.

The County Manager outlined for members the course of action agreed previously in relation to marina development. He noted that it had been agreed that every support would be given to Fahan, in accordance with the Council’s own policy and that a Marine and Water Leisure Company be established to develop the five sites prioritised with members agreeing, in principle, to an annual contribution to the operating costs. The question now to be decided was whether or not the Kevin O’Connor (Marine Tourism

Development Officer) should be instructed to get involved if other projects come forward.

C/30/05 CONFIRMATION OF MINUTE NO. C/345/04 AND G/95/04 – COUNTY COUNCIL AND GENERAL PURPOSES MEETINGS HELD 26TH JULY, 2004 AND 13TH SEPTEMBER, 2004, RESPECTIVELY.

On the proposal of Clr. McEniff, seconded by Clr. Kennedy, minute no's C/345/04 and G/95/04 – County Council and General Purposes Meetings held on 26th July, 2004 and 13th September, 2004, respectively, were adopted.

C/31/05 CONSIDERATION OF PLANNING APPLICATION BY DONEGAL POTATOES LTD, FOR PROVISION OF VEHICULAR ENTRANCE FROM NATIONAL PRIMARY ROAD TO EXISTING POTATO FACTORY AT COLEHILL, NEWTOWNCUNNINGHAM.

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, Pdraig Doherty, Pearse Doherty, Donaghey, Harte, Kennedy, Larkin, McBride, McDaid, McDonald, McEniff, McGarvey, McGonagle, McGowan, McGuinness, MacLochlainn, O'Domhnaill, Pringle, Reid and Slowey. (28 no.)

Mr. Francie Coyle, Director Planning & Economic Development read into the record report from Mr. Jim Harley, Senior Planner dated 24th January, 2005 together with the following submissions: -

- Report dated 08th December, 2004 from the National Roads Authority
- Report dated 17th January, 2005 from the National Roads Authority
- Report dated 17th January 2005 from National Road Design Office
- Report dated 18th January, 2005 from National Road Design Office, all outlining why permission should be refused.

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

“The proposed development site for commercial purposes adjoins a National Primary Road and would accordingly;

- (a) endanger public safety by reason of traffic hazard because the site is served from a heavily trafficked National Primary Road, where the maximum speed limit applies and the additional movements generated by the development would interfere with the safety and free flow of traffic on the road
- (b) conflict with the principles set out in “Development Control Advice Guidelines” issued by the Department of Environment in October, 1982, which requested the Council to refuse permission in the case of new development which would generate new traffic on National Primary Roads.

The proposed development access onto a Nation Primary Road is contrary to the County Donegal Development Plan, 2000 (as varied) Section 2.3.5. which restricts the number of new access points or intensification of use of access points onto Nation Primary Roads outside of speed limit areas. This proposal does not come within the exempt categories listed in the County Donegal Development Plan, 2000, as varied.”

Clr. Conaghan acknowledged the detailed report, and supporting documentation previously circulated by the Planning Department together with the Director of Services advice on the adherence to Standing Orders when considering a Section 140 planning motion.

Referring to the NRA's objection, Clr. Conaghan stated that he was of the belief that the adoption of this proposal would complement traffic calming proposed in the locality. The existing access, he affirmed, was now concentrated in a heavily populated area, with many heavy goods vehicles using the main street in Newtowncunningham. He noted that this access was now concentrated within the new 50mph limit. Donegal Potatoes did not have an entrance on the back road which was closed when the new by-pass was constructed. He confirmed businesses had direct access onto

the National Primary Road, and the proposal before the Council was safer than going through a populated area.

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

“That in accordance with Section 34(6)(a)(iv), of the Planning and Development Act, 2000, Donegal County Council hereby resolve that a decision be made to grant planning permission to Donegal Potatoes Ltd, for creation of a new access onto the National Primary N13 at Colehill, Newtowncunningham, the subject of planning permission no 04/11017.”

The vote resulted in 23 for with 4 abstentions.

Those voting in favour were :-

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

Abstentions

Cls. Pearse Doherty, McDaid, Pringle and Reid. (4)

The Cathaoirleach declared the motion carried.

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

It was proposed by Clr. Conaghan, seconded by Clr. McEniff, that the Schedule of Conditions recommended by the Senior Planner be attached, subject to condition no 2 being amended to read as follows:-

“Applicant shall submit a Road Safety Audit (RSA) and a Traffic and Transport Assessment (TTA) to the requirements of the National Road Design Office, Drumlonagher, Donegal Town, Tel: 074-9724400.”

