

16th February, 2005

TO : EACH MEMBER OF DONEGAL COUNTY COUNCIL

A Special Meeting of Donegal County Council, requisitioned by the Cathaoirleach, will be held on *Tuesday, 22nd February*, 2005 at 1.30pm in the County House, Lifford, to consider the appended agenda.

You are hereby requested to attend.

E. Sweeney
Meetings Administrator

AGENDA

1. To consider the County Manager's Report on the proposed Material Alterations to the Ballybofey Local Area Plan and to make the Plan.
2. To consider the County Manager's Report on the proposed Material Alterations to the Castlefin Local Area Plan and to make the Plan.
3. To consider the County Manager's Report on the proposed Material Alterations to the Rossnowlagh Local Area Plan and to make the Plan.

MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY
COUNCIL HELD IN THE COUNTY HOUSE, LIFFORD ON 22ND
FEBRUARY, 2005

C/116/05 MEMBERS PRESENT

Clrs. P. McGowan, Cathaoirleach, D. Alcorn, A. Bonner, E. Bonner, J. Boyle, C. Brogan, F. Conaghan, G. Crawford, Pearse Doherty, S. McEniff, D. McGonagle, B. O'Domhnaill, B O'Neill, J.J. Reid and T. Slowey.

C/117/05 APOLOGIES

Apologies were received from Clr. McGarvey who was unable to attend the meeting.

C/118/05 OFFICIALS IN ATTENDANCE

Mr. Francie Coyle, Director of Planning & Economic Development, Mr. John McFeeley, Graduate Planner, Ms. Fran Horkan, Graduate Planner, Ms. Mary McBride, Mr. Eunan Sweeney, Meetings Administrator, Ms. Annmarie Crawford, S.O. Corporate.

C/119/05 TO CONSIDER THE COUNTY MANAGER'S REPORT ON THE PROPOSED ALTERATIONS TO THE BALLYBOFEY-STRANORLAR LOCAL AREA PLAN 2004-2010 AND TO MAKE THE PLAN

Mr. Francie Coyle, Director Planning & Economic Development advised that at the Special Council Meeting on 29th November, 2004, the members had made amendments to the Draft Ballybofey-Stranorlar Local Area Plan 2004-2010 and as these changes had constituted material alterations it had been necessary under the terms of S20(3) of the Planning & Development Act, 2000 as amended by Part 3, of the Planning and Development (Amendment) Act, 2002, to publish such alterations in the relevant newspapers. The public consultation period, had, he stated, taken place from the 17th December, 2005 until the 14th January, 2005.

Mr. Coyle reminded members that no new issues outside the scope of the material alterations could be considered at this stage in the planning process.

He proceeded by informing members that two late submissions had been received prior to the meeting. These were:-

- (1) Submission from Ballybofey/Stranorlar Chamber of Commerce in relation to EE2
- (2) Petition regarding Drumboe site

Submission no's 1a, 1b and 1c in respect of lands at Mullindrait (by Barry Patton c/o Gertrude Patton Mulindrait, Stranorlar)

Clr. Reid advised that the family involved had been badly treated by the whole process and called for greater consideration of their predicament.

Mr. Francie Coyle stated that there was flexibility in the zoning of this area to allow for some residential development. As the issue was not the subject of a material alteration, it would not be possible, he advised to make changes at this juncture.

Clr. Reid requested that the family involved be given due consideration in any future planning matters.

Members resolved to accept the County Manager's recommendation and agreed that there would be no alteration to the Ballybofey/Stranorlar Local Area Plan as the submission was not within the remit of the material alterations.

Submission no's 2a, 2b, and 2c by Ivan Knox, Corcam Residents Group, Corcam, Ballybofey in respect of lands at Corcam.

On the proposal of Clr. A. Bonner, seconded by Clr. O'Domhnaill, it was resolved to amend the plan boundary so as to include the proposed extension of EE2 to include lands at Corcam as set out in material alteration no. 10 and published in December, 2004.

Submission no's 3a, 3b, 3c, and 3d by Daniel Mulrine, Belfast, in respect of the masterplan area adjacent to the town centre.

Members resolved to accept the County Manager's recommendation and agreed that there should be no alteration to the Ballybofey/Stranorlar Local Area Plan 2004-2010.

