

**COMHAIRLE CHONTAE DHUN NA nGALL**

Oifig Riarthóir na  
gCruinnithe  
Aras an Chontae  
LEIFEAR  
23 Meán Fómhair 2008

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain, 29 Meán Fómhair, 2008, ag **12.00 meán lae in Áras an Chontae, Leifear**

**DO GACH BHALL DEN CHOMHAIRLE**

**A Chara**

Iarrtar ort a bheith i láthair ag an chruinniú seo den Chomhairle. Ta Clár an chruinnithe leis seo.

Beidh Clár Orduithe an Bhainisteora Contae le feiceáil ag an gcruinniú.

**Mise, le meas**

**A. MacSuibhne**

**Riarthóir Cruinnithe(RÚNAI CHONTAE)**

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**DONEGAL COUNTY COUNCIL**

Office of Meetings Administrator  
County House  
Lifford  
23<sup>rd</sup> September, 2008

**NOTICE OF MEETING**

A Meeting of Donegal County Council will be held on Monday 29<sup>th</sup> September, 2008, at **12.00 noon 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 the 28<sup>th</sup> July, 2008.

## **2. Filling of Casual Vacancies in Membership of Council**

- a) Filling of Casual Vacancy arising from the resignation of Clr. Tony McDaid.
- b) Filling of Casual Vacancy arising from the resignation of Clr. J.J. Reid.
- c) Filling of consequential vacancies arising from 2(a) above.
  - Vocation Education Committee
  - General Purposes Committee
  - Letterkenny Electoral Area Committee
  - Airport Committee
  - North-West Economic Partnership Project Advisory Committee
  - Housing Strategic Policy Committee
  - Community Cultural Corporate Strategic Policy Committee
- d) Filling of consequential vacancies arising from 2(b) above.
  - Regional Health Forum
  - General Purposes Committee
  - Stranorlar Electoral Area Committee
  - County Enterprise Fund
  - Planning and Economic Strategic Policy Committee
- e) To fill casual vacancy on the Cultural Committee arising from the resignation of Clr. Patrick McGowan.

## **3. Disposal of Land – Section 211 Planning and Development Act, 2000**

- a) Notice under Section 183 of the Local Government Act, 2001 to dispose of land at Fanaghans, Inver to Ann Pye,

Legal Personal Representative of James Haughey  
(deceased).

- b) Notice under Section 183 of the Local Government Act, 2001 to dispose of two pieces of land at Stranorlar to the Trustees of the Finn Park Trust.

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

- a) To approve the carrying out of works with regard to R232 Laghey to Pettigo Phase II road realignment.
- b) To approve the carrying out of works with regard to R238 Redcastle to Moville Phase 3 road realignment.
- c) To approve the carrying out of works with regard to Brockagh to Fintown Phase 7 road realignment.

5. **Corporate Services**

- a) To adopt the attached draft Audit Committee Charter.
- b) To consider the adoption of proposed amendments to Standing Orders.

6. **Finance**

- a) To agree overdraft accommodation of Fifty Million Euro (€50,000,000) for half year ending 30th June 2009

7. **Planning and Economic Development Programme**

- a) To consider the Manager's Report on the proposed Draft Variation to the County Donegal Plan 2006-2012 and to make the said Variation.
- b) To consider the proposed Draft Letterkenny and Environs Development Plan 2008 for public consultation purposes.
- c) To consider the Manager's Report on submissions to the published Draft Amendment to the Lifford Local Area Plan 2007-2013 and make the said Amendment.

- d) To consider the Manager's Report on submissions to the published Draft Amendment to the Newtowncunningham Local Area Plan 2007-2013 and make the said Amendment.
- e) To consider the Manager's Report on initial Public Consultation on review of the Bundoran and Environs Development Plan 2004-2010 and preparation of the new Bundoran and Environs Development Plan 2010-2016.

#### **8. Housing and Building**

- a) Raising of loan of €4,783,022.00 for the development of a Voluntary Housing Project at Convent land, Carndonagh by North and West Housing Association under the Capital Loan & Subsidy Scheme.
- b) Transfer of the Special Housing Aid for the Elderly Scheme from the Health Service Executive to the Department of the Environment, Heritage and Local Government.
- c) Review of existing policy on Housing Aid for Older People Grant Scheme in so far as it relates to dependent children.