A recorded vote on the motion to attach conditions was then taken by the Meetings Administrator, resulting in 23 for with 3 abstentions

Those voting in favour were:-

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

Abstentions

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

The Cathaoirleach declared the motion carried.

C/32/05 MOTION TO HAVE MATTER DISCUSSED AS URGENT BUSINESS

A request in the names of Clrs. McGarvey, E. Bonner, Conaghan, McBride, Blaney and Pearse Doherty to have the following motion discussed as urgent business was placed before the Council:-

“That this Council suspend to discuss urgent business in connection with families who are dependent on husbands/fathers who are facing jail sentences for alleged non-compliance with planning regulations.”

On the proposal of Clr. Blaney, seconded by Clr. Larkin, it was resolved that the matter be dealt with in accordance with Standing Orders before the close of business.

C/33/05 CONSIDERATION OF PLANNING APPLICATION BY INISHOWEN CO-OP SOCIETY LTD., FOR THE

RETENTION OF EXISTING BUILDING, MATERIAL COMPOUND AND CAR PARKING AREA AND PERMISSION FOR THE ERECTION OF A NEW RETAIL SHOP AND STORES, TO DEVELOP LANDS FOR A MATERIALS STORAGE YARD WITH ASSOCIATED PARKING, TO PROVIDE A WEIGHBRIDGE, AND TANKS FOR BULK STORAGE, AND TO ERECT PERIMETER FENCING AT CHURCHLAND QUARTERS, MOVILLE ROAD, CARNDONAGH, CO. DONEGAL. REF 04/5913

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, Pdraig Doherty, Pearse Doherty, Donaghey, Harte, Kennedy, Larkin, McBride, McDaid, McDonald, McEniff, McGarvey, McGonagle, McGowan, McGuinness, MacLochlainn, O'Domhnaill, Reid and Slowey (27)

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

The report recommended that permission be granted pursuant to Section 34(6)(a) of the Planning & Development Act, 2000, subject to the conditions outlined.

Clr. McGuinness advised that Inishowen Co-op Society Ltd was prepared to be proactive in their approach and asked members to note that they had already paid a considerable amount of money in terms of development levies towards the Carndonagh Inner Relief Road. The development itself, he stated would benefit not only the town of Carndonagh but also the whole of north Inishowen.

On the proposal of Clr. McGuinness, seconded by Clr. McGonagle, 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 34(6)(a)(iv) of the Planning and Development Act, 2000, Donegal County Council hereby resolves that a decision be made to grant planning permission to Inishowen Co-Op Society Ltd., for the retention of existing building, material compound and car parking area and permission for the erection of a new retail shop and stores, to develop lands for a materials storage yard with associated parking, to provide a weighbridge, and tanks for bulk storage, and to erect perimeter fencing at Churchland Quarters, Moville Road, Carndonagh, Co. Donegal, the subject of planning permission 04/5913

The vote resulted in 27 for and no abstentions.

Those voting in favour were:-

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

The Cathaoirleach declared the motion carried.

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

Responding to a query from Clr. McDaid in relation to condition no 18, Mr. Coyle clarified the amount of levies payable in respect of water and sewerage facilities as €1,797 in respect of water, and €4,008 in respect of sewerage giving an overall total of €5,805.

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

A recorded vote on the motion to attach conditions was then taken by the Meetings Administrator, resulting in 27 for with no abstentions.

Those voting in favour were:-

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

The Cathaoirleach declared the motion carried.

C/34/05

CONSIDERATION OF PLANNING APPLICATION BY JOANNE COLL, FOR ERECTION OF DWELLING HOUSE, GARAGE AND DOMESTIC SEWERAGE TREATMENT SYSTEM WITH PERCOLATION AREA AT CRONASHALLOG, DUNGLOE, LETTERKENNY, CO. DONEGAL. REF 04/3668

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

Clrs. Alcorn, Blaney, A. Bonner, E. Bonner, Boyle, Brogan, Byrne, Conaghan, Crawford, Pdraig Doherty, Pearse Doherty, Donaghey, Harte, Kennedy, Larkin, McBride, McDaid, McDonald, McEniff, McGarvey, McGonagle, McGowan, McGuinness, MacLochlainn, O'Domhnaill, Pringle, Reid and Slowey (28)

Mr. Francie Coyle, Director Planning & Economic Development read into the record, letter and report from Mr. Jim Harley, Senior Planner and his own report issued on 21st January 2005, which had been circulated with the agenda.

