

8th November, 2011

To: Each Member of Donegal County Council

I hereby give notice under Paragraph 7 of Schedule 10 of the Local Government Act 2001, having received a requisition from the Mayor pursuant to Paragraph 6 (1) (c) of said schedule, that a Special Meeting of Donegal County Council shall be held at 9.00am on Tuesday 15th November, 2011 in the Council Chamber, County House, Lifford, County Donegal to transact the following business, as set out in agenda contained within the aforementioned requisition. A copy of the requisition is attached.

AGENDA

- That this Council discuss the implications of the various EU/National Directives issued since the current Draft County Development Plan was put on public consultation.
- That we discuss the consequential impact on County Donegal and its people of these directives.
- That this Council now seek permission from the Department of Environment and Minister of Environment to re-issue the Draft County Development Plan accompanied by all relevant EU/National Directives issued since the publication of the Draft Plan. Thus affording the general public in Donegal an opportunity to be fully informed on the impacts, consequences and implications on the future development of Donegal of these new directives and guidelines.

Liam Ward
A/Meetings Administrator

MINUTES OF THE SPECIAL MEETING OF DONEGAL COUNTY
COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON TUESDAY
15TH NOVEMBER, 2011

C/445/11 MEMBERS PRESENT

Clrs. N. Mc Bride, Mayor, D. Alcorn, L. Blaney, J. Boyle, C. Brogan, B. Byrne, J. Campbell, P. Canning, G. Crawford, M. Doherty, R. Donaghey, M. Harley, C. Harvey, D. Larkin, F. Mc Brearty, M. Mc Bride, P. McGowan, B. Mc Guinness, S. Clr. Ó Domhnaill, B. O' Neill, M. Quinn, J. Ryan and T. Slowey.

C/446/11 OFFICIALS IN ATTENDANCE

Mr Seamus Neely, County Manager, Mr Liam Ward, Director of Corporate and Housing, A/Meetings Administrator, Mr John McLaughlin, Director of Roads and Transportation, Mr Michael Heaney, Director of Community, Culture and Planning, Mr. Garry Martin, Head of Finance and Director of Emergency Services, Mr. Gerry Richards, Senior Planner, Mr. Denis Kelly, A/Senior Planner, Mr. Eunan Quinn, Senior Executive Planner, Ms Anne Marie Crawford, Staff Officer.

C/447/11 APOLOGIES

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

C/448/11 IMPLICATIONS OF VARIOUS EU/NATIONAL DIRECTIVES ISSUED SINCE THE CURRENT DEVELOPMENT PLAN WENT OUT TO PUBLIC CONSULTATION, THE CONSEQUENTIAL IMPACT ON DONEGAL AND ITS PEOPLE. REQUEST THAT COUNCIL NOW SEEK PERMISSION FROM THE DEPARTMENT OF THE ENVIRONMENT, COMMUNITY AND LOCAL GOVERNMENT TO RESISSUE THE DRAFT COUNTY DEVELOPMENT PLAN ACCOMPANIED BY ALL RELEVANT EU/NATIONAL DIRECTIVES ISSUED SINCE THE PUBLICATION OF THE PLAN.

The Mayor advised that it was intended to deal collectively with the items listed on the agenda. He indicated that he intended to deal initially with Members contributions and then

take commentary from both the County Manager and the Senior Executive Planner.

Initiating the debate, Clr. Mc Guinness called on the County Manager and the Planning Department to provide clarification in relation to the implications of the various EU/National Directives issued since the Draft Development Plan went out to public consultation.

It was noted that the Draft County Development Plan had gone to public consultation without any due consideration of the new regulations. Members thus outlined the necessity of keeping the public adequately informed of the implications of the directives concerned. Overall it was suggested that the farming/local indigenous communities would be most adversely affected, with long-term development in a county stifled beyond belief.

Mr. Eunan Quinn, Senior Executive Planner confirmed that there were no implications for the development plan process per se, and that all elements had been covered to ensure that the plan process was valid to date.

Mr. Seamus Neely, County Manager advised that the appropriate legal mechanisms for making the Draft Development Plan had been adhered to. Members he affirmed, now needed to take cognisance of the new requirements and consider any changes that they would make as a result.

