

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR

22 Eanáir 2008

Beidh an Cruinníú Comhairle Chontae Dhún na nGall ag dul ar aghaidh Dé Luain, 28 Eanáir, 2008, ag **2.00 ag Arás an Chontae, Leifear**

DO GACH BHALL DEN CHOMHAIRLE

A Chara

Iarrtar ort a bheith i láthair ag an gcruinníú seo den Chomhairle. Ta Clár an Cruinnithe le seo.

Beidh Clar Ordaithe an Bhainisteora Contae le feiceal ag an gcruinníú.

Mise, le meas

A. MacSuibhne

Riarthóir Cruinnithe(RUNAÍ CHONTAE)

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
22nd January , 2008

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 28th January, 2008, at 2.00 p.m. in the County House, Lifford.

TO EACH MEMBER OF DONEGAL COUNTY COUNCIL

Dear Councillor

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

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

Yours sincerely

E. Sweeney

Meetings Administrator (County Secretary)

AGENDA

1. **Confirmation of Minutes**
 - (a) Confirmation of Minutes of Meeting of Donegal County Council held on 26th November, 2007.
 - (b) Confirmation of Minutes of Meeting General Purposes Committee held on 10th December, 2007.
 - (c) Confirmation of Minutes of Special Meeting of Donegal County Council held on 10th December, 2007.
 - (d) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on 10th December, 2007.
 - (e) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on 17th December, 2007.

2. **Disposal of Land – Section 211 Planning & Development Act, 2000**
 - (a) Notice under Section 183 of the Local Government Act, 2001 to dispose of land adjacent to No. 41 Ernedale Heights, Ballyshannon, to Mr. Bernard McGrath, 41 Ernedale Heights, Ballyshannon.
 - (b) Notice under Section 183 of the Local Government Act, 2001 to dispose of land at Ardara to Ellen Cassidy.
 - (c) Notice under Section 183 of the Local Government Act, 2001 to dispose of land at Townparks, Raphoe to St. Columba's Diocesan Trust, Bishop's House, Letterkenny.

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

To approve the carrying out of works with regard to Specific Instance Cottage at Doon, Glebe, Glenkeeragh, Newmills.

4. **Housing and Building Programme**

To approve the raising of a loan of €4,000,000 from the Housing Finance Agency to fund Donegal County Council's commitments to the payment of Shared Ownership Loans.

5. **Planning and Economic Development Programme**
 - (a) To consider Draft Variation to the County Development Plan 2006-2012.

- (b) To consider Manager's Report on submissions received regarding material alterations to the Draft Killybegs Local Area Plan 2007-2013.
- (c) To consider proposed deletion of a property at Main Street, Ballyshannon from the Record of Protected Structures.

6. **Corporate Services Programme**

- (a) To fill vacancy on Rural Water Monitoring Committee.
- (b) To fill vacancy on Regional Health Forum arising from the resignation of Clr. Sean McEniff.
- (c) To fill vacancy on Cultural Committee arising from the death of Mr. Clement MacSuibhne (Clr. McGuinness's nominee)
- (d) To consider nomination –Donegal “People of the Year” Awards 2007.

7. **Conferences**

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

- (a) The Local Government Planning Service Conference to be held on 1st –3rd February, 2008 at Clonea Strand, Clonea, Dungarven, County Waterford.
- (b) “Suicide Prevention : A call to Action” Conference to be held on 23rd February, 2008 at The City West Hotel, Dublin
- (c) Merriman Winter School 2008 to be held on 1st-3rd February, 2008 at the Hotel Westport, Westport, County Mayo
- (d) Mid West Regional Authority “Planning for Renewable Energy” Conference to be held on 08th February, 2008 at the Woodlands House Hotel, Adare , County Limerick
- (e) ICBAN “Rural Men and Social Exclusion” Conference to be held on Thursday 14th February at the Slieve Russell Hotel, Ballyconnell, County Cavan.
- (f) Third Sector Forum “ Irelands Newest Immigrants” Conference to be held on 21st –23rd February, 2008 at the Silver Tassie Hotel, Letterkenny.
- (g) Colmcille Heritage Trust “The Mutual Benefits of North-South Co-operation” Conference to be held 29th February-02nd March, 2008 at the Colmcille Heritage Centre, Gartan, Church Hill, Letterkenny, County Donegal.
- (h) LAMA Spring Seminar 2008 to be held on 27th-28th March, 2008 at Knightsbrook Hotel, Trim.

8. Mayor's Business

9. Manager's Report

MOTIONS

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

INISHOWEN ELECTORAL AREA

Finance

10. Clr. McGuinness

"That this Council seek a meeting with the Minister of the Environment to explore ways to broaden our revenue base:

- (a) our proposals to the Indecon Report
- (b) funding for Cross Border co-operation
- (c) the implications of the Water Services Pricing Policy (Polluter Pays Principle)

Housing & Building

11. Clr. McGonagle

"That this Council use the old Council buildings in Carndonagh for a bus depot and café." (L)

Roads & Transportation

12. Clr. McDonald

"That the entire area from Crossroads to Shrove and back lower road to Greencastle be gritted like other areas by Donegal County Council when there is frost and snow." (L)

13. Clr. Conaghan

"That this Council discuss and agree a way forward regarding the take over of housing estates." (C)

Community, Culture & Enterprise

14. Clr. Donaghey
“That sufficient funding be earmarked to ensure that the Buncrana to Rathmullan Car Ferry will continue as normal for the Summer season 2008.” (L)

Water, Environment & Emergency Services

15. Clr. MacLochlainn
“That Donegal County Council in the context of the National Climate Change Strategy 2007-2012 draw up and implement a five year strategy (with an associated review mechanisms) so as to ensure that all policy developed by Donegal County Council is environmentally and ecologically proofed to meet the highest international standards, and that an interdepartmental group involving the Management, Councillors and Civic Groups be established by June 2008 to oversee this motion, including a period of public consultation and its implementation.” (C)

LETTERKENNY ELECTORAL AREA

Roads & Transportation

16. Clr. Larkin
“That this Council recognize the work done by Council staff over the Christmas holidays especially the people gritting the roads.” (C)

Housing & Building

17. Clr. Crawford
“That this Council discuss what plans it has to progress Phase 2 County House.” (C)

Water, Environment & Emergency Services

18. Clr. McDaid
“That this Council calls on the Government to introduce a moratorium on the payment of water charges by schools and

further that this Council calls on the Government to seek an exemption for levying water charges to schools under the EU Water Framework Directive.” (O)

19. Clr. Brogan

“I propose that this Council conduct a Masterplan of the lands at the Big Isle, Letterkenny to include a horse racing track and development of the Council owned lands.” (L)

DONEGAL ELECTORAL AREA

Water, Environment & Emergency Services

20. Clr. Pringle

“That the members of Donegal County Council debate the privatisation of Water Services in the county and decide a way forward.” (C)

Roads & Transportation

21. Clr. O’Neill

“I call on Donegal County Council to commence work on the proposed new Town Centre Car Park in Ballyshannon.” (L)

MILFORD ELECTORAL AREA

Planning & Economic Development

22. Clr. McGarvey

“That this Council considers a Town Plan for Ramelton as it is a Heritage Town.” (L)

Roads & Transportation

23. Clr. McBride

“In the future, that this Council do not lay off temporary roads staff until the projects that have commenced have been completed.” (C)

STRANORLAR ELECTORAL AREA

Community, Culture & Enterprise

24. Clr. McGowan
“That this Council debate the establishment of and ECTG for the NW Border area.” (C)

Housing & Building

25. Clr. Reid
“That the Council discuss our current Housing Policy.” (C)

Water, Environment & Emergency Services

26. Clr. A. Bonner
“That this Council resolve to provide such funding as may be necessary to fund the balance of the cost of construction of the Ballybofey Stranorlar Swimming Pool, after the application of capital allocation of €3.8m, so as to bring the project to operational stage, and that this funding be provided by way of topslicing funds raised through the Development Contribution Scheme, commencing in 2008.” (L)

The following Councillors wished to be associated with the above motion:-

Patrick McGowan
Marian McDonald
Brendan Byrne
Gerry Crawford
Dessie Larkin
David Alcorn
Liam Blaney
Frances Conaghan

Rena Donaghey
Denis McGonagle
Ciaran Brogan
Jonathan Kennedy
Sean McEniff
Enda Bonner

GLENTIES ELECTORAL AREA

Housing & Building

27. Clr. Slowey
“That this Council put in place, with immediate effect, a measurable performance of energy conservation in all our buildings, in addition a mechanism be put in place for energy production i.e. wind turbines, so as to reduce our dependence on imported fossil fuels.” (C)

Community, Culture & Enterprise

28. Clr. Gallagher
“That this Council calls for Garda Superintendents across this county to attend Electoral Area Meetings of the Council at least twice a year to give a report on Garda activities in these areas and to address concerns that may arise from elected members.” (C)

Roads & Transportation

29. Clr. E. Bonner
“That this Council write to Minister Eamonn O Cuiv to seek funding to match co-funding agreed by this Council last June to carry out coastal erosion work at Tory Island Pier, Improvements at Rannagh, Arranmore and Inish Boffin and other Marine Projects.” (L)
30. Clr. O’Dochartaigh
“That Donegal County Council will put the final finish on the Errigal Road.” (L)

Housing & Building

31. Clr. Alcorn
“Now at the beginning of 2008, that Donegal County Council formulate a Policy that expedites the application process of S.I. applications and also expedites the time frame that contractors have on building these houses.” (C)