Submission no's 4a, 4b, 4c, 4d, 4e and 4f by Michael Tobin, Chief Executive Officer, National Roads Authority in respect of the Ballybofey-Stranorlar by-pass.

Mr. Francie Coyle, Director Planning & Economic Development advised that the N.R.A. were opposed to EE2 designation of lands to the east of the by-pass. However; he added, that it was not within the remit of the members to change the EE2 designation at this stage.

Submission no's 5a and 5b by Lisa Laverty, Drumboe Avenue, Stranorlar in respect of Drumboe Woods.

Mr. Francie Coyle, Director of Planning & Economic Development, stated that the Council did recognise the fact that Drumboe Woods was a vital asset in terms of its recreational amenity and historical value. He noted that any change in the character of the area would be incompatible with the overall vision of the local area plan and for this reason it was necessary to prepare a detailed masterplan. This, he added, would have to come before the members for consideration.

Clr. Pearse Doherty outlined the significance of protecting this area and he acknowledged the concerns of the local community who had gathered 1700 signatures petitioning for the land to be used only for community, recreational or agricultural use.

On this basis, he proposed that the following proposals be considered:-

- (1) That Drumboe field be rezoned as a green area
or
- (2) That the masterplan area goes ahead with Donegal County Council specifically responsible for drawing up the plan.

Clr. Reid said that he was not happy with the masterplan approach and queried the legal standing of such an initiative.

Mr. Francie Coyle, Director of Planning & Economic Development confirmed that the masterplan approach had been agreed by members at the meeting of Donegal County

Council held on the 29th November, 2004. This approach he added was in accordance with good planning procedures. In reply to Clr. Pearse Doherty's query on the nature of the petition received from the local community, Mr. Coyle confirmed that the following petition had been submitted by the "Keep Drumboe for the Community Committee":-

"This area as outlined and categorised in the original Ballybofey/Stranorlar Plan of December, 2004 becomes a green area or park i.e. that the Drumboe Martyrs Memorial remains in place and that the Drumboe Lawn surrounding it can only be used for the community recreational or agricultural use."

On the proposal of Clr. A. Bonner, seconded by Clr. Pearse Doherty, it was resolved that five acres surrounding the Drumboe martyrs site be zoned as open space and removed from the masterplan.

A further proposal by Clr. Reid, seconded by Clr. O'Neill recommended that the Drumboe martyrs site remain within the masterplan. A lengthy debate ensued with Clr. O'Neill advising that the general public would not be happy with the decision to remove the site from the masterplan.

Mr. Francie Coyle, Director Planning & Economic Development, stated that all the legal processes involved had been adhered to and members themselves had agreed to the masterplan approach at the last meeting held on 29th November, 2004.

At this juncture Clr. A. Bonner withdrew her proposal and Clr. Pearse Doherty left the meeting in protest at Clr. Bonner's decision.

On the proposal of Clr. A. Bonner, seconded by Clr. Reid, members resolved to accept the County Manager's recommendation that there be no material alteration to the Ballybofey-Stranorlar Local Area Plan 2004-2010, and agreed that the masterplan preparation would be lead by Donegal County Council.

MANAGER’S RESPONSE TO MATERIAL ALTERATIONS WHICH DID NOT FORM PART OF WRITTEN OBSERVATIONS BY THE PUBLIC DURING PUBLIC CONSULTATION.

Material Alteration No. 1 at Kilross

On the proposal of Clr. A. Bonner, seconded by Clr. O’Domhnaill, it was resolved not to accept the County Manager’s recommendation and agreed that the Ballybofey-Stranorlar Local Area Plan be altered as detailed in material alteration no 1, published 17th December, 2004.

Material alterations no. 2	Trusk Road
Material alterations no. 3	Drumboe
Material alterations no. 5	Glebe Upper
Material alterations no. 6	Glebe Upper
Material alterations no. 7	Glebe Upper
Material alterations no. 8	Glebe Upper
Material alterations no. 11	Mullindrait
Material alterations no. 12	By-pass
Material alterations no. 13	Navenny
Material alterations no. 14	Sessiagh O’Neill

On the proposal of Clr. Reid, seconded by Clr. A. Bonner, members resolved to accept the County Manager’s recommendation and agreed that the Ballybofey-Stranorlar Local Area Plan be altered as detailed in the above material alterations published on 17th December, 2004.