He proceeded to outline the options now available to Members:-

- i. That policy changes be introduced as material alterations and reflected in the next stage of public consultation, noting that these could now only be considered in instances where specific policy proposals were already in place.
- ii. That the Development Plan process be completed with any amendments introduced by way of a variation.

Responding to calls for further direction, the County Manager said, that it would be appropriate at this stage to continue with and respect the process of the agenda.

At this juncture he said it was necessary to consider the overall implications for the County as a whole and how differently planning applications would have to be processed.

Once again he affirmed that there was nothing preventing the process from being concluded in a manner consistent with legal requirements.

A lengthy debate ensued with Members raising a number of issues including:-

- The overall impact of the Habitats Directive on development and infrastructure.
- The need for clarity in relation to categorisation issues together with the effects of the new legislation on land drainage and reclamation.
- What potential there was if any to effect change and the Members role in the process.
- Query as to whether there was any room to manoeuvre with regard to the interpretation of the legislation.
- The necessity of finding a mechanism for updating the general public and ensuring that indigenous communities across the County are afforded all relevant rights.
- The necessity of formulating resolute policies taking into consideration the various EU/National Directives and obtaining adequate counterbalance in the new Draft County Development Plan.
- Concern in relation to the validation of applications particularly in relation to the role of Eirgrid and the EPA.
- Clarity also requested in relation to Appendix D, Page 53 of the Environmental Report re the future of Fishing Ports and the long-term development of Donegal Airport.
- Consideration of cross-border implications and the danger that serious anomalies could exist with regard to the interpretation of the legislation on both sides of the border.

- Fear that the fabric of society would be lost and development funnelled into narrow channels across the County effectively decimating the social and economic infrastructure of rural areas in the County.
- Special case needed to be made for Donegal given the diversity of the population with adequate protection given to Gaeltacht regions.

It was suggested that MEPs for the Northwest region be invited to attend a Special Meeting of the Council to answer queries in relation to the initial adoption of the directives at EU level and the ensuing implications for countries such as Ireland.

Members queried the cost of going out again to public consultation, the processes and time frame involved, and whether or not the Executive were in agreement with this proposal.

Clr. Mc Brearty advised that he could not support the Draft Development Plan as it did not address many of the inherent problems facing the general public in this County.

The County Manager called on Members to carefully consider the manner in which such deficits could be addressed, noting there would be an opportunity to consider same at the next scheduled workshop.

Thus he noted that the only means by which the Draft Plan could go out again for public consideration was by way of a derogation from the Minister for the Environment, Community and Local Government, as a number of the issues raised could not be dealt with by way of a material alteration. He reiterated the necessity of meeting technical datelines in relation to the making of the Plan.

C/449/11 ADJOURNMENT OF MEETING

On the proposal of Clr. Brogan, seconded by Clr. Quinn, it was resolved to adjourn the meeting for a ten minute recess to allow Members consider the available options.

C/450/11 IMPLICATIONS OF VARIOUS EU/NATIONAL DIRECTIVES ETC CONTINUED

On resumption of the meeting it was proposed by Clr. Brogan, seconded by Clr. O' Domhnaill, that a derogation be sought from the Minister for the Environment, Community and Local Government, to allow the Draft County Development Plan go out again to public consultation in light of the new EU/National Directives issued in September, 2011.

Clr. Brogan further proposed, seconded by Clr. Donaghey, that a cross-party delegation meet with the Minister to discuss the implications of these directives.

Members were in agreement that the Development Plan process should proceed in tandem with the decisions outlined above.

Members asked that they be kept informed of any developments in relation to the matter.

Clr. O' Neill welcomed the proposal but expressed concern that it could set a precedent nationally.

He thus proposed, seconded by Clr. Brogan, that a Special Meeting be held to further address concerns, and an invitation extended to the MEPs in the region to brief Members on relevant EU legislation/directives.

Clr. Mc Guinness noted that queries in relation to the new regulations had been raised at the Planning SPC with a request for legal opinion on the matter.

Welcoming the holding of a Special Meeting, he asked also that representation be sought from the CPMR, the Committee of the Regions together with an input from the various cross-border agencies.

This concluded the business of the Meeting