QUESTIONS

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

INISHOWEN ELECTORAL AREA

Roads & Transportation

32. Clr. McGuinness
“Why was the car park at St. Bodens Terrace, Culdaff not resurfaced?” (L)
33. Clr. McDonald
“Please confirm why there is no public lighting in Mill Glen housing estate in Moville 3 years after they were occupied?” (L)
34. Clr. Conaghan
“What works are proposed on the N13 from Newtowncunningham to Manor this year?” (L)

Water, Environment & Emergency Services

35. Clr. McGuinness
“What progress has been made in solving the problem at Gleneely Sewerage Scheme?” (L)
36. Clr. McDonald
“Why is Donegal County Council not prioritising fire engines for Moville’s outdated Fire Brigade?” (L)
37. Clr. Conaghan
“What is the up to date position regarding provision of a sewerage scheme for Carrigans?” (L)
38. Clr. Donaghey
“When will Tullydish 1 Group Water Scheme be taken over as the majority of participants are becoming increasingly unhappy and planning applications cannot now be permitted as a result?” (L)

39. Clr. Donaghey
“What is the current position regarding the upgrading of Buncrana Sewerage Scheme?” (L)

Planning & Economic Development

40. Clr. McGonagle
“When will the Improvement Scheme in Clonmany start?” (L)
41. Clr. McGonagle
“What progress has been made with the Barrack Hill Project, Carndonagh?” (L)

Housing & Building

42. Clr. MacLochlainn
“Who is responsible for ensuring the prevention of further flooding at Lower Mount Marion, Milford, and what is being done to ensure this?” (L)

LETTERKENNY ELECTORAL AREA

Water, Environment & Emergency Services

43. Clr. Larkin
“Has work started on the Civic Amenity Site in Letterkenny?” (L)

Planning & Economic Development

44. Clr. Larkin
“What progress has been made on having a Senior Executive Planner for Letterkenny Town?” (L)

Roads & Transportation

45. Clr. Crawford
“What plans does the Council have to improve the terrible road conditions in the Ballindrait area?” (L)

46. Clr. Brogan
“What is the current status of the roadworks at Woodlands Junction and when can works start as we have made this a priority for the last number of years?” (L)
47. Clr. Brogan
“When will improvement works at O’Donnell Park be completed and have we enough funding to complete roundabout?” (L)
48. Clr. Crawford
“In view of investigations and survey undertaken by this Council in relation to flooding in Raphoe, where does this Council now stand in relation to future prevention?” (L)

Community, Culture & Enterprise

49. Clr. McDaid
“What progress has been made by this Council in accessing funding to produce a guide for people with disabilities that promotes universal accessibility?” (C)

Housing & Building

50. Clr. McDaid
“Will this Council confirm that it has been awarding points, as per the Scheme of Letting Priorities, to separated/non resident fathers where there is a legal agreement in place, as agreed at Council Meeting of 30th May, 2005.” (C)

DONEGAL ELECTORAL AREA

Water, Environment & Emergency Services

51. Clr. Pringle
“When will the upgrading work be completed on the Frosses/Inver Water Treatment Works?” (L)
52. Clr. O’Neill
“Will Donegal County Council proceed with works to provide Sewerage Treatment at Carrickboy, Ballyshannon with the provision of a pumping station to serve the houses inside the town

boundary that have been excluded from the new multi million euro town scheme?" (L)

53. Clr. O'Neill

"Will Donegal County Council please follow up on Section 183's that have been passed at Donegal Electoral Area level in 2007. It's disappointing that when a Section 183 is passed at Electoral Area level, that there is no follow up or no contact with the Councillor who proposed them, 6 months later?"(L)

Planning & Economic Development

54. Clr. Pringle

"When will the Killybegs Phase 2 Environmental Improvements be tendered?" (L)

Roads & Transportation

55. Clr. Byrne

"Can this Council examine alternate lay out/design for Brady's Corner, Killybegs with emphasis on pedestrian safety?" (L)

56. Clr. Byrne

"Can this Council examine proposals to improve access to Silver Strand Beach, Malinbeg, Glencolmbkille?" (L)

MILFORD ELECTORAL AREA

Water, Environment & Emergency Services

57. Clr. McGarvey

"Have all the arrangements been put in place to allow reservoir at Milford to go ahead?" (L)

58. Clr. McBride

"Why has the site for the reservoir at Milford not been paid for yet?" (L)

Roads & Transportation

59. Clr. McBride
“What is the up to date position on the development of the harbour in Downings?” (L)

Housing & Building

60. Clr. McGarvey
“When does Donegal County Council propose to remove obstruction (boulder) placed on entrance to their property at Bridgend, Ramelton?” (L)

STRANORLAR ELECTORAL AREA

Community, Culture & Enterprise

61. Clr. McGowan
“What, if any, strategy has the Council for supporting towns which are in close proximity to the Gateway of Letterkenny and Derry as it becomes clear areas like the Twin Towns will suffer if no action is taken to sustain businesses and develop facilities?” (L)
62. Clr. A. Bonner
“What is the up to date progress on the Stranorlar Playground?” (L)

Roads & Transportation

63. Clr. McGowan
“Please give a detailed progress report on both strategies as agreed for Castelfinn Bridge including estimated costs?” (L)
64. Clr. Reid
“Leaving aside CPO’s will any further objections or changes to the proposed route delay the proposed start date of the Twin Towns bypass?” (L)
65. Clr. A. Bonner
“Has Stranorlar Electoral Area identified funding from NRA Budget or Roads Budget (Stranorlar Electoral Area) to provide clearance at road side from Woodland Dooish N15 Junction down

to Roadhouse Junction for pedestrians as this is a very dangerous part of the road with young and old walking to local shop etc?" (L)

Water, Environment & Emergency Services

66. Clr. Reid
"Is the Council committed to any shortfall in maintenance and running costs of the proposed swimming pool for Stranorlar/Ballybofey?" (L)

GLENTIES ELECTORAL AREA

Planning & Economic Development

67. Clr. Slowey
"When will an Area Plan for Ardara be put in place? What planning mechanisms do Donegal County Council have in place to ensure orderly development where there is no Area Plan for small heritage towns such as Ardara?" (L)

Water, Environment & Emergency Services

68. Clr. Slowey
"What will be Donegal County Council's funding requirements to progress the Glenties, Dungloe and Gweedore Sewerage Schemes with particular reference to the contribution required by the County Council coming from the Glenties Electoral Area to progress the respective projects taking into consideration the likely start starts?" (L)

Housing & Building

69. Clr. Gallagher
"What is the number of houses needed to be built to satisfy the housing need presently?" (number of houses not people) (C)
70. Clr. Gallagher
"What was the number of applications for housing in 2006 & 2007?" (number of houses not people) (C)

Roads & Transportation

71. Clr. E. Bonner
“When will the footpath improvements be carried out at Loughanure and Dore?” (L)
72. Clr. E. Bonner
“What plans have the Roads Service to repair all bridges in the Glenties Electoral Area and improve the 3 bridges on Meenaroy Regional Road, these bridges are presently safeguarded by cones and barriers?” (L)
73. Clr. O’Dochartaigh
“When will Donegal County Council finish the agreed roads project to Magheraroarty Pier?” (L)
74. Clr. O’Dochartaigh
“What plans has the Council to develop and finish the main road from Meenaleck to Donegal International Airport?” (L)
75. Clr. Alcorn
“What funding has been spent on the Ardara-Ardaghey Road since 1999?” (L)
76. Clr. Alcorn
“Why is there such a long delay in Donegal County Council preparing estimates for Boithre Aise Schemes to An Roinn Ealaion agus Gaeltachta?” (L)

MOTIONS FROM OTHER COUNCILS

77. Balbriggan Town Council
“Balbriggan Town Council call on the Minister for the Environment to bring in legislation to close the loophole in the law, whereby drivers with foreign or otherwise invalid licences who break the road traffic laws are not being given penalty points.”
78. South Tipperary County Council
“That the Manager explain the system operating for cyclists at roundabouts and where traffic calming measures have been put in place, from a safety viewpoint.”

79. Galway City Council
“That Galway City Council request the Minister for the Environment to introduce a ban on all detergents, powders etc. containing phosphates as a result of the damage this is doing to fish, plant life and Lough Corrib in general.”
An amendment to this motion was passes as follows:-

“That Galway City Council requested the Minister for the Environment to introduce a ban on all detergents, powders etc containing phosphates as a result of the damage this is doing to fish, plant life and Lough Corrib in general and that this Council call on the Minister of the Environment to carry out a full investigation into what other discharges are currently going into Lough Corrib and leading to serious pollution of the water and that this investigation be completed as a matter of urgency.”
80. Macroom Town Council
“In view of recent crisis in the Health Service that we call on the Minister for Health to introduce a system of reporting in the Health Service which will ensure that when problems arise, they are brought to the attention of the relevant persons, up to and including the Minister and that the response is pro-active rather than re-active.”
81. Waterford County Council
“That Waterford County Council calls on the Minister for the Environment, Heritage and Local Government now that he is aware that an anomaly exists with the Mortgage Subsidy Scheme where an approved applicant under Affordable Housing who obtains their loan from an outside lending agency is not entitled to the above mentioned scheme. This Council calls on the Minister to immediately implement changes to the Affordable Housing Scheme so that all approved applicants whether they get their loan from the Local Authority or an outside lending agency are entitled to this scheme.”
82. Offaly County Council
“That Offaly County Council start the process of preparing a Roll of Honour for those who are buried in Flanders.”
83. Waterford City Council
“(a) That this Council deplores the Governments record on hospital acquired infections. The provision of a safe health care

environment for patients in our hospitals, nursing homes and health care settings is a basic patient expectation and a fundamental human right. It is a national disgrace that in 2005 586 patients got a hospital acquired blood stream infection in this state.