Material Alteration No 15- Cappry

On the proposal of Clr. A. Bonner, seconded by Clr. McGowan, it was resolved not to accept the County Manager’s recommendation and alter the proposed amendment to revert to zoning previously outlined in the draft plan, namely “primarily residential phase – b or zoning to remain as phase a.”

Material Alteration No 16 - Cappry

On the proposal of Clr. A. Bonner, seconded by Clr. McGowan, it was resolved not to accept the County Manager’s recommendation and agreed that the Ballybofey-

Stranorlar Local Area Plan be altered as detailed in material alteration no 16 published on 17th December, 2004.

Material Alteration No. 18 - Navenny

Material Alteration No. 29 – Town Centre

On the proposal of Clr. A. Bonner, seconded by Clr. McGowan, members resolved not to accept the County Manager’s recommendation and agreed that the Ballybofey-Stranorlar Local Area Plan be altered as detailed in material alterations no. 18 and 29 published on 17th December, 2004, subject to the correction of a mapping error amending the boundary for EE5. (Vide Appendix I)

Material Alteration No 4 – overall plan

Material Alteration No. 9 – overall plan

Material Alteration No. 17 – overall plan

On the proposal of Clr. Reid, seconded by Clr. O’Neill, the following text changes in respect of material alteration no’s 4, 9, and 17 were agreed:-

- (1) Material alteration no 4 – to amend policy C014 to :
“streetscape/townscape character, new build infill developments and additions/alterations to existing- any proposals for new build infill development or additions/alterations to existing street frontages shall be required to contribute positively to and enhance the existing streetscape and townscape character in terms of signage, shop fronts, massing, scale, height, finish, fenestration, building lines and materials.”

- (2) Material alteration no. 9 – to amend policy CR10, page 42, to :-

“Health provision, it is an objective of the Council to encourage proposals for the improvement and expansion of existing health services including lands zoned for “community” purposes adjacent to St. Joseph’s Hospital and for the development of new health services on any lands within the plan area

subject to the proper planning and sustainable development of the area”

- (3) Material alteration no. 17 – to insert new policy numbered C018, page 49, to read:-

“Protection of the character of Drumboe Woods:
Any proposals for development of that would normally require improvements to the public road through Drumboe Woods to facilitate the development will be required to utilise innovative methods of carrying out such improvements including insertion of safe pedestrian access in such a manner so as to ensure that there is no detrimental impact on the character and setting of Drumboe Woods.”

SCHEDULE OF NON MATERIAL 20, 21, 23, 24, 25, 26, 27, 28 AND 30 RECOMMENDED AMENDMENTS CONTAINED WITHIN MATERIAL ALTERATIONS DOCUMENT

On the proposal of Clr. A. Bonner, seconded by Clr. B.O’Domhnaill the members agreed the following non material amendments to text in respect of material alterations no 20, 21, 22, 23, 24, 25, 26, 27, 28 and 30.

Non Material Alteration No. 20

Insert text at page 43 of the draft plan to state:

“CR123: River Finn;

It is an objective of the Council to actively harness the potential arising from the river Finn for recreation, leisure and fishing purposes subject to application of policies CO1 (area of proposed candidate SAC), CO2 (flood risk areas) and CO3 (flood impact assessment).

Non Material Alteration No 21

Section 2.4, page 6 of the draft plan to include a specific reference to Ballybofey & Stranorlar Golf Club.

Non Material Alteration No. 22

Policy C011 to be altered from:

“Archaeological heritage;

It is the policy of the council to protect the archaeological heritage within the area of the plan so that any development proposals shall not be detrimental to the archaeological site or its setting,”

To:

“It is the policy of the council to protect the archaeological heritage from damage and secure the preservation of the archaeological monuments included in the Record of Monuments and sites and features of historical and archaeological interest so that any development either above or below the ground shall not be detrimental to the character of an archaeological site or its setting.”

Non Material Alteration No.23

To insert text on page 48 to state:

“In deciding on a planning application that may have implications for a site or feature of archaeological heritage, the Planning Authority will have regard to the advice of the DOEHLG.”