#### **9. Community Culture and Enterprise Directorate**

To establish Donegal Regional Cultural Centre Management Committee and appoint members thereto.

#### **10. Roads and Transportation**

To consider update on the Donegal Road Safety Working Group

#### **11. 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) **HOME**

- The Role of Local Government in Protecting our Water Resources to be held from 9<sup>th</sup> to 12<sup>th</sup> October, 2008 at the Connemara Gateway Hotel, Oughterard, Co. Galway.
- The Blascaod Commeration 2008 "Emigration and Beyond" to be held from 10<sup>th</sup> to 12<sup>th</sup> October, 2008 at Ionad an Bhascaoid, Dún Chaoin, Trá Lí, Co. Chiarrai.

- Climate Change Conference The Way Forward for Local Authorities to be held 16<sup>th</sup> October, 2008 at the Croke Park Conference Centre, Dublin 1.
- Local Authority Financing – A Crisis Brewing, the Challenge for Councillors to be held from the 16<sup>th</sup> to 18<sup>th</sup> October, 2008 at the Killarney Plaza Hotel, Kenmare Place, Killarney, County Kerry.
- Association of Irish Regions 11<sup>th</sup> Annual Conference “Ireland’s Waters: An Untapped Resource?” to be held 17<sup>th</sup> October, 2008 at the Inchydoney Island Lodge and Spa Hotel, Clonakilty, Co. Cork.
- Douglas Hyde Conference 2008 “Lost in Translation – Amú in Aistriúcháin” to be held from 17<sup>th</sup> – 19<sup>th</sup> October, 2008 at the Abbeyfield Hotel, Ballaghaderreen, Co. Roscommon.
- Irish Planning Institute Autumn Conference “Local Area Planning – Opportunities & Challenges” to be held 24<sup>th</sup> October, 2008 at the Radisson SAS Royal Hotel, Golden Lane, Dublin 8.
- Anti Social Behaviour and Associated Health & Safety Issues to be held from 31<sup>st</sup> October to 2<sup>nd</sup> November, 2008 at the Carraig Hotel, Main Street, Carrick-on-Suir, Co Tipperary.
- “Green Infrastructure – Connecting Nature, People and Places” to be held 4<sup>th</sup> and 5<sup>th</sup> November, 2008 at the Grand Hotel, Malahide, Co. Dublin.
- 11<sup>th</sup> Annual Céifin Conference “Family Life Today – The Greatest Revolution?” to be 4<sup>th</sup> and 5<sup>th</sup> November, 2008 at the West County Hotel, Ennis, Co. Clare.
- 5<sup>th</sup> National Conference on Local Government Financing to be held 7<sup>th</sup> November, 2008 at the Mount Wolseley Hilton Hotel, Tullow, County Carlow.

## **12. Mayors Business**

## **13. Managers Report**

## MOTIONS

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

### STRANORLAR ELECTORAL AREA

#### **Corporate Services**

14.Clr. A. Bonner

"That this Council fast track provisions for Rental Accommodation for all office requirement for Stranorlar Electoral Area in Ballybofey/Stranorlar area and discuss progress to date" (L)

#### **Roads & Transportation Services**

15.Clr. P. McGowan

"That this Council as a matter of urgency carry out assessment of Ballybofey/Stranorlar Bridge with a view to having a footbridge provided along side for pedestrians and persons needing assistance" (L)

### GLENTIES ELECTORAL AREA

#### **Planning and Economic Development**

16.Clr. D. Alcorn

"That this County Council discuss the major problem that local indigenous people are having in obtaining planning along the N56 due to the N.R.A. appealing decisions to An Bord Pleanala" (L)

#### **Roads & Transportation Services**

17.Clr. T. Slowey

"That this Council address the serious problem of flooding at high tide on the Sandfield and Ballyirston roads leading to the cutting off of Nairn, Portnoo and Rosbeg" (L)

**Community Culture and Enterprise**

18.Clr. M.T. Gallagher

"That this Council makes a submission to the Oireachtas report on behalf of the Joint Committee of Arts, Sports, Tourism, Community, Rural and Gaeltacht affairs, which is being compiled by Senator Pearse Doherty" (O)

**INISHOWEN ELECTORAL AREA**

**Roads & Transportation Services**

19.Clr. D. McGonagle

"That some work be started on the carpark in Carndonagh" (L)