Therefore, this Council supports the call of MRSA and Families Central Council for the following objectives to be supported and implemented by central Government:

- (1) A judicial inquiry into the non-implementation of the national guidelines contained in the 1995 “Control of Methicillin Resistant Staphylococcus Aureus, (MRSA) in the Irish Health Care Setting,” the non compliance by hospitals and health care settings with the 2005 Strategy for the control of Antimicrobial resistance in Ireland SARI, and the failure to supervise the full implementation of that strategy
- (2) Given that the State, the Minister for Health and the HSE failed in their duty of care to provide a safe health care environment for patients to which they are entitled that the Irish Government set up a redress board to compensate MRSA victims and their families.
- (3) That the Irish Government set up a National Directorate on a statutory basis for the inspection prevention and control of MRSA and other hospital acquired infections.

84. Monaghan County Council

“That Monaghan County Council support the campaign to accord national honours to Thomas Kent and have his remains re-interred in a more appropriate and significant location. As Irishmen and women we are all aware of the significance of 1916 yet for 90 years the remains of Vol Thomas Kent, who was executed in Cork prison on the 09th May 1916 as part of the justice afforded those who took part in the Easter Rising are still buried within the walls of the prison.”

85. Limerick County Council

“That Limerick County Council request the Minister for Agriculture and Food to enable it to provide Well Grant to applicants involved in organic production irrespective of the fact that they may already have a public water supply.”

“That Limerick County Council calls on the Supermarkets of Ireland to curtail their opening hours and days over the Christmas period.”

86. Ballinasloe Town Council
“That this Council highlight the present inadequacies in the planning system whereby An Bord Pleanála can approve planning applications that are not in line with proper planning and development as stated by their own planning Inspector.
87. Clonmel Borough Council
“That this Council write to the Minister for the Environment and Local Government requesting the immediate reversal of his Departments decision to withdraw grant assistance from “Disabled Persons Grant” applications and that this motion be circulated to every Local Authority for their consideration and to the East Galway Oireachtas members.”
88. Fingal County Council
“That Fingal County Council, on foot of the discovery of unsuitable building materials used in the construction of floor plinths in residential dwellings within our jurisdiction, write to the Minister for the Environment, Heritage and Local Government with regard to creating additional regulation for chemical/petrographic analysis of all backfill materials used in excavations, floors, road bases etc. and that the relevant technical guidance documents of the Building Control Act, 1990 and 2007 be altered to reflect same.”

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON 28 th JANUARY 2008

C/18/08 MEMBERS PRESENT

Clrs. J. Boyle, Mayor, D. Alcorn, L. Blaney, A. Bonner, E. Bonner, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, R. Donaghey, M.T Gallagher, J. Harte, J. Kelly, J. Kennedy, D. Larkin, N. Mc Bride, T. McDaid, M. Mc Donald, I. McGarvey, D. Mc Gonagle, P. Mc Gowan, B. Mc Guinness, P. Mac Lochlainn, P. O' Dochartaigh, B. O' Neill, T. Pringle, J.J Reid, T. Slowey

C/19/08 APOLOGIES

Apologies were received from Clr. Mc Eniff, who was unable to attend the meeting.

C/20/08 OFFICIALS IN ATTENDANCE

Mr. Michael McLoone, County Manager, Mr. L. Kelly, Assistant County Manager, Director of Housing, Mr. Francie Coyle, Director of Planning and Economic Development, Mr. Sean Sheridan, Director Corporate services, Mr. John Mc Laughlin, Director Roads and Transportation, Mr. Aidan Mc Nicholas, Head of Finance, Mr. Michael Heaney, Director Community, Culture and Enterprise, Mr. Peadar Mac Rory, A/Director Water, Environment and Emergency Services, Ms Helena O' Toole, Senior Planner, Mr. Gerry Richards, Senior Planner, Mr Denis Kelly, Senior Executive Planner, Mr. Simon Harron, Executive Planner, Ms Carol Margey, Assistant Planner, Mr. Eunan Sweeney, Meetings Administrator, Ms. Anne Marie Crawford, Staff Officer, Corporate Services.

C/21/08 CONFIRMATION OF MINUTES OF MEETING OF
DONEGAL COUNTY COUNCIL HELD ON 26th
NOVEMBER, 2007

On the proposal of Clr. Byrne, seconded by Clr. Larkin, the Minutes of the Meeting of Donegal County Council held on the 26th November 2007, were adopted.

- C/22/08 CONFIRMATION OF MINUTES OF MEETING OF GENERAL PURPOSES COMMITTEE HELD ON 10th DECEMBER 2007
On the proposal of Clr. Larkin, seconded by Clr. Byrne, the Minutes of the General Purposes Committee Meeting held on the 10th December 2007, were adopted.
- C/23/08 CONFIRMATION OF MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON 10th DECEMBER 2007
On the proposal of Clr. Larkin, seconded by Clr. Byrne, the Minutes of the Special Meeting of Donegal County Council held on the 10th December 2007, were adopted.
- C/24/08 CONFIRMATION OF MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON 10th DECEMBER 2007
On the proposal of Clr. Mc Garvey, seconded by Clr. Byrne, the Minutes of the Adjourned Meeting of Donegal County Council held on the 10th December 2007, were adopted.
- C/25/08 CONFIRMATION OF MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON 17th DECEMBER 2007
On the proposal of Clr. Mc Garvey, seconded by Clr. Mc Bride, the Minutes of the Adjourned Meeting of Donegal County Council held on the 17th December 2007, were adopted.
- C/26/08 DISPOSAL OF LAND ADJACENT TO NO.41 ERNEDALE HEIGHTS BALLYSHANNON, TO MR. BERNARD MC GRATH
Members considered the report, circulated with the agenda, in relation to the above.
On the proposal of Clr. Byrne, seconded by Clr. Kennedy, it was resolved to dispose of a plot of land measuring 6m by 30m adjacent to No. 41 Ernedale Heights, Ballyshannon to Mr. Bernard Mc Grath, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

- C/27/08 DISPOSAL OF LAND AT ARDARA TO MS ELLEN CASSIDY
Members considered the report, circulated with the agenda, in relation to the above.
On the proposal of Clr. Slowey, seconded by Clr. Alcorn, it was resolved to transfer of a plot of land consisting of 0.163 ha, or thereabouts, to Ms. Ellen Cassidy, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.
- C/28/08 DISPOSAL OF LAND AT TOWNPARKS RAPHOE TO ST COLUMBA'S DIOCESAN TRUST, BISHOP'S HOUSE, LETTERKENNY.
Members considered the report, circulated with the agenda, in relation to the above.
On the proposal of Clr. Larkin, seconded by Clr. Brogan, it was resolved to dispose of a plot of land measuring 1.039 acres at Townparks, Raphoe, to St Columba's Diocesan Trust, Bishop's House, Letterkenny, in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.
- C/29/08 TAKING OF DECISION WITH REGARD TO SPECIFIC INSTANCE COTTAGE AT DOON, GLEBE, GLENKEERAGH, NEWMILLS
Members considered the report, circulated with the agenda, in relation to the above.
On the proposal of Clr. Blaney, seconded by Clr. Mc Bride, the carrying out of works under Part XI of the Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, with regard to 1. No Specific Instance Cottage (S.I. 50010) was approved.
- C/30/08 TO APPROVE THE RAISING OF A LOAN OF €4,000,000 FROM THE HOUSING FINANCE AGENCY TO FUND DONEGAL COUNTY COUNCIL'S COMMITMENT TO THE PAYMENT OF SHARED OWNERSHIP LOANS
On the proposal of Clr. Brogan, seconded by Clr. Conaghan, it was resolved:
"That in accordance with the provisions of the Local Government (No 2) Act 1960 and Section 27 of the Housing (Miscellaneous Provisions) Act, 1992, we, the members of Donegal County Council, hereby authorise the borrowing of

a loan in the sum of €4,000,000 from the Housing Finance Agency for the purpose of payment of Shared Ownership Loans”.

- C/31/08 TO FILL VACANCY ON RURAL WATER MONITORING COMMITTEE
On the proposal of Clr. Conaghan, seconded by Clr. Alcorn, it was resolved that Clr Rena Donaghey would fill the vacancy on the Rural Water Monitoring Committee arising from the resignation of Clr. Brendan Byrne.
- C/32/08 TO FILL VACANCY ON REGIONAL HEALTH FORUM
On the proposal of Clr. Conaghan, seconded by Clr. Alcorn, it was resolved that Clr. Liam Blaney would fill the vacancy on the Regional Health Forum, arising from the resignation of Clr. Sean Mc Eniff.
- C/33/08 TO FILL VACANCY ON CULTURAL COMMITTEE
On the proposal of Clr. Slowey, seconded by Clr. Mc Bride, it was resolved that Clr. Bernard Mc Guinness fill his position himself on the Cultural Committee following the death of his nominee Mr. Clement Mac Suibhne.
- C/34/08 TO CONSIDER NOMINATION – DONEGAL “PEOPLE OF THE YEAR AWARDS 2007
On the proposal of Clr. Larkin, seconded by Clr. Donaghey, it was resolved to make a joint nomination for the “Donegal People of the Year Award 2007”.
- Members unanimously agreed the nomination of Mr. Alan Doherty, Lurgybrack, Letterkenny for outstanding bravery in dealing with his recent groundbreaking surgery, and Mr. Paul Mc Bride for his extensive fundraising efforts for the Friends of Alan Doherty group.
- C/35/08 CONFERENCE ATTENDANCE
Having noted the revised arrangements under Section 142 5(d) of the Local Government Act, 2001, introduced by the Local Government (Expenses of Local Authority Members) Regulations 2006 and directives issued by the Minister in that regard, on the proposal of Clr. Conaghan, seconded by Clr. Slowey, it was resolved to authorise any member, if

he/she so wished, to attend the following conferences, subject to the normal procedures: -