Non Material Alteration No 24

Insert the following text at page 52 as policy IU8:

“Electricity infrastructure;

It is the policy of Donegal County Council to support the infrastructural renewal and development of electricity networks in the region, by means of under grounding new electricity infrastructure within the plan area as a preference whilst including the consideration of the overhead lines necessary to provide the required networks, on a case by case basis.”

Non Material Alteration No. 25

To amend T11, page 22, Option C from,

“Signalisation/upgrade of Chesnut Street/Lower Main Street junction. Aim: To give priority movements between Chesnut Street and N15. Improve access to Navenny Lane car park. Reduce traffic in Main Street. Requires modelling and constraints study.”

To:

“Traffic Management Implementation at Chesnut Street/Lower Main Street Junction. Aim: Traffic management proposals to be implemented between Chesnut Street and N15. Improve access to Navenny Lane car park. Reduce

traffic in Main Street. Requires modelling and constraints study.”

Non Material Alteration No. 26

To amend T11, page 23, Option E from,

“Signalise Main Street/Glenfin Road Junction,

To:

“Traffic management implementation at Main Street/Glenfin Road Junction.”

Non Material Alteration No. 27

Insert reference to The Twin Towns Environmental Group and The Twin Towns Tidy Towns Group at page 39 of the plan.

Non Material Alteration No. 28

Insert reference to Dergfinn Partnership at page 39 of the plan.

Non Material Alteration No. 30

Amend text at page 37 to concur with that at section 6.3, page 31 ensuring clarity and consistency from:

“A mix of uses shall be permitted within the site to allow for small scale retail, commercial, recreation and leisure, community and public space,”

To:

“A mix of uses shall be permitted within the site to allow for retail, commercial, recreation and leisure, community and public space.”

On the proposal of Clr. A. Bonner, seconded by Clr. McGowan, the Council resolved to make and publish said plan in accordance with the contents contained in Draft Ballybofey/Stranorlar Local Area Plan 2004-2010, subject to the amendments and alterations as resolved at the Council Meetings on the 29th November, 2004 and 22nd February, 2005.

Mr. Francie Coyle, Director Planning & Economic Development, acknowledged the sterling work carried out by the staff of the central planning unit on the development plan. He also thanked the members for their patience and understanding over the past few months.

C/120/05 TO CONSIDER COUNTY MANAGER'S REPORT ON THE PROPOSED MATERIAL ALTERATIONS TO THE CASTLEFINN LOCAL AREA PLAN 2005-2011 AND TO MAKE THE PLAN.

Mr. Francie Coyle, Director Planning & Economic Development, advised that members had agreed at the Special Meeting of Donegal County Council held on 29th November, 2004, to amend the draft Castlefinn Local Area Plan. As these amendments had constituted material alterations it had been necessary to prepare a Manager's report on the material alterations and to publish notice of same in the local newspapers. Mr. Coyle noted that no submissions or observations had been received during the period of public consultation from 17th December 2004, to 14th January, 2005 inclusive.

Members noted the Manager's recommendation in relation to the late submission presented by the National Roads Authority in respect of the overall plan and agreed that no change be made to the Castlefinn Local Area Plan 2005-2011.

On the proposal of Clr. A. Bonner, seconded by Clr. Reid, it was resolved to change the 30mph speed limit as indicated on the map to 50km/h in line with current legislation.

On the proposal of Clr. A. Bonner, seconded by Clr. Reid, the Council resolved to make the Castlefinn Local Area Plan 2005-2011, in accordance with the contents contained in Draft Castlefinn Local Area Plan 2005/2011, subject to amendments and alterations as resolved at the Council Meetings on 29th November, 2004 and 22nd February, 2005 and to publish said plan.

C/121/05 TO CONSIDER THE COUNTY MANAGER'S REPORT ON THE PROPOSED MATERIAL ALTERATIONS TO THE ROSSNOWLAGH LOCAL AREA PLAN 2004-2010 AND TO MAKE THE PLAN.