20.Clr. R. Donaghey

"That Donegal County Council urgently complete the Draft Lease as requested to build breakwaters for the RNLI to be able to launch from Buncrana Pier, and that work begin immediately thereafter." (L)

**Community Culture and Enterprise**

21.Clr. B. McGuinness

"That Community and Enterprise Division of Donegal County Council will work to progress, as a priority, the development of Malin Head as a Strategic Tourist Project as indentified and agreed by Members of Donegal County Council at their meetings on 8th December 2003 and 6th February 2004." (L)

22.Clr. M. McDonald

"That Failte Ireland would make a presentation to the full Council in relation to how they are planning to increase both the numbers of people working in the industry and visiting the County and what they are doing to progress the development of sites such as Malin Head, which is a natural tourist attraction minus facilities at present" (C)

### **Corporate Services**

#### 23.Clr. P. MacLochlainn

"That this Council has no confidence in the Minister for Health, Mary Harney, following the removal of the colposcopy unit from Letterkenny General Hospital, the downgrading of cancer care services at Sligo General Hospital, and the ongoing cutbacks in services at Letterkenny General Hospital including ward closures." (O)

### **Finance**

#### 24.Clr. F. Conaghan

"Given the Governments decision to bring forward the National Budget Day, that Donegal County Council agree the three basics of budget 2009 i.e. Rates, Commercial Water Charges and Landfill Charges and make an early submission to the Department of the Environment for sufficient funds to deliver members priorities and help sustain the Donegal Economy." (C)

## **LETTERKENNY ELECTORAL AREA**

### **Roads &Transportation Services**

#### 25.Clr. D. Larkin

"That this Council set up a Design Committee from its in house expertise to deal with the many requests for ramps/speed calming in the many residential areas looking for same, starting with the Listillion area as a pilot." (C)

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

26.Clr. C. Brogan

"I propose that this Council give a full report on the Design Build and Operate in Letterkenny" (L)

**Housing and Building**

27.Clr. J. Harte

"That the Council actively support the first time buyers by highlighting the availability of the local authority loans" (C)

**DONEGAL ELECTORAL AREA**

**Water, Environment & Emergency Services**

28.Clr. S. McEniff

"That the County Council investigate the possibility of directing organic waste from Ballinacarrick Dump for composting and if possible have a report for the next G.P. meeting" (L)

**Corporate Services**

29.Clr. T. Pringle

"Recognising that the will of the people as expressed at the ballot box is sovereign, and recognising that if all member states of the EU do not ratify the Lisbon Treaty it does not pass into law, and further recognising that the people of Ireland exercised their rights as citizens to reject the Lisbon Treaty, this Council rejects the calls from Europe to re-run the Lisbon Treaty referendum, and we call on the EU Commission, the EU Council of Ministers, the EU Parliament and the authorities in the other EU states to accept and respect the verdict of the Irish people, as they accepted the will of the French and Dutch people following their decision to reject the EU Constitution" (O)

**Planning and Economic Development**

30.Clr. B. O'Neill

"That Donegal County Council add Laghey Bar Church to the List of Protected Structures" (L)

## MILFORD ELECTORAL AREA

### *Planning and Economic Development*

31. Clr. I. McGarvey

"Will this Council address the misinterpretation of a previous motion on Group Water Charges in relation to Development Charges" (C)

## QUESTIONS

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

## STRANORLAR ELECTORAL AREA

### *Community Culture and Enterprise*

32. Clr. A. Bonner

"As work is about to commence on a playground in Stranorlar, what plans is there to establish a playground in the town of Ballybofey?" (L)

33. Clr. P. McGowan

"Can the Council give a detailed update on transfer of community lands (N/W Housing) to Community Groups in Convoy, which have funding identified for projects?" (C)

### *Water, Environment & Emergency Services*

34. Clr. A. Bonner

"Is there any application with the Department for a new fire engine for the new firestation in Stranorlar?" (L)

### **Roads & Transportation Services**

35. Clr. P. McGowan

"Can the Council discuss what steps are necessary to identify and manage areas within the County which are becoming prone to flooding, the Office of Public Works have a Flood Management programme which can be accessed?" (C)

### **GLENTIES ELECTORAL AREA**

### **Roads & Transportation Services**

36. Clr. D. Alcorn

"What plans have Donegal County Council to deal with the major overgrowth along our roads presently, which is leaving some of the roads dangerous?" (C)

37. Clr. T. Slowey

"What protocols are in place within the roads section to ensure the removal of signage when road works have been completed?" (C)