1. Individual members not exceeding their annual budget for attendance at conferences.
2. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance.
 - The Local Government Planning Service Conference to be held on the 1st –3rd February, 2008 at Clonea Strand, Clonea, Dungarvan, County Waterford.
 - “Suicide Prevention: A Call to Action” Conference to be held on the 23rd February, 2008 at the City West Hotel, Dublin.
 - Merriman Winter School 2008 to be held on 1st- 3rd February, 2008 at the Hotel Westport, Westport, County Mayo.
 - Mid – West Regional Authority “ Planning for Renewable Energy” Conference to be held on the 8th February, 2008 at Woodlands House Hotel, Adare, County Limerick.
 - ICBAN “Rural Men and Social Exclusion” Conference to be held on Thursday 14th February at the Slieve Russell Hotel, Ballyconnell, Co Cavan.
 - Third Sector Forum “ Irelands Newest Immigrants” Conference to be held at the Silver Tassie Hotel, Letterkenny.
 - Colmcille Heritage Trust “ The Mutual benefits of North-South Co-operation” Conference to be held on 29th February- 2nd March, 2008 at the Colmcille Heritage Centre, Gartan, Churchill, Letterkenny, Co Donegal.
 - LAMA Spring Seminar 2008 to be held on 27th- 28th March, 2008 at Knightsbrook Hotel, Trim.

C/36/08 MAYOR'S BUSINESS

Vote of Sympathy

To Clr. Mc Garvey on the recent death of his brother, Ronald Mc Garvey

LAMA Awards

The Mayor acknowledged the success of Donegal County Council at the recent LAMA Awards and the accolade awarded to the Regional Sports Centre, Letterkenny.

Local Government Awards

The Mayor congratulated the IS Section on their recent success.

Twinning

The Mayor advised that he had received correspondence from the Mayor of Donegal Town, Mr. Ernan Mc Gettigan, outlining ongoing efforts to establish a twinning charter between Donegal Town and Balanfuzo in Hungary. It was agreed that a letter of support should issue outlining the Council's support for this worthwhile project.

Peace III Taskforce

Members were informed that the Corporate Policy Group had recommended the nomination of 3 No Members (SPC Chairs) to the Peace 111 Taskforce.

On the proposal of Clr. Brogan, seconded by Clr. Alcorn, it was resolved to elect Clrs. Larkin, Mc Gowan, and Slowey to the Peace 111 Taskforce.

Sports Star Awards

Congratulations was extended to all who had been involved in the organisation of the awards, together with the many worthy recipients.

C/37/08 COUNTY MANAGER'S REPORT

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

The County Manager thanked Mr. Peadar Mac Rory, A/Director Water, Environment and Emergency Services for his dedicated service to the W.E.E Directorate over the past number of months.

Malin Head Coastguard Station

The County Manager advised that he had been in receipt of correspondence from the Manager of Kerry County Council, outlining his support for a joint approach in dealing with the proposed downgrading of Malin Head and Valentia Coastguard Stations.

On the proposal of Clr. Mc Guinness, seconded by Clr. Donaghey, it was resolved to seek a meeting with the Minister for Transport and Marine, Mr. Noel Dempsey in relation to the proposed closure/downgrading of Malin Head Coastguard Station and that the Council Deputation would consist of the following: -

- Mayor
- County Manager
- Cross Party Representation - DCC(1 member per grouping)

C/38/08

MOTION TO HAVE MATTER DISCUSSED AS URGENT BUSINESS

A request signed by Clrs. Conaghan, Slowey, Reid, Mc Guinness, Gallagher, Mc Daid, Pringle, Mc Garvey, Mac Lochlainn, Mc Gowan, Alcorn, Mc Donald, Donaghey, E. Bonner, Larkin, Mc Gonagle, Blaney, A. Bonner, Kennedy, Byrne, Brogan and Crawford to have the following motion discussed under Standing Orders as Urgent Business was placed before the Council: -

“That a delegation from Donegal County Council, including Senior Executive Staff and a Cross Party Representative Group of Elected Members seek an urgent meeting with the Minister for Transport, Noel Dempsey and Senior NRA Officials to urge them to increase Donegal’s national roads allocation for this year.

It was resolved, on the proposal of Clr. Conaghan, seconded by Clr. McGonagle, that the matter be dealt with in accordance with Standing Orders at 5.45pm

C/39/08

TO CONSIDER DRAFT VARIATION TO COUNTY
DEVELOPMENT PLAN 2006- 2012

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

**Section 5.3 Paragraph 6 Policy UB1:Urban Housing
Page 48**

On the proposal of Clr. Conaghan, seconded by Clr. Crawford, it was resolved to omit the following text: -

“Within the Quota system the maximum development, which will be permitted to an individual developer, will be limited to 20% of the new housing quota”.

***Section 5.4 Paragraph 4 Policy UB2: Local Authority and
Social Housing Page 49***

On the proposal of Clr. E. Bonner, seconded by Clr. Byrne, it was resolved to insert the following text:-

“It is the policy of the County Council to seek to develop small Local Authority owned housing schemes (including turnkey schemes), voluntary and social housing on lands within a 1km distance of community facilities (e.g. churches, schools) for the benefit of the local population”

“In the case of turnkey schemes, it will be necessary for the applicant to sign a Section 47 Agreement, prior to the granting of any planning permission, to secure the use of the land for social and affordable housing purposes”.

***Section 5.8 Policy RH2, No.1 and No.2 Rural Areas
Outside Towns and Villages Page 53***

On the proposal of Clr. Conaghan, seconded by Clr. Byrne, it was resolved to insert the following text into the original text for purposes of clarity:-

1.“Rural Area”, within the meaning of point No. 1 above, is the DED of the application site or any DED of the adjacent 3 (in any direction).

2. "Rural Area", within the meaning of point No. 2 above, is the DED of the application site or any DED of the adjacent 3 (in any direction).

Section 5.8 Policy RH2, No.3: Rural Areas Outside Towns and Villages Page 54

On the proposal of Clr. Larkin, seconded by Clr. Conaghan, it was resolved to replace the following text with the text highlighted in bold below, and that his policy shall be kept under review:-

"Consideration of the term vicinity in this context shall be that the site proposed for development shall be located in the DED adjacent to the control point. This policy shall be reviewed within one year of adoption of the plan".

"Persons from within control points and who can demonstrate that they have resided within the control point for a period of at least 7 years, who wish to build a dwelling in the vicinity of the town in which they live.

"Consideration of the term vicinity in this context shall be that the site proposed for development shall be located within the two DED's (in any direction) adjacent to the control point".

Section 5.8 Policy RH2, No. 4: Rural Areas Outside Towns and Villages Page 54

On the proposal of Clr. Conaghan, seconded by Clr. Crawford, it was resolved to replace the following text with the text highlighted in bold:

"Person(s) who own a business within the control points and who wish to build a dwelling in the vicinity of the town in which their business is located. This policy shall be reviewed within one year of adoption of the Plan. Consideration of the term vicinity in this context shall be that the site proposed for development shall be located in the DED adjacent to the control point. This policy shall be reviewed within one year of adoption of the Plan."

"Person(s) who have owned a business for two years within the control points and are ratepayers who wish to

build a dwelling in the vicinity of the town in which their business is located. Consideration of the term vicinity in this context shall be that the site proposed for development shall be located within the two DED's (in any direction) adjacent to the control point."

This policy to be kept under review

Section 5.8 Small Local Builders Policy

RH2 (10) No 9: Rural Areas Outside Towns & Villages

On the proposal of Clr. E. Bonner, seconded by Clr. O' Dochartaigh, it was resolved to insert the following policy:

"The County Council recognises the contribution made by small local builders to the economy of County Donegal in the development of housing in rural areas, by means of employment creation in the construction industry.

RH2 No. 10. Small Local Builders shall be permitted to build up to two housing units in any one calendar year, provided they satisfy all of the following criteria:

- a. They live in the Rural Area in which they propose to build, and
- b. Have a valid C2 Certificate, and
- c. Are on an approved housing list of Small Local Builders that shall be drawn up by the Council and adopted by resolution, and
- d. The builder must sign a Section 47 Agreement to agree to the sale of any housing units only to persons who occupy the house and would qualify under the provisions of Policy RH2.

"Rural Area" within the meaning of point No. 10 above is the DED of the application site or in any DED of the adjacent 3 (in any direction)."

Section 5.10 Policy RH4: Areas designated as Urban Generated Rural Housing Point A, Page 55 & 56

On the proposal of Clr. Conaghan, seconded by Clr. Crawford, it was resolved to amend the "roots" policy to read as follows:

“The applicant must demonstrate that they have “roots” in the area. In this regard, “area” is defined as being the DED of the application site or any DED of the adjacent two DED’s (in any direction). The area does not however, include lands within Control Points of towns / villages, unless the applicant together with their parents or grandparents resided there for a period of 7 years. This provision excludes areas within the Letterkenny and Environs and the Buncrana and Environs Development Plans”

”Roots” are considered to be that the applicant(s) parent(s) or grandparent(s) have resided in the area for a period of at least 7 years or the applicant is an immediate family member of persons who can demonstrate roots or who have owned the said land for at least 7 years and can prove that fact.