Mr. Francie Coyle, Director Planning & Economic Development, advised that members had agreed at the Special Meeting of Donegal County Council held on 29th November, 2004, to make a number of amendments to the

Draft Rosstown Local Area Plan 2004-2010. As a number of these had constituted material alterations he advised that it had been necessary to publish notice of same in local newspapers and prepare a Manager's report on the material alterations. This report, he noted, had been on public display from 17th December, to 14th January, 2005 inclusive, during which time a number of submissions had been received.

Submission no.1 by Hugh J. Patton, Ardelan, Rosstown Upper in respect of lands at Rosstown Upper.

On the proposal of Clr. McEniff, seconded by Clr. O'Neill, it was resolved to accept the County Manager's recommendation and agreed that no change be made to the Rosstown Local Area Plan 2004-2010.

Submission no. 2 by P.A. Dorrian & Co., Main Street, Buncrana, in respect of lands at Ardeelan Lower.

On the proposal of Clr. O'Neill, seconded by Clr. McEniff, it was resolved to accept the County Manager's recommendation and agreed that no change be made to the Draft Rosstown Local Area Plan 2004-2010.

Submission no. 3 by Carr & Company Architects, Ballybofey, in respect of lands at Ardeelan Lower.

On the proposal of Clr. O'Neill, seconded by Clr. McEniff, it was resolved to accept the County Manager's recommendation and agreed that no change be made to the Rosstown Local Area Plan 2004-2010.

On the proposal of Clr. O'Neill, seconded by Clr. McEniff, it was agreed that planning staff would meet with Mr. Brendan Dorrian to explore options for the development of the land in question including community use of part of the lands at Ardeelan Hill.

Submission no. 4 by Brian & Kathleen McAuley, Abbeylands, Ballyshannon, in respect of the overall plan.

Members resolved to accept the County Manager's recommendation and agreed that no change be made to the Draft Rosstown Local Area Plan 2004-2010.

Submission no. 5 by Winston Patterson, Ballindrait, Lifford, in respect of lands at Ardeelan Lower.

Clr. McEniff stated that he had not received a copy of the draft Rosstown Local Area Plan 2004-2010 and called for the lands to be rezoned as residential development.

Mr. Francie Coyle, Director Planning & Economic Development advised that the appropriate legal procedures had been adhered to with regards this submission and that lands in question were clearly identified as the yellow hatched area on the map circulated with the agenda. A lengthy debate ensued with Clr. McEniff calling for an extension of the zoned area.

On the proposal of Clr. McEniff, seconded by Clr. O'Neill, it was resolved to vary material alteration 13 so that the following lands be zoned residential and included within the holiday boundary:-

- The lands originally covered by material alteration 13
- The lands marked on the attached zoning map.

Submission no. 6 by Tim & Judith Hinchliff, Barnaboy, Rosstown, in respect of lands at the east of the holiday village.

Mr. Francie Coyle, Director Planning & Economic Development, advised those present that the County Manager's recommendation in this instance was effectively asking members to overturn their previous decision.

On the proposal of Clr. O'Neill, seconded by Clr. McEniff, it was resolved to adopt material alteration no. 12 and material alteration no. 14 as agreed by members at the Special Meeting of Donegal County Council held on 29th November, 2004.

ADDITIONAL RECOMMENDATIONS

Material alteration no. 11/material alteration no. 14

On the proposal of Clr. O'Neill, seconded by Clr. McEniff, it was resolved not to accept the County Manager's recommendation in relation to the above and to adopt material alterations no. 11 and no. 14 as agreed by members at the Special Meeting of Donegal County Council held on 29th November, 2004.

On the proposal of Clr. McEniff, seconded by Clr. O'Neill, the Council resolved to make the Rossnowlagh Local Area Plan 2005-2011, in accordance with the contents contained in draft Rossnowlagh Local Area Plan 2005-2011, subject to the amendments and alterations as resolved at the Council Meetings on the 29th November, 2004 and 22nd February, 2005 and to publish said plan.

Clr. O'Neill paid tribute to the staff of the Central Planning Unit and congratulated Mr. Francie Coyle, Director Planning & Economic Development on his ongoing commitment to the project.

Mr. Francie Coyle, Director Planning & Economic Development acknowledged the work carried out by the staff of the Central Planning Unit and complimented them on a job well done.

This concluded the business of the meeting.