### **Corporate Services**

38. Clr. D. Alcorn

"Why is Donegal County Council not leaving skeleton staff to deal with urgent business during the annual holidays at the beginning of August?" (C)

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

39. Clr. T. Slowey

"What is the duration and costs of the agreement entered into by Donegal County Council with Laing O'Rourke for the installation and reading of non domestic water meters?" (C)

### **Community Culture and Enterprise**

40. Clr. M. T. Gallagher

"Following the unanimous decision made by this Council to pass a motion raised by myself on the issue of Oil and Gas exploration of the Coast of Donegal, what progress has been made to date on this motion?" (O)

41. Clr. M. T. Gallagher

"Following the unanimous decision made by this Council to pass a motion raised by myself regarding Superintendants meeting twice yearly with local area committees, what arrangements have been put in place to facilitate these meetings and when will they commence?" (C)

## INISHOWEN ELECTORAL AREA

### *Corporate Services*

42. Clr. D. McGonagle

"Have any plans been made for the old Council offices in Carndonagh?" (L)

43. Clr. B. McGuinness

"What is the up to date position in relation to our request for a meeting with An Tanaiste, Mary Coughlan, and the Donegal Oireachtas members, and also has there been any response to our request for a meeting with Minister Noel Dempsey along with Kerry County Council, regarding the downgrading of Malin Head Coastguard Station?" (L)

### *Roads & Transportation Services*

44. Clr. D. McGonagle

"Have the Council any plans to continue the footpath on the Clomany to Ballyliffen road?" (L)

45. Clr. M. McDonald

"Given that money from the Department of the Environment, Heritage and Local Government and the Department of Community, Rural and Gaeltacht Affairs has been in place for some months now and the fact that we should not be returning monies allocated, when will works commence on the slipways at Glengad and Moville?" (L)

46.Clr. R. Donaghey

"When will work begin on Cockhill Bridge, Bunrana to allow the safe crossing of school children, Mass goers and vehicles?" (L)

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

47.Clr. M. McDonald

"What precisely held up the Environmental Impact Assessment (Moville/Greencastle Sewerage Scheme) from going back to an Bord Pleanala for a year, given that it was completed and with them this time last year?" (L)

48.Clr. R. Donaghey

"What progress has been made with regard to the Tendering Process for a Design Team to progress work at Bunrana Leisure Centre?" (L)

## **LETTERKENNY ELECTORAL AREA**

### **Roads & Transportation Services**

49.Clr. D. Larkin

"Will this Council as matter of urgency deal with the very dangerous parts of the main Glenswilly road which have failed?" (L)

50.Clr. D. Larkin

"When will the Council have the design for the Swilly Diversion complete given the fact that the department funded it to the tune of 200,000k at the end of last year?" (L)

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

51.Clr. C. Brogan

"What progress has been made on the preferred option of the interim solution on the spillage of raw sewerage onto the road at Ballyraine and the works needed on the overflow tanks?" (L)

### **Planning and Economic Development**

52.Clr. C. Brogan

"At what stage is the proposed Masterplan for the Big Isle as agreed by this Council?" (L)

## **DONEGAL ELECTORAL AREA**

### **Finance**

53.Clr. B. Byrne

"How much has this Council spent on consultants/outside expertise across the various departments/sections in 2005,2006,2007?" (C)

### **Planning and Economic Development**

54.Clr. B. Byrne

"When can we expect Kilcar Village Renewal Phase 2 to commence?" (L)

### **Roads &Transportation Services**

55.Clr. T. Pringle

"When will the rock armour at Fintra Beach be repaired, the carpark is being undermined and there is a risk that the carpark could subside putting the blue flag at risk for next year?" (L)

### **Housing and Building**

56.Clr. T. Pringle

"What contractors have been awarded contracts for S.I. houses in the last twelve months and what steps have been taken to ensure that they are compliant with the Construction Industry Pension Scheme?" (C)

## **MILFORD ELECTORAL AREA**

### **Planning and Economic Development**

57.Clr. I. McGarvey

"When can Milford Town Renewal go ahead?" (L)

58.Clr. L. Blaney

"When does this Council propose to carry out works on the new Car Park and Environmental Improvement Scheme in Milford, which is long overdue?" (L)

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

59.Clr. I. McGarvey

"When will the extension of Milford Reservoir go ahead as it is important for extension of water supply to existing services and extension to Glenvar area?" (L)

### **Roads & Transportation Services**

60.Clr. L. Blaney

"Will this Council move the speed limit on the northern side of Fanavolty to a distance of 100 metres of the Toame junction as was requested by local Gardai?" (L)

## 61. MOTIONS FROM OTHER COUNCILS

### FERMOY TOWN COUNCIL

“That this Council calls on the Government to enact legislation whereby any individual who pays rates or service charges to a Local Authority be entitled to vote in that Local Authority’s elections and that we circulate details of the motion to councils countrywide to seek their support.”