This policy will be kept under review.

Section 5.10 Policy RH4: Areas designated as Urban Generated Rural Housing Point C Page 55 & 56

On the proposal of Clr. Conaghan, seconded by Clr. Mc Bride, it was resolved to insert the following policy: -

“The applicant who can demonstrate that they are a Small Local Builder shall be permitted to build up to two housing units in any one calendar year, provided they satisfy all of the following criteria:

- a. They live in the area in which they propose to build, and
- b. Have a valid C2 Certificate, and
- c. Are on an approved housing list of Small Local Builders that shall be drawn up by the Council and adopted by resolution, and
- d. The builder must sign a Section 47 Agreement to agree to the sale of any housing units only to persons who occupy the house and would qualify under the provisions of Policy RH2.

“Area” within the meaning of point c above is the DED of the application site or any DED of the adjacent 2 (in any direction).

Section 5.10 Policy RH4: Areas designated as Urban Generated Rural Housing Point D Page 55 & 56

On the proposal of Clr. Conaghan, seconded by Clr. Alcorn, it was resolved to insert the following text:-

“Persons with exceptional health circumstances, supported by relevant documentation from registered medical practitioners and a disability organisation, who requires to live in a particular environment or close to family support”.

This policy will be kept under review

Section 5.10 Policy RH4: Areas designated as Urban Generated Rural Housing Point E Page 55& 56

On the proposal of Clr. Conaghan, seconded By Clr. E Bonner, it was resolved to insert the following policy:-

“Person(s) who have owned a business for two years within the control points and are ratepayers who wish to build a dwelling in the vicinity of the town in which their business is located. Consideration of the term vicinity in this context shall be that the site proposed for development shall be located within the two DED’s (in any direction) adjacent to the control point”.

This policy shall be kept under review.

Section 5.12 Policy RH6: Holiday Home Development Page 56, 57 & 58

Clr. Conaghan proposed, seconded by Clr. A. Bonner, that the following text be inserted, thus increasing the percentage in the balance of holiday homes/permanent homes from 20% holiday homes to 30%: -

RH6-2: Holiday Home in rural areas

In implementing a balance between holiday/permanent homes, the proposed holiday home shall not be permitted if it would result in the total number of existing and permitted holiday homes to represent more than **30%** of the total existing and permitted housing stock within the townland that the proposed site is situated within. In the case of townlands that adjoin a specific control point, the **30%** balance and baseline statistics shall apply to the totality of

the townland area that is considered to be located outside the control point area.

RH6-3 Holiday Homes in control points

Within control point settlements, holiday home development, both multiple and single will be considered as long as the granting of permission would not result in the total number of existing and permitted holiday homes within the specific control point to represent more than **30%** of the total existing and permitted housing stock within the control point.”

A number of members expressed the view that they were not in favour of the proposed increase and sought a recorded vote of the motion:-

A recorded vote was then taken by the Meetings Administrator, resulting in 20 for, 4 against and 3 abstentions.

Those voting in favour were: -

Clrs. D. Alcorn, L. Blaney, A. Bonner, E. Bonner, J. Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, R. Donaghey, J. Kennedy, D. Larkin, N. Mc Bride, , M. Mc Donald, I. McGarvey, D. Mc Gonagle, P. Mc Gowan, P. O’ Dochartaigh, B. O’ Neill, T. Slowey. (20)

Those voting against were: -

M.T Gallagher, T. McDaid B. Mc Guinness, P. Mac Lochlainn. (4)

Clrs. Harte, Pringle, and Reid, abstained. (3)

The Mayor declared the motion carried.

Section 5.12 Policy RH6, 4 No.7. Exceptions (to Holiday Home Development) Page 58

On the proposal of Clr. Conaghan, seconded by Clr. Byrne it was resolved to insert the following text in addition:

“Exception No. 7

Where an application for holiday home development is made which is ancillary to and/or supportive of a

Resource Related Tourism Product and in accordance with Section 9.2 Product Development and 9.3 Policy TOU3, of this plan.

This Policy applies to lands throughout the County including within town and village control points but excludes any area designated as an Area of Especially High Scenic Amenity. (EHSA)”

*Section 5.15, No. 7 Definitions Ribbon Development
Page 60*

On the proposal of Clr. Conaghan, seconded by Clr. Mc Guinness, it was resolved to insert the following revised textual definition: -

Ribbon Development

“In general, 5 houses on any one side of 250 metres road frontage.

Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- The type of rural area and circumstances of the applicant.
- The degree to which the proposal might be considered infill development.
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.
- The existence of physical and geographical breaks which may act as a means of extending roadside development in appropriate cases.
- The degree to which the proposal would form a small cluster with a number of houses or other buildings with adjoining curtilages; this may incorporate backland sites in appropriate circumstances.

The Planning Authority shall take a balanced and reasonable view of the interpretation of the above criteria taking account of local circumstances, the context of the site, including the planning history of the area and development pressures.”

Section 5.15, No.12: Definitions Page 60

On the proposal of Clr. Conaghan, seconded by Clr. Byrne, it was resolved to insert the following textual definition: -

12. DED

“District Electoral Division”

Chapter 5 Housing Map No. 4. Knockbrack

On the proposal of Clr. Larkin, seconded by Clr. Brogan, it was resolved to remove the townlands of Knockbrack, and in addition the townlands of Treanavinny, Glenmaquin Lower, Dooballagh, Glenkeeran and part of Tully from the UGRH zone.

Some concern was expressed about an inconsistent approach being taken to removal of townlands from UGRH zones and it was agreed that the matter be kept under constant review.

Section 9.3, No. 4 Product Development Page 101

On the proposal of Clr. Brogan, seconded by Clr. Mc Bride, it was resolved to insert the following revised policy:-

Policy TOU 3

“It is the policy of the Council to support Resource Related Tourism Product Development, other than standalone accommodation, of both existing and new developments, wherein the core of the proposal is the tourism product and the harnessing of an existing resource.

This policy shall apply throughout the County, except in EHSA’s.

It shall be a requirement of this policy that any such development shall:

Harness an identified tourism resource whilst respecting the existing environment (e.g. natural, cultural, heritage).

The tourism product proposed must relate to and harness the existing resource with which it is associated, and shall have close linkages and dependencies on that resource (e.g. hotel, marina, outdoor pursuits centre).

Holiday home development may be considered in an ancillary capacity to the above, but the tourism product must remain the dominant element. Any such holiday home

development must be physically close and related to both the resource related tourism development product and the resource that product is harnessing.

Any application for planning permission for a resource related tourism development product will be required to clearly demonstrate the resource to be harnessed and how the proposed resource related tourism development product is associated with the primary resource. If ancillary holiday home development is proposed, the onus shall be on the applicant to demonstrate how the Resource Related Tourism Development Product is to remain the dominant element.

Any application submitted for a Resource Related Tourism Development Product must also accord with all other policies and technical standards of this Development Plan.”

Appendix A Section 1.1 Mitigation Page 1

On the proposal of Clr. Conaghan, seconded by Clr. Byrne, it was resolved to:-

Insert the following as additional text within Appendix A Technical Standards and Guidelines of the County Development Plan, under Section 1.1 Mitigation:-

“The Technical Standards and Site Development Requirements shall be updated periodically. Applicants should refer to the latest edition which shall be made available on the Council’s website, noting the date of any latest version.”

On the proposal of Clr. Conaghan, seconded by Clr. Byrne, it was resolved to:-

Insert the following text at the end of policy UB1 on page 48:

“Proposals for all new housing estate development shall comply with Appendix A, Development Guidelines and Technical Standards, section 1 and shall have regard to the DoEHLG publication, ‘Quality Housing for Sustainable Communities’, Best Practise Guidelines for Delivering Sustainable Communities, 2007.”

Removal of EHSA from Lough Salt:

On the proposal of Clr. Blaney, seconded by Clr. Mc Bride, it was resolved to remove part of the EHSA designation from Lough Salt lands as shown highlighted in yellow on map attached to County Manager's Report.

Appendix E Location, Siting and Design Guide – Rural and Urban Section 9 House Design Page 55

On the proposal of Clr. Conaghan, seconded by Clr. A. Bonner, it was resolved to insert the following additional text to Design Guidance:-

“ The aim of this chapter is to encourage and promote modern, innovative and contemporary design that will marry the success of our vernacular building forms with modern living requirements”.

“The Council is committed to improving the quality of new development in the County and particularly to facilitating development which pays due regard to its setting, especially in rural landscapes.

Design is a material consideration in determining a planning application and the main components of successful rural design include selection of a location which facilitates sympathetic integration, the positioning of buildings on the site [siting], and detailed design of the appearance of the building, including choice and use of materials, form, landscaping and boundary definition.

The impact of new buildings on the character of an area varies with the prominence of the site, the sensitivity of the setting and the environmental capacity of the locality to absorb further development. For this reason, the Council acknowledges that flexibility in employing the Design Guide may be appropriate in certain circumstances and at certain locations where the impact of more diversity in design solutions (individually or collectively) would not result in unacceptable impact on the character of an area. Such locations could include undulating, well treed landscapes (such as drumlin landscapes) where it is possible to place a dwelling into the “folds” of the landscape in a manner which uses the topography to minimise public perspectives or

intrusive or strident siting with their consequent visual impact.

Other situations where more flexibility in design may be acceptable could include mature sites with substantial existing boundary vegetation which is capable of retention, or proposed developments which would benefit from their incorporation into a cluster of buildings such as a larger farm complex.