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

"The subject site is located between the N56, which is a designated tourist route, and Lough Annuler. It is a policy of the planning authority that "new development" will not be permitted between roads and the sea, lakes and rivers where it would,

- restrict the views or prospect from the road
- intrude significantly on the view or prospect

- materially alter the view or prospect (County Development Plan, 2000 (as varied) 5.6.5)

It is considered that the proposed development is located on visually sensitive lands on the lake shore where development would both intrude significantly on and materially alter the view to be had from the adjoining National Secondary road. Accordingly, the proposed development contravenes the aforementioned provision of the County Development Plan, 2000 (as varied) and would, therefore, be contrary to the proper planning and sustainable development of the area.

Clr. Alcorn advised that the development would in no way impede the view of Lugh Annuler. Vision lines, he stated, were adequate and the applicants had confirmed that every effort would be made to ensure that overgrowth etc. was curtailed.

A number of members highlighted the fact that the applicant was a member of the indigenous community and building on family land.

Clr. E. Bonner stated that it was incorrect to say that no other development existed as the applicants mother resided at the top of the hill. It was, he noted, unfair to say that the development would restrict views or prospect from the road as he himself had travelled this route many times and had never known that there was a lake there.

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

“That in accordance with Section 34(6)(a)(iv), of the Planning and Development Act, 2000 Donegal County Council hereby resolve that a decision be made to grant planning permission to Joanne Coll, for the erection of a dwelling house and domestic sewerage treatment system at Croaghnashallog, Dungloe, the subject of planning permission no 04/3668.

The vote resulted in 23 for with 5 abstentions.

Those voting in favour were:-

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

Abstentions:-

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

The Cathaoirleach declared the motion carried.

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

Clr. Alcorn proposed, seconded by Clr. Slowey, that the Schedule of Conditions recommended by the Senior Planner, be attached to the permission, subject to condition no. 4 being amended to read as follows:-

“finished floor level of the house shall be agreed with the planning authority prior to commencement of the development.”

A recorded vote on the motion to attach conditions was then taken by the Meetings Administrator, resulting in 23 for with 5 abstentions.

Those voting in favour were:-

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

Abstentions:-

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

The Cathaoirleach declared the motion carried.

C/35/05

ADJOURNMENT OF MEETING

On the proposal of Clr. Alcorn, seconded by Clr. Conaghan, it was agreed to adjourn the meeting for 10 minutes so as to allow the members to discuss further the making of four appointments to the County Donegal Vocational Education Committee.

C/36/05

DISPOSAL OF LAND AT NEW PUBLIC SERVICE CENTRE, DRUMLONAGHER.

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

On the proposal of Clr. Harte, seconded by Clr. Byrne, it was resolved to dispose of property at the new Public Services Centre, Drumlonagher, Donegal Town to Donegal Community Playgroup Ltd, Tirconail St. Donegal Town by way of a formal lease for a period of eighteen months commencing on February 1st 2005, with an annual rent of 5,200, payable quarterly in advance, in accordance with Section 211 of Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001

C/37/05

TAKING OF DECISION WITH REGARD TO TWO NO. SPECIFIC INSTANCE COTTAGES

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

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

C/38/05

TAKING OF DECISION WITH REGARD TO TWO HOUSES AT GREENCASTLE

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

On the proposal of Clr. McGuinness, seconded by Clr. McDonald, it was agreed to defer a decision pending the resolution of outstanding issues concerning the development.

C/39/05

TAKING OF DECISION WITH REGARD TO N56
MOUNTAIN TOP TO ILLISTRIN

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

On the proposal of Clr. Blaney, seconded by Clr. Larkin, the carrying out of works under Part XI, Planning & Development Act 2000 and Part VIII of the Planning & Development Regulations 2001, with regard to works at N56 Moutaintop to Illistrin Road Realignment amendment to junction layout at Calhame, was approved.

C/40/05

PUBLICATION OF DRAFT CASUAL TRADING
BYELAWS FOR DUNGLOE.

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

On the proposal of Clr. Alcorn, seconded by Clr. Slowey, it was resolved to publish the Draft Casual Trading Byelaws for Dungloe.

C/41/05

PUBLICATION OF DRAFT CASUAL TRADING
BYELAWS FOR FALCARRAGH

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

On the proposal of Clr. Alcorn, seconded by Clr. Slowey, it was resolved to publish the Draft Casual Trading Byelaws for Falcarragh.

C/42/05

APPOINTMENT OF FOUR PERSONS (TWO MEN AND
TWO WOMEN) TO COUNTY DONEGAL
VOCATIONAL EDUCATIONAL COMMITTEE.