### KILDARE COUNTY COUNCIL

“A large proportion of motorcycle accidents resulting in serious injury and death are directly related to road conditions and in particular road repairs. In light of this I would call on all councils throughout Ireland to insist that road works be finished to a high standard for all road users and adequate warning of road works be monitored on a daily basis.”

### KILLARNEY TOWN COUNCIL

“That Killarney Town Council call on the Minister of Social and Family Affairs to change the rules governing the Back to Education Allowance.”

### BALLINASLOE TOWN COUNCIL

“That this Council contact the Minister for Foreign Affairs requesting that he use every diplomatic measure at his disposal to influence the authorities in Belarus with a view to reversing their decision to not allow children in that region to travel to Ireland.”

### LEITRIM COUNTY COUNCIL

At the July meeting of Leitrim County Council the Members discussed the invaluable service being provided by MABS offices throughout the country and the particular difficulties currently being encountered by MABS office staff in trying to deal with the increasing numbers of people seeking their advice. The Members unanimously resolved:

“That a letter should issue to the Taoiseach and the Minister for Social and Family Affairs in this regard highlighting this issue and requesting that no cut-backs be considered in this area and that the matter of the provision of additional funding and additional Advisors be considered.”

LEITRIM COUNTY COUNCIL

“That we call on each Local Authority to use fair-trade products in their canteen where possible. This would help to give wage for those who work to produce such products.”

**MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD  
IN THE COUNTY HOUSE, LIFFORD ON 29<sup>th</sup> September, 2008.**

**C/376/08**     **MEMBERS PRESENT**

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

**C/377/08**     **OFFICIALS IN ATTENDANCE**

Mr M. McLoone, County Manager, Mr Liam Kelly, Director of Housing, Mr John McLaughlin, Director of Roads and Transportation, Mr Francie Coyle, Director of Planning and Economic Development, Mr Sean Sheridan, Director of Corporate Services, Mr Seamus Neely, Director of Water, Environment and Emergency Services, Mr Michael Heaney, Director of Community Culture and Enterprise, Mr Aidan McNicholas, Head of Finance, Mr Gerry Richards, Senior Planner, Mr Peadar Mac Rory, Senior Engineer, Mr Denis Kelly, Senior Planner, Mr Eunan Quinn, Senior Executive Planner, Mr Eamonn Browne, Road Safety Officer, Mr Simon Harron, Executive Planner, Ms Catherine McLaughlin, Assistant Planner, Ms Carol Margey, Assistant Planner, Mr Eunan Sweeney, Meetings Administrator, Ms Anne Marie Crawford, Staff Officer, Corporate Services.

**C/378/08**     **INTRODUCTION OF NEW DIRECTOR, WATER  
ENVIRONMENT AND EMERGENCY SERVICES**

The County Manager welcomed Mr Seamus Neely, Director Water, Environment and Emergency Services to the meeting, and wished him well in his new post. Members acknowledged that there were many challenges ahead most notably the introduction of the new Waste Management Plan. They assured Mr. Neely of their co-operation in the year ahead. Tribute was also paid to the former Director of Service, Mr Jim Holohan and the Acting Director of Service, Mr Peadar Mac Rory. Mr. Neely thanked members for their kind words and advised that it was his wish to make a valuable contribution to the development of the county.