Similarly, while the Council has set an objective of contributing to the erection of the highest quality built environment, respecting the landscape character, there may be specific locations where there is a design feature which is not recommended in the Design Guide but which is particularly common at that location and where the use of that design feature as part of a cohesive scheme, would not strike a discordant note. This is unlikely to arise in localities where the settlement pattern is one of dispersed housing but may be relevant where there is a tightly defined cluster or grouping with more than a few houses in close proximity to each other and to the site, and that cluster exhibits similarity in the use of the design feature.

Elsewhere, the Council encourages agents to champion the more timeless traditions which underpin the rural character in Donegal and the Council, in these locations, would commend the Best Practice featured in the Design Guidance”.

Members endorsed the Director of Planning and Economic Developments call for agents and architects to engage in this review.

Appendix F Milford Control Points

Clr. Blaney proposed, seconded by Clr. Mc Garvey, that the Council extend the Milford Control Points from the present position in a southerly direction to include the Milford Inn and substantial other lands. (Vide Appendix A)

Clrs Mac Lochlainn and Mc Daid expressed their opposition to the proposed extension of control points in the absence of a specific request from the relevant Community/Development Groups involved.

Clr. Blaney advised, however, that there was significant support on the ground for the extension of the control points given the increased pace of development in the area.

A recorded vote was requested and was taken by the Meetings Administrator, resulting in 21 for, with 5 abstentions.

Those voting in favour were: -

Clrs., D. Alcorn, L. Blaney, A. Bonner, E. Bonner, J. Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, R. Donaghey, J. Harte, J. Kennedy, D. Larkin, N. Mc Bride, , M. Mc Donald, I. McGarvey, D. Mc Gonagle, P. Mc Gowan, P. O' Dochartaigh, J.J. Reid, T. Slowey. (21)

Clrs Gallagher, McDaid , Mc Guinness, Mac Lochlainn, and Pringle abstained. (5)

The Mayor declared the motion carried

Ramelton Control Points

Clr Mc Bride proposed, seconded by Clr. Mc Garvey, to extend the control points of Ramelton in a southerly direction. (Vide Appendix A)

A recorded vote was taken by the Meetings Administrator, resulting in 22 for, with 4 abstentions.

Those voting in favour were: -

Clrs., D. Alcorn, L. Blaney, A. Bonner, E. Bonner, J. Boyle, B. Byrne, F. Conaghan, G. Crawford, R. Donaghey, J. Harte, J. Kennedy, D. Larkin, N. Mc Bride, , M. Mc Donald, I. McGarvey, D. Mc Gonagle, P. Mc Gowan, P. O' Dochartaigh, B. Mc Guinness, B. O' Neill, J.J. Reid, T. Slowey. (22)

Clrs Gallagher, McDaid , Mac Lochlainn, and Pringle abstained. (4)

The Mayor declared the motion carried.

Kilmacrennan Control Points

Clr. Mc Garvey proposed, seconded by Clr. Mc Bride to extend the control points of Kilmacrennan in a northeasterly direction. (Vide Appendix A)

A recorded vote was requested and was taken by the Meetings Administrator, resulting in 22 for, with 5 abstentions.

Those voting in favour were: -

Clrs., D. Alcorn, L. Blaney, A. Bonner, E. Bonner, J. Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, R. Donaghey, J. Harte, J. Kennedy, D. Larkin, N. Mc Bride, , M. Mc Donald, I. McGarvey, D. Mc Gonagle, P. Mc Gowan, P. O' Dochartaigh, B. O' Neill, J.J. Reid, T. Slowey. (22)

Clrs Gallagher, McDaid , Mc Guinness , Mac Lochlainn, and Pringle abstained. (5)

The Mayor declared the motion carried.

Portsalon Control Points

Clr. Mc Bride proposed, seconded by Clr. Mc Garvey, to extend the control points of Portsalon in a westerly and southerly direction.
(Vide Appendix A)

A recorded vote was requested and was taken by the Meetings Administrator, resulting in 22 for, with 5 abstentions.

Those voting in favour were: -

Clrs. D. Alcorn, L. Blaney, A. Bonner, E. Bonner, J. Boyle, C. Brogan, B. Byrne, F. Conaghan, G. Crawford, R. Donaghey, J. Harte, J. Kennedy, D. Larkin, N. Mc Bride, , M. Mc Donald, I. McGarvey, D. Mc Gonagle, P. Mc Gowan, P. O' Dochartaigh, B. O' Neill, J.J. Reid, T. Slowey. (22)

Clrs Gallagher, McDaid , Mc Guinness , Mac Lochlainn, and Pringle abstained. (5)

The Mayor declared the motion carried.

Drumoghill Control Points (Additional material alteration introduced at the meeting)

On the proposal of Clr. Larkin, seconded by Clr. Blaney, it was resolved to extend the control points of Drumoghill in an easterly and southerly direction. (Vide Appendix A)

Page 1 Section 1.2 Para 1.

On the proposal of Clr. Conaghan, seconded by Clr. Crawford, it was resolved to omit existing text and replace with the following: -

“Standards for construction for all new housing estate development shall comply with the standards for construction set out in the document entitled, ‘Recommendations for Site Development Works for Housing Areas in County Donegal’ or any subsequent amendment”.

Page 3 Section 1.2 Para 11

Members expressed concern that proposals for flats/apartments shall be required to comply with the DoEHLG Guidelines to Planning Authorities - “ Design Standards for new Apartments (September 2007). This, they noted, would have implications for the size, quantity and quality of developments.

Mr Francie Coyle, Director of Planning and Economic Development advised that these were national guidelines and those had been included in the plan for reference purposes. It was important, he advised, that the public were made aware of the details.

On the proposal of Clr. Conaghan, seconded by Clr. Slowey, it was resolved to omit existing text and replace with the following: -

“Proposals for flats/apartments shall be required to comply with the DoEHLG Guidelines to Planning Authorities, entitled, Design Standards for New Apartments, published September 2007”.

Page 3 Section 1.2 Paragraphs 12, 13, 14, 18,19

On the proposal of Clr. Conaghan, seconded by Clr. Slowey, it was resolved to omit the above paragraphs.

Page 7 Section 1.6 Para 1

On the proposal of Clr. O' Dochartaigh, seconded by Clr. Gallagher, it was resolved to:-

Insert the following text into Appendix A (Technical Standards & Guidelines of the Development Plan) as a new paragraph 1.6 on page 7 under the heading of Language Impact Assessment:-

“A Language Impact Assessment may be required in accordance with the provisions of Policy GCSR 3 (Chapter 10 .of the Core document)” and to include the advisory text as outlined below to clarify the implementation of the policy:-

- “Multiple residential development refers to all applications for 2 or more units. A Language Impact Assessment shall be required for Multiple Residential Developments of 10 residential units or more.
- In most cases, where a proposal is for 2 to 9 units inclusive, there will not be a requirement for a Language Impact Assessment unless there is a potential for “Significant Impact”, such as in relation to any cumulative context.
- The Language Conditions to be imported shall be informed by the Language Impact Assessment, if applicable.
- In circumstances where a Language Impact Assessment is not completed, a condition shall be framed in a manner that provides for a proportion of units to be occupied by an Irish speaker that equates to the proportion of Irish speakers within the DED (based on the latest available census data) of the application site (subject to a minimum of 20%).

- Where the number of units is a fraction of a whole, then the number shall be rounded to the nearest whole number. Structure for a Language Impact Assessment to be as follows:
 - A description of the development and the district.
 - Analysis of census (CSO) data, and the usage of the Irish language on a daily basis in the area.
 - Analysis of the social infrastructure in the area where the use of the Irish language and its cultural effect can be demonstrated, for example the media, schools, sporting facilities, Irish language facilities/venues, businesses, signage etc.The conclusions and presentation of possible mitigation measures where negative impacts are demonstrated.”

Section 5.3 Paragraph 6 Policy UB1: Urban Housing (Page 47)

On the proposal of Clr. Mc Gonagle, seconded by Clr. Donaghey, it was resolved to insert the following text highlighted in bold into the original text: -

“All control point settlements, with the exception of Drumoghill and Tievebane, shall be subject to a housing quota wherein the number of new housing units shall not be permitted to exceed 50% of the number of existing and permitted housing units within the control points at the time of adoption of the plan. The Policy shall also be implemented within Donegal County Council administrative area situated between the boundary in respect of Bunrana Town Council and the Bunrana Control Points and also between the boundary in respect of Bundoran Town Council and the Bundoran Control Points.

In the case of Drumoghill, the number of new residential units within the control points shall not be permitted to exceed a total of 75 no. new dwellings. In the case of Tievebane the number of new residential units within the control points shall not be permitted to exceed a total of 83. no. new dwellings.

Section 5.10 Policy RH4: Areas designated as Urban Generated Rural Housing. Point F (Pages 55& 56)

On the proposal of Clr. Larkin, seconded by Clr. Conaghan it was resolved to insert the following new text: -

“Person(s) who have owned an established business for at least 5 years within an Urban Generated Rural Housing area and are ratepayers who wish to build a dwelling in the vicinity of their business”.

This policy shall be kept under review.

Appendix A Page 8 Section 2.1 3. Entrance Details

It was agreed to insert the following text, highlighted in bold, into Appendix A (Technical Standards & Guidelines of the Development Plan)- Entrance Details: -

“In exceptional circumstances consideration shall be given to shared entrance arrangements to facilitate particular family circumstances”.

On the proposal of Clr. Crawford, seconded by Clr. Pringle it was resolved to publish the said Draft Variation of the County Development Plan 2006 –2012 and to carry out all the other statutory requirements in accordance with Section 13 of the Planning and Development Acts 2000 – 2006, and under the Planning and Development (Strategic Environmental Assessment) Regulations 2004.