Mr. Eunan Sweeney, Meetings Administrator informed members that since the introduction of the Vocational Education (Amendment) Act, in 2001, new arrangements existed for the making of appointments to the County Donegal Vocational Education Committee. He advised that there were four positions available and asked members to

note the specific requirements for gender balance in making their selection.

Mr. Sweeney further advised that :-

1. Standing Order 101 would apply in this instance and that each member was required to vote for the same number of candidates as there were vacancies, otherwise their ballot would be deemed invalid
2. Votes could not be cast in order of preference and each candidate named by the person voting on his ballot paper would get one vote
3. Candidates would be elected in accordance with the number of votes cast conditional on the specified gender ratio being achieved.

- Ms. Anne Flood was proposed by Clr. McGuinness, seconded by Clr. Harte,
- Mr. Hugh McDaid was proposed by Clr. Conaghan, seconded by Clr. McEniff
- Ms. Mary McGowan was proposed by Clr. McEniff, seconded by Clr. Byrne
- Mr. Niall Blaney, T.D. was proposed by Clr. Larkin, seconded by Clr. Liam Blaney
- Mr. Seamus Rodgers was proposed by Clr. Pringle, seconded by Clr. Pearse Doherty
- Ms. Kathleen Murray was proposed by Clr. McGarvey, seconded by Clr. MacLochlainn

Members were informed by the Meetings Administrator that they now had to vote for four candidates from the above six whilst taking into consideration the gender balance requirement.

A vote was taken in accordance with Standing Order 101 which resulted as follows:-

- Ms. Anne Flood 26 votes
- Mr. Hugh McDaid 21 votes
- Ms. Mary McGowan 22 votes
- Mr. Niall Blaney, T.D. 27 votes
- Mr. Seamus Rodgers 6 votes

- Ms. Kathleen Murray 6 votes

The Cathaoirleach declared Deputy Niall Blaney, Ms. Anne Flood, Ms. Mary McGowan and Mr. Hugh McDaid appointed to the County Donegal Vocational Education Committee.

C/43/05

TO RECOMMEND ATTENDANCE AT THE ST. PATRICK'S DAY CELEBRATIONS IN THE U.S.A.

Members acknowledged the importance of maintaining links with the Irish diaspora and agreed that every effort should be made to advance the cause of illegal Irish emigrants in the United States.

On the proposal of Clr. Conaghan, seconded by Clr. Slowey, it was resolved that the party would consist of the Cathaoirleach or his nominee, the Leas Cathaoirleach or his nominee, and one official to be nominated by the County Manager.

C/44/05

TO APPROVE AGREEMENT TO PROVIDE FOR INTER AUTHORITY BORROWING/LENDING

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

On the proposal of Clr. Conaghan, seconded by Clr. Pringle, it was resolved that the Council approve of an agreement to provide for the inter-authority borrowing/lending between Donegal County Council, Letterkenny, Bundoran, Buncrana and Ballyshannon Town Councils for the period up to 31st December, 2005, in accordance with the Local Government Act, 2001 (Section 106, Sub Section 6) which updates Part II of the Local Government (No. 2) Act, 1960.

C/45/05

TO ADOPT MARINE PROGRAMME OF WORKS 2005.

Clr. MacLochlainn requested that motion no 24 on the agenda be taken in conjunction with this item.

Clr. Conaghan called for a meeting to be arranged with the Minister for the Marine to discuss the possibility of providing matching funding for these works.

It was agreed, in light of the length of time that would be needed to debate this item, to defer the matter, in

conjunction with motion no. 24, to the adjourned meeting of the Council to complete the agenda.

C/46/05

TO ADOPT WINTER MAINTENANCE POLICY

A lengthy debate on the matter ensued with members expressing concern about the timing of the report and the terrible condition of many county roads.

Clr. Larkin called for a series of emergency area meetings to discuss the situation.

Clr. Conaghan voiced concern in relation to the proposal to fund new salt depots from the Non National Roads Discretionary Maintenance at Carndonagh, Milford and Fintown.

Clr. McGuinness requested that contact be made with the Department of the Environment with regard to the provision of additional funding for non priority routes.

Members agreed to defer consideration of the above item to the adjourned meeting of Donegal County Council to be held on the 14th February, 2005.

C/47/05

TO ADOPT UPDATED POLICY LIST FOR COASTAL PROTECTION 2003-2006.

Members agreed to defer consideration of the above item to the adjourned Council Meeting to be held on 14th February, 2005.