- C/379/08     CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 28<sup>th</sup> July, 2008  
On the proposal of Clr. F. Conaghan, seconded by Clr. B. Byrne, the Minutes of the Meeting of Donegal County Council held on the 28<sup>th</sup> July, 2008, were adopted.
- C/380/08     FILLING OF CASUAL VACANCY ARISING FROM THE RESIGNATION OF CLR. TONY MCDAID  
On the proposal of Clr. Gallagher, seconded by Clr. Mac Lochlainn, Ms Cora Harvey was co-opted as a member of Donegal County Council to fill the casual vacancy occasioned by the resignation of Clr. Tony McDaid.
- Members extended their congratulations to Cllr. Harvey. Clr. Mac Lochlainn paid tribute to former councillor Tony McDaid.
- Clr. Harvey stated that it was an honour and a privilege to serve on Donegal County Council and stated that she hoped to work with all the members for the betterment of the county.
- C/381/08     FILLING OF CASUAL VACANCY ARISING FROM THE RESIGNATION OF CLR. J.J. REID  
On the proposal of Clr. Slowey, seconded by Clr. Mc Guinness, Mr. Gareth Reid was co-opted as a member of Donegal County Council to fill the casual vacancy occasioned by the resignation of Clr. J.J Reid.  
Members extended their congratulations to Clr. Reid  
Tributes were paid to former Councillor J.J Reid on his 41 years of service as a public representative. It was acknowledged that he was a man of his word who had worked tirelessly for the Finn Valley area. Good wishes were extended for a long and healthy retirement.
- C/382/08     FILLING OF CONSEQUENTIAL VACANCIES ARISING FROM THE RESIGNATION OF CLR. TONY MCDAID  
On the proposal of Clr. Gallagher, seconded by Clr. Harvey, it was resolved that Clr. Mac Lochlainn would fill the vacancy on the County Donegal Vocational Education Committee.

On the proposal of Clr. Gallagher, seconded by Clr. Mac Lochlainn, it was resolved that Clr. Harvey would fill the vacancies on the following committees: -

- General Purposes Committee
- Letterkenny Electoral Area Committee
- Airport Committee
- North West Economic Partnership Project Advisory Committee
- Housing Strategic Policy Committee

On the proposal of Clr. Mac Lochlainn seconded by Clr. Harvey, it was resolved that Clr. Gallagher would fill the vacancy on the Community, Cultural, and Corporate SPC.

C/383/08 FILLING OF CONSEQUENTIAL VACANCIES ARISING FROM THE RESIGNATION OF CLR. J.J. REID

On the proposal of Clr. Slowey, seconded by Clr. Mc Guinness, it was resolved that Clr. Gareth Reid would fill the vacancies on the following committees and body: -

- General Purposes Committee
- Stranorlar Electoral Area Committee
- Planning and Economic Development SPC
- County Enterprise Fund
- Regional Health Forum

C/384/08 FILLING OF CASUAL VACANCY ON CULTURAL COMMITTEE

On the proposal of Clr McGowan, seconded by Clr A. Bonner, it was resolved that Mr Conor Malone, Main Street, Ballybofey would fill the vacancy on the Cultural Committee arising from the resignation of Clr Patrick McGowan.

C/385/08 DISPOSAL OF LANDS AT FANAGHANS, INVER TO MS ANN PYE.

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

On the proposal of Clr. Boyle, seconded by Clr. Byrne, it was resolved to dispose of lands at Fanaghans, Inver to Ms Ann Pye, Legal Personal Representative of James Haughey (deceased) in accordance with Section 211 of the Planning &

Development Act, 2000 and Section 183 of the Local Government Act, 2001.

- C/386/08 DISPOSAL OF LANDS AT STRANORLAR TO THE TRUSTEES OF THE FINN PARK TRUST  
The Section 183 notice circulated specified that the lands should be disposed to the Trustees of the Finn Park Trust; however on the recommendation of Mr. Francie Coyle, Director of Planning and Economic Development, it was resolved to dispose of the two pieces of land at Stranorlar referred to in the notice to the Finn Park Co-Operative Society Ltd, in accordance with Section 211 of the Planning and Development Act, 2000 and Section 183 of the Local Government Act, 2001.
- C/387/08 TAKING OF DECISION WITH REGARD TO PROPOSED ROAD REALIGNMENT R232, LAGHEY TO PETTIGO PHASE II.  
Members considered the report, circulated with the agenda, in relation to the above.  
On the proposal of Clr. McEniff, seconded by Clr. Byrne, 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 Proposed Road Realignment R232, Laghey to Pettigo was approved.
- C/388/08 TAKING OF DECISION WITH REGARD TO PROPOSED ROAD REALIGNMENT R238, REDCASTLE TO MOVILLE PHASE III.  
Members considered the report, circulated with the agenda, in relation to the above.  
On the proposal of Clr. McDonald, seconded by Clr. Conaghan, 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 Proposed Road Realignment R238, Redcastle to Merville was approved.
- C/389/08 TAKING OF DECISION WITH REGARD TO PROPOSED ROAD REALIGNMENT BROCKAGH TO FINTOWN PHASE VII.