Mr. Francie Coyle, Director Planning and Economic Development thanked all involved for their co-operation and ongoing commitment to the project.

C/40/08

TO CONSIDER MANAGER’S REPORT ON SUBMISSIONS RECEIVED REGARDING MATERIAL ALTERATIONS TO THE DRAFT KILLYBEGS LOCAL AREA PLAN 2007 – 2013

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

Mr. Francie Coyle, Director Planning and Economic Development advised that material alterations to the Draft Killybegs Local Area Plan 2007 had been published and were available for inspection from the period 10th December 2007 to 7th January 2008. Ten submissions had been received in this period and were now included in the Manager’s Report for members consideration.

Material Alteration No 1

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to amend the Draft Plan in accordance with Material Alteration No 1 and rezone identified lands at Glebe from Local Amenity/ High Scenic Amenity to Low Density Residential.

Material Alteration No 2

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration Number 2 to facilitate the development of a public walkway along the Shore Road

Material Alteration No 3

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to accept the County Manager's response, and amend the Draft Plan, in accordance with Material Alteration Number 3, and thus reject Submission No. 7

Material Alteration No 4

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to amend the Draft Plan, in accordance with Material Alteration Number 4, and rezone identified lands at Croaghlin from Local Amenity/High Scenic Amenity to Low Density Residential located within the proposed outer relief route and with the retention of mature broadleaf trees within the site.

Material Alteration No 5

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan, so as to remove Local Amenity/High Scenic Amenity and rezone identified lands at Cashelcummin/Drumbeigh, below the 55 metre contour to Low Density Residential.

It was recommended that any development be sensitive to the topography of the site.

Material Alteration No 6

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 6, and with the minor amendment highlighted in Submission 2 (3), thereby zoning the

identified lands from “ Local Amenity /High Scenic Amenity” to Residential.”

Material Alteration No. 7

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 7 with a minor amendment, to reject submission No. 3 and to amend Material Alteration No. 7 so as to extend the extent of the residential zoning eastwards as indicated on the map.

Material Alteration No. 8

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 8 and identify a new indicative access road at Corporation, into these lands.

Material Alteration No. 9

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 9 and rezone identified lands at “Stony Batter” (Castlecummin) from High Density Residential to Local Amenity/High Scenic Amenity and to protect the curtilage of the Recorded Monument – Court Tomb (REF DG097 – 011)

Material Alteration No. 10

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 10 and with the identification of new access as defined in Submission No. 1 (1)

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to reject Submission No. 1(2) and retain the lands as an Opportunity Site (With emphasis upon Port related light industry) as published within Material Alteration No. 10

Submission No.1 (3) was rejected in accordance with the recommendations contained within the County Manager’s Report.

Material Alteration No. 11

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with both Material Alteration No. 11 and Submission No. 4 with amendments to extend the area zoned for Enterprise (Industry/Employment) Park, as identified on the landuse map and rezone identified lands at Scotty's Hill from Local Amenity/High Scenic Amenity to Enterprise (Industry /Employment) Park.

Material Alteration No. 12

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to amend the Draft Plan in accordance with Submission No. 4 and with some modification to

- 1) Restrict the Motor Home and Touring Caravan park to only those areas identified on the map extract below.
- 2) Restrict the location of permanent caravans / and mobile homes to only those areas identified on the map extract below, and to limit the number of units to a maximum of 30 units at any given time (no limit will apply to the number of tents erected). All permanent caravans / mobile homes shall connect to the proposed sewerage network upon completion. An existing and proposed landscaping plan shall be submitted with any planning application. All caravans and mobile homes shall be located on terraces within the site, to best avail of the topographical and natural screening barriers which are prevalent throughout the site.
- 3) Caravan Parks shall be developed in accordance with County Donegal Development Plan 2006 – 2012, Appendix A-Development Guidelines and Technical Standards.

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 12 and extend the Plan Boundary and zone identified lands as Motor Home and Touring Caravan Park, with no restriction placed on the use of permanent caravans/mobile homes on this site, and to extend the plan boundary and zone identified lands along the coast as Local Amenity/ High Scenic Amenity

Material Alteration No. 13

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 13 and rezone identified lands at Glebe from “Enterprise (Industry/ Employment)Park” to “Low Density Residential”. The development of these lands to be contingent upon the widening of the Roshine Road, subject to the agreement of the Roads and Transportation Directorate.

Material Alteration No. 14

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was agreed to defer consideration of this item until further information on the signing of the Section 47 Agreement was provided.

Mr. Francie Coyle, Director Planning and Economic Development advised that Material Alteration No. 14 would be presented to members at a later date. He noted that the deadline for the adoption of the plan was the 5th March 2008.

Material Alteration No. 15

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 15 to rezone lands at Greenhills from “Local Amenity/High Scenic Amenity” to “Masterplan Site”

In addition, it was resolved to amend Material Alteration No. 15, to remove identified lands from the Masterplan Area and to rezone these as “High Density Residential”.

Material Alteration No. 16

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 16 and to rezone lands from “Local Amenity/High Scenic Amenity” to “Low Density Residential” with the identification of a new indicative road access into these lands, subject to the agreement of the Roads and Transportation Directorate.

Material Alteration No. 17

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to amend the Draft Plan in accordance with

Material Alteration No. 17 and revise the Land Use Map to identify the location of the proposed “ Marina”

Material Alteration No. 18

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 18 and delete text policy R14, Special Development Area and associated zoning.

Material Alteration No. 19

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 19 and amend policy NE6 to provide for an appropriate buffer zone along the river corridor.

Material Alteration No. 20

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 20 and reject submission No. 8.

Material Alteration No. 21

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 21 and delete policies ATC2 –5, TCR 8 and BE6.

It was also resolved on the proposal of Clr. Pringle, seconded by Clr. Byrne, to reword Policy ATC 1 as follows:

“It is a policy of the Council to preserve and enhance all Areas of Town scape Character and any significant development/ redevelopment proposals, which will have an impact within this area, should submit a full design concept document for the site, outlining how any proposed development can be integrated into this distinctive area. Any proposal should also have regard to Appendix E: Location, Siting and Design – Urban of the County Donegal Development Plan 2006- 2012.”

Material Alteration No. 22

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 22 to introduce a new policy TMR

10 to support marina and ancillary infrastructure within Section 2.8 – Tourism/Marine/Recreation.

Material Alteration No. 23

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 23 to reduce the extent of the junction reserve areas (to the appropriate design limits as agreed by the Road Design Office, Donegal County Council) defined on the Land Use maps, and to zone the underlying lands accordingly.

Material Alteration No. 24

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 24 and remove the pink “New Link Road” at Glebe/Roshine Road.

Material Alteration No. 25

On the proposal of Clr. Byrne, seconded by Clr. Pringle, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 25 to include the following land uses within all Opportunity Sites; “Industrial” and “Convenience Shopping”

Material Alteration No. 26

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to amend the Draft Plan in accordance with Material Alteration No. 26 and insert a new policy TMR 10 which had been extracted from the County Donegal Development Plan 2006 – 2012, Policy TOU 3 (3).

“It is Council policy to encourage the development of a cruise ship market in Killybegs by providing a range of facilities and attractions which will encourage the development of a sustainable tourism market in the area.”

On the proposal of Clr. Pringle, seconded by Clr. Byrne, it was resolved to make the Killybegs Local Area Plan 2008-2014 subject to such Material Alterations and Amendments resolved at this meeting, with the exception of Material Alteration No. 14 (which required further information in

relation to the signing of the Section 47 Agreement) and to publish said Plan in accordance with the Planning and Development Acts 2000-2006.

Mr. Francie Coyle, Director Planning and Economic Development thanked all of those involved in the preparation of the Plan for their commitment and dedication.

C/41/08

TO CONSIDER PROPOSED DELETION OF A
PROPERTY AT MAIN STREET, BALLYSHANNON
FROM THE RECORD OF PROTECTED STRUCTURES

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

Clr. Mc Guinness proposed, seconded by Clr. Mc Garvey, that the matter be referred to the Heritage Forum for consideration.

An amendment was proposed by Clr. O' Neill, seconded by Clr. Byrne, that the front exterior façade of the building be retained on the Record of Protected Structures.

Mr. Francie Coyle, Director of Planning and Economic Development asked members not to remove the building in question, and confirmed that he would consult with the Conservation Officer in relation to Clr. O' Neill's proposal. A number of members expressed concern that the Heritage Forum was effectively being bypassed in relation to this matter.

Clr. Larkin noted that there was a requirement to provide specific planning reasons as to why the structure was being removed.

It was unanimously agreed to defer consideration of the item until later in the meeting to allow the Executive time for consideration of Clr. O' Neill's proposal.

C/42/08

EXPLORATION OF WAYS TO BROADEN OUR
REVENUE BASE

The following motion in the name of Clr. McGuinness, was formally moved by him, seconded by Clr. Conaghan and adopted following debate: -

“That this council seek a meeting with the Minister for the Environment to explore ways to broaden our revenue base:

- (a) our proposals to the Indecon Report
- (b) funding or Cross Border co-operation
- (c) the implications of the Water Services Pricing Policy
(Polluter Pays Principle)

The Mayor advised members that they had agreed earlier to consider the following motion under Urgent Business and they needed to decide whether to debate that motion now or continue with Clr. McGuinness's motion.

“That a delegation from Donegal County Council, including Senior Executive Staff and a Cross Party, Representative Group of elected members would seek an urgent meeting with the Minister for Transport, Noel Dempsey and Senior NRA Officials to urge them to increase Donegal's national roads allocation for this year”.