C/48/05

TO ADOPT THE DRAFT TRAVELLER ACCOMMODATION PROGRAMME 2005-2008

On the proposal of Clr. Larkin, seconded by Clr. Harte, it was agreed to defer consideration of the above item, subject to further discussion with the Local Traveller Accommodation Consultative Committee.

C/49/05

TO APPROVE PAYMENT OF ARTS GRANTS

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

On the proposal of Clr. McGarvey, seconded by Clr. Alcorn, the Council approved the payment of Arts Grants under the Arts Act, 2003, as circulated.

C/50/05

CONFERENCES

Clr. Conaghan informed members that a new system for dealing with conference attendance had been discussed by the Corporate Policy Group. Funding would, now, he advised, be divided equally among the 29 members thus allowing individual members the opportunity to attend conferences relevant to their own interests.

A report on the matter would, he advised, be presented at the next General Purposes Meeting.

On the proposal of Clr. Conaghan, seconded by Clr. Slowey, it was resolved that in the context of the above and having regard to the cost involved that any member who wished could attend the conferences listed below:-

- S.T.O.P. –Suicide Prevention Conference to be held in The Abbey Manor Hotel, Dumohair, Co. Leitrim on 18th-19th February, 2005.
- Association of Municipal Authorities Spring Seminar to be held in The Holiday Inn, Letterkenny on 11th-12th February, 2005.
- Mid West Regional Authority Annual Conference to be held in The Temple Gate Hotel, Ennis on 3rd –4th February, 2005.
- National Energy Conference to be held in The Hibernian Hotel, Mallow, Co. Cork on 10th-11th February, 2005.
- NASC-European Briefing Programme to be held in Conference Centre at the NASC Office, Brussels on 2nd – 3rd March, 2005.

C/51/05

DEPUTATION TO MEET WITH THE MINISTER FOR, ENTERPRISE, TRADE AND EMPLOYMENT

The County Manger referred to previous meetings with the Taoiseach and the Minister for Enterprise, Trade & Employment, Michael Martin, requesting that a special initiative be taken in respect of the development of Donegal within its cross border development dimensions.

He continued by outlining the need for the preparation of a submission on the establishment of a special interdepartmental cross border initiative to plan and implement a programme of key investment priorities to make Donegal a prime, competitive and attractive location for job creating investment.

On the proposal of Clr. Conaghan, seconded by Clr. Blaney, it was resolved that a deputation, consisting of four members (to be selected by Party Whips) plus the Cathaoirleach and the County Manager, would meet the Minister for Enterprise, Trade & Employment, Michael Martin on the 08th February, 2005 to discuss the special initiative.

C/52/05

DATE FOR ADJOURNED MEETING

As it was 5.45pm, it was resolved, on the proposal of Clr. Alcorn, seconded by Clr. E. Bonner, to adjourn the remaining business to an adjourned meeting on Monday 14th February, 2005 at 9.30am, so that the motion under urgent business could be taken.

C/53/05

CONSIDERATION OF MOTION UNDER URGENT BUSINESS

Clr. McGarvey, in introducing the following motion, highlighted the plight of the families concerned and advised that there was now a pressing need to sit down and resolve the situation.

“That this Council suspend to discuss urgent business in connection with families who are dependent on husbands/fathers who are facing jail sentences for alleged non compliance with planning regulations.”

A lengthy debate ensued with members acknowledging the help given by the County Manager and the Director of Planning & Economic Development, Mr. Francie Coyle. It was generally agreed that the issue needed to be resolved as quickly as possible given the fact that tourism generated income was one of the main sources of income in the Downings area. It was noted that the developments concerned were not obtrusive and that the caravan site used water provided by a well, thus, imposing no burden on the Cranford/Carrigart water supply. The tourist industry in the Downings area, it was noted, relied heavily on the provision of affordable accommodation.

Clr. E. Bonner stated that it was necessary to have give and take, and that every effort should be made to facilitate existing caravan park owners.

The County Manager advised that as he had been unaware of the introduction of this item it would be impossible to provide a verbal briefing at this point.

He confirmed that he had visited the area in the mid 90's in the hope of finding a resolution and had worked with each of the caravan site owners to try and resolve the situation.

Much time had been spent on the eight cases, he added, with the planning appeals being dealt with one by one. As three of the developments fell outside of the 5 year ruling, there was, he stated, no option but to go down the legal route.

The Planning Department, he stated, had often been berated for failure to take action on unauthorised development.

He stated legal advice would have to be obtained in the matter and he agreed to bring a full report to the General Purposes Committee Meeting on the 14th February, 2005.

This concluded the business of the meeting.