It was agreed to defer this item to later in the meeting pending further clarification on the matter from the Director of Roads and Transportation, Mr. John Mc Laughlin.

C/390/08 TO ADOPT DRAFT AUDIT COMMITTEE CHARTER  
Members considered the report circulated with the agenda in relation to the above.  
On the proposal of Clr. Conaghan, seconded by Clr. Pringle, it was resolved to adopt the Draft Audit Committee Charter subject to the committee reporting on a more regular basis to the Council. Clr. Pringle asked that members be informed as to the outcome of the committee's decision on this matter. Mr. Sean Sheridan, Director of Corporate Services agreed to discuss same with the Audit Committee.

The County Manager stated that the Manager's Report could be used to advise members on the work of the Audit Committee, and that Clr. Bonner and himself would have no difficulty in highlighting members concerns to the committee, as appropriate.

Clr. Mc Guinness requested that the minutes of Audit Committee meetings be forwarded to the Corporate Policy Group for consideration.

Concern was expressed that previous requests for circulation of the CPG minutes to all members had been ignored, and it was requested that the matter be raised at the next meeting of the Corporate Policy Group.

C/391/08 TO CONSIDER THE ADOPTION OF PROPOSED AMENDMENTS TO STANDING ORDERS  
Members considered the report circulated with the agenda in relation to the above. Mr. Eunan Sweeney, Meetings Administrator advised that the report was based on the recommendations of the Working Group established by the Corporate Policy Group to advise on the reform of committee and meeting structures. The CPG, he noted, had recommended the adoption of amendments to Standing Orders 3, 5 and 13 at this meeting. Further clarification, including advice from the Council Solicitor on the remaining items he noted would be required, and it was hoped to bring these to the October Meeting.

On the proposal of Clr. Mc Gowan, seconded by Clr. Larkin, it was resolved to amend Standing Orders No 3, 5 and 13 as follows:

### **Meetings of the Council**

3. “All meetings of the Council will commence at **12 noon** or at such other time as may be fixed from time to time by Resolution of the Council. The Council shall rise not later than 6 p.m. but subject to the proviso that the specific item of business, then before the meeting, may be completed, provided always that it does not extend the meeting by more than fifteen (15) minutes. Where an item of business is before the meeting at 5.45 p.m. and a Motion to deal with another item(s) of business (not on the agenda) as urgent business has been passed, the item of business under discussion at the time, if not concluded, will, subject to Standing Order 16, be adjourned to the next scheduled meeting to allow the item(s) of urgent business to be dealt with provided that regardless the meeting shall not be extended by more than fifteen (15) minutes.
  
5. **Ordinary meetings of the Council will be held each year on the last Monday in the months of January, February, March, April, May, June, July, September, October and November** provided that, in exceptional circumstances, the Cathaoirleach, having consulted with the Meetings Administrator and the Manager, may change the date of the meeting and the same provisions as to adjourned date, notice etc. as in Standing Orders 13 and 15 (adjournment of meeting where no quorum present) will apply in those circumstances. Where the last Monday in a month on which an ordinary meeting would be due to be held is a public holiday or a day on which the offices of the Council would normally be closed, the meeting shall take place either on the last Tuesday of such month or such other day as may be fixed by Resolution of the Council.

## **Quorum**

13. If a quorum is not present within 30 minutes after the time fixed for the commencement of the meeting, the meeting shall stand adjourned to a day to be named by the Cathaoirleach.”

Member’s thanked Mr. Sweeney, and the CPG Working Group for their contribution acknowledging that there would no doubt be initial difficulties in implementing the changes.

Given that the General Purposes Committee Meeting on the 13<sup>th</sup> October would not now take place, it was agreed that the deputation from Failte Ireland could now address the full Council on Tuesday 28<sup>th</sup> October, 2008.

C/392/08     TO AGREE OVERDRAFT ACCOMODATION OF FIFTY MILLION EURO (€50,000,000) FOR HALF YEAR ENDING 30<sup>TH</sup> JUNE 2009

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

On the proposal of Clr. Alcorn, seconded by Clr. McBride, the Council resolved to authorise overdraft accommodation of fifty million euro (€50,000,000) for half year ending 30<sup>th</sup> June 2009.