On the proposal of Clr. Conaghan , seconded by Clr. Mc Guinness it was resolved not to take the motion under urgent business but rather to incorporate it with the above motion.

It was agreed that this meeting should be held as soon as possible and that every effort should be made to co-ordinate the arrangements with the previously agreed Malin Head deputation.

The Council then proceeded to consider report prepared by the Head of Finance in relation to Clr. McGuinness's motion.

(a) Submission to Indecon Consultants

Source – County Managers Report in the 2007 Budget

“The Minister for the Environment, Heritage and Local Government appointed Indecon International Economic Consultants in association with the Institute of Local Government Studies to carry out a major independent review of local government financing in Ireland.

Donegal County Council made a detailed submission to the review and highlighted the views of the Elected Members that:

- the income base for local authorities needed to be widened to relieve the business sector from the burden of annual increases in rates/charges.
- charges should be levied on holiday homes/non principal residences (e.g. for water or by way of property tax).
- planning fee increases should be left to the discretion of local authorities.

The Indecon Report was presented to the Minister for Environment, Heritage and Local Government and published in 2006.

The Consultants' main recommendations are:

- More locally based sources of funding
- Economic charging for local authority services
- A contribution from commercial properties not currently covered by commercial rates, and
- Extension of water charges and the introduction of a new tax on non-principal private residences.

In response to the report, the Minister said that “some of the revenue generating options identified by the Consultants run counter to current Government Policy. The Government, therefore, does not support the recommendations to introduce domestic water charges or to impose a new tax on non-principal private residences.”

The Minister pointed out that “there is a considerable degree of natural buoyancy in the current revenue sources of local authorities which will contribute to the demands for additional funds. For example, the valuation base of local authorities is growing continually as a result of our ongoing economic growth and revenue from motor taxation, which is paid directly into the Local Government Fund, continues to increase without any increases in the rates of this taxation.”

In addition, on the revenue side, the Minister said that he is introducing legislation which will generate over €15m per annum for local authorities by making new properties liable for rates as soon as they are valued by the Valuation Office as opposed to the current situation where some properties can gain a rates free holiday of up to a year”.

Commentary January 2008

The then Minister for Environment, Heritage & Local Government, as can be seen from above did not accept the need for any new additional charges/funding sources and placed the emphasis on achievement of efficiency savings as a means to provide additional discretionary resources to Local Authorities. It should be noted as well, Planning fees have not been increased since 2001. The current planning fee for a single house is €65 whereas the real cost of processing such an application is approx. €600. With the introduction of the new Costing System it is anticipated that the economic cost of the provision of various items of service will be readily available on an ongoing basis. In relation to the issue of “rates free holiday of up to a year” Donegal County Council’s bills for entry year levies in 2007 amounted to only €1,819.

(b) Funding for Cross Border Co-Operation

Source: Director of Services, Community & Enterprise.

Donegal County Council is actively engaged with a range of partners in Northern Ireland e.g. North West Region Cross Border Group (NWRCBG), and Irish Central Border Area Network (ICBAN). Through these Groups the Council engages directly with some nine local authorities in Northern Ireland. Donegal Co Council is also actively engaged with Councils and other departments, agencies and sectoral interests through e.g. the North West Stakeholders Alliance (NWSA) and Ilex (the Derry Urban Regeneration Company).

In these contexts a range of relevant areas for partnership and collaboration have been identified. These are being and will be pursued subject to the availability of adequate

resources. A number of relevant and viable projects are now being planned, but this will be dependent on the availability of adequate financial resources. Existing funds are being accessed where possible, but it is evident that there will be a substantial shortfall due to the levels of funding now being provided through e.g. the EU Interreg IV A Programme.

(c) Polluter Pays Principle - Water Services

(c) (i) - Annual Budget

Source: County Manager's Report in the 2008 Budget.

The draft Budget for 2008 of €23.258m – for Maintenance & Operation of Water & Waste Services - is €4.25m greater than last year (a 22% increase). Funding this increase was one of the big challenges in preparing the 2008 draft Budget. The costs of funding and maintaining the new non-domestic metering system, new treatment plants/networks e.g. new DBO wastewater plant for Donegal Bay Group, as well as the costs of complying with higher quality controls for water supplies and increased environmental standards for wastewater disposal is creating unprecedented challenges for the Council in sourcing the funding and balancing the budget. “Details of the Revenue 2008 costs are set out in the Director's report and the blue pages (7-10) - See Budget Documentation - Amongst the major cost drivers is the annual operating costs of DBO schemes e.g. Donegal Group A Wastewater treatment plants and sludge hub will cost €1.7m annually to operate”.

(c)(ii) How the “Polluter Pays Principle” works in practice in determining consumer Charges for Water

Source – Director of Services for Water, Environment & Emergency Services

The principles of cost recovery from the non-domestic sector have been set out over a number of Circular Letters from the Department. A considerable amount of work has been carried out during 2007 at a number of levels to refine these principles into workable practice. The City and County Manager's Association (CCMA) has developed and refined a

template to facilitate the calculations. The latest version of this template is being rolled out in December 2007. This version has been subject of discussion with a Senior Inspector in the Department. It is important that the template will allow for the transparent calculation of not only the non-domestic cost and charge, but also the domestic cost. There needs to be transparency in the actual Local Government Fund contribution annually to these costs.

(c) (iii) Future Water Service 2007 – 2009 Developments & Implications for Consumer Water Charges in future years

I draw your attention to “Green” Pages 148 and 149 of the Service Directorate Report in the 2008 Budget documentation.

Funding

“In the past the schemes on the Major Capital Programme were 100% funded but this is no longer the case. In accordance with the Water Services Pricing Policy of the Department of Environment Heritage and Local Government, Donegal County Council is now required to raise funding from its own resources to cover the following:-

- The marginal capital cost of providing capacity at water or wastewater treatment plants to serve the existing non-domestic sector.
- The marginal capital cost of providing spare capacity at water or wastewater treatment plants to serve the future non-domestic and future residential sectors.

In this context ‘marginal’ generally means the amount by which a domestic only plant has to be increased in size to (i) provide capacity for existing non-domestic users, and (ii) provide spare capacity for future non-domestic and future domestic users.

In line with the Departments policy and in the context of the ‘polluter pays principle’ the non-domestic marginal capital

costs are to be recovered from the existing normal non-domestic sector by spreading the cost over a suitable period and recovering the cost as an element of the overall water service charges for non-domestic users.

The spare capacity marginal capital costs are to be recovered from development contributions and the amount of spare capacity to be provided at any plant in the future will largely be dependent on the ability of the development contribution scheme to fund the spare capacity.

The matching funding requirements for the Major Capital programme for the years 2008 to 2010 are set out in Table 3 on the next page.

The figures in the table overleaf allow for the fact that a loan amount for major capital marginal capital costs in the sum of €3.025m has already been drawn in a loan approved by Donegal County Council and the Department in 2007, for projects completed or nearing completion.

Table 3 – Major Capital Programme		MATCHING FUNDING	
2008-2010	TOTAL COMMITMENTS	COUNTERPART FUNDING COSTS (DEVELOPMENT CONTRIBUTIONS)	COUNTERPART FUNDING COSTS (NON-DOMESTIC SECTOR)
2008 Major Capital	€137,756,242	€16,333,213	€19,728,443
2009 Major Capital	€14,666,755	€27,030,000	€27,030,000
2010 Major Capital	€90,200,000	€18,602,500	€18,602,500
TOTAL	€342,622,997	€61,965,713	€65,360,943

From the table it can be seen that for a total 3 year committed expenditure of €342,622,977, €61,965,713 will be required from development contributions to fund spare capacity at treatment works, and €65,360,943 will be required to fund capacity at treatment works for the existing non-domestic sector – recoverable from the non-domestic sector.

The figures are based on recent guidance from the Department on the likely outcome of the application of

Water Services Pricing Policy and it is apparent that affordability for the Council is a major issue. Nevertheless, the Council intends to continue to advance projects through the planning stages as far as tender stage but not commit projects to construction unless a mechanism for funding can be identified”.

Additional Commentary

The foregoing reflects the extent of funding to be raised locally if the schemes indicated on the Water Services Investment Programme were to proceed as indicated in the published programme. This gives an indication of the issues which lie ahead both in terms of contributions required from the Development Contribution Scheme and Water Charging for new infrastructure investment in addition to normal inflationary increases year on year in respect of operational costs.

The questions of affordability of investment in infrastructure in this manner including adequate funding for the costs of the Domestic Service associated with the commissioning of such infrastructure, have been tabled and discussed with the Department of the Environment, Heritage & Local Government on an ongoing basis either directly by Donegal County Council and/or through the County and City Manager’s Association nationally.

A lengthy debate ensued with all present acknowledging the need to widen the county’s revenue base.

It was acknowledged that Donegal County Council had been a victim of its own success and that a narrowing revenue base was creating serious problems for the authority as a whole.

Key issues such as cross-border infrastructure, Holiday Home Levies and the reduced capital funding for water/sewerage schemes it was agreed warranted further discussion.

On the proposal of Clr. Pringle, seconded by Clr. Slowey it was resolved to continue the debate at the Adjourned Council Meeting on the 4th February 2008.

C/43/08

ADJOURNMENT OF MEETING

On the proposal of Clr. Conaghan, seconded by Clr. Mc Guinness, it was resolved to adjourn the remainder of the business of the meeting to 2.00pm on Monday, 4th February 2008.

This concluded the business of the meeting.