C/393/08     TO CONSIDER MANAGER’S REPORT ON THE PROPOSED DRAFT VARIATION TO THE COUNTY DEVELOPMENT PLAN 2006-2012 AND TO MAKE SAID VARIATION

*Variation No 1*

On the proposal of Clr Conaghan, seconded by Clr. Donaghey, it was resolved to reject the County Manager’s recommendation and vary the County Development Plan 2006-2012 by inserting 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 the Donegal County Council administrative area situated between the boundary in respect of Buncrana Town Council and the Buncrana 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.**”

*Variation No. 2*

On the proposal of Clr. Conaghan, seconded by Clr. Slowey, it was resolved to accept the County Manager’s recommendation and vary the County Development Plan 2006-2012 by omitting the following text: -

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

*Variation No. 3*

On the proposal of Clr. Conaghan, seconded by Clr. Slowey, it was resolved to accept the County Manager’s recommendation and vary the County Development Plan 2006- 2012 by including additional text at the end of policy UB1: -

“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”.

*Variation No.4*

On the proposal of Clr. Mc Guinness, seconded by Clr. Conaghan, it was resolved not to accept the County Manager's recommendation and vary the County Development Plan 2006-2012 by inserting 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.”

*Variation No. 5*

On the proposal of Clr. Conaghan, seconded by Clr. Mac Lochlainn, it was resolved to accept the County Manager's recommendation and vary the County Development Plan 2006-2012 by inserting the following text, highlighted in bold, into the original text: -

1. “An intrinsic part of the rural community, namely
  - Persons living in the rural area, in which they propose to build, as members of an established rural community e.g. farmers and their families, persons taking over the ownership or running of a farm.
  - Non-farming persons from rural areas.
  - Returning immigrants, from the rural area in which, they propose to build, including members of their families.

**“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. Persons working full-time or part-time in rural area
  - Persons involved in full-time farming, forestry, inland waterway or marine related occupations.

- Persons involved in part-time occupations where the predominant occupation is farming/natural resource related.
- Persons whose work is intrinsically linked to rural areas such as teachers in rural schools or other persons whose work predominantly takes place within rural areas.

**“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).**

*Variation No. 6*

On the proposal of Clr. Conaghan, seconded by Clr. Mac Lochlainn, it was resolved accept the County Manager’s recommendation and vary the County Development Plan 2006-2012 by replacing the following text with the text, highlighted in bold: -

“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”.

**“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.”**

*Variation No. 7*

On the proposal of Clr. Conaghan, seconded by Clr. Donaghey, it was resolved to reject the County Manager’s recommendation and vary the County Development Plan 2006-2012 by replacing 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 family owned 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.”**

Clr. Conaghan proposed, seconded by Clr. Mc Guinness, and it was resolved, that a 1day familiarisation session be held to update members and staff on the application of the adopted amendments to the County Development Plan 2006-2012.

*Variation No. 8*

On the proposal of Clr. Conaghan, seconded by Clr. Mc Guinness, it was resolved not to accept the County Manager’s recommendation and to vary the County Development Plan 2006-2012 by inserting the following policy, incorporating also a proposal by Clr. Mac Lochlainn and seconded by Clr. Slowey to amend the title “small local builder” to “local builder”

“The County Council recognises the contribution made by 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. 9. 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 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. 9 above is the DED of the application site or in any DED of the adjacent 3 (in any direction).”

*Variation No. 9*

On the proposal of Clr. Larkin, seconded by Clr. Donaghey it was resolved to delete the provision excluding areas within the Letterkenny and Environs and the Buncrana and Environs Development Plans.

On the proposal of Clr. Conaghan, seconded by Clr. Larkin, it was resolved to accept the County Manager’s recommendation to vary the County Development Plan 2006-2012 and amend the “roots” policy, Policy RH4 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, or within the boundaries of the Letterkenny and Environs Development Plan 2003-2009 and the Buncrana and Environs Development Plan unless either the applicant, or their parents or grandparents resided there for a period of 7 years.

”Roots” are considered to be that the applicant(s), 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.”

*Variation No. 10*

On the proposal of Clr. Conaghan, seconded by Clr.Larkin it was resolved not to accept the County Manager’s recommendation and to vary the County Development Plan 2006-2012 by inserting the following new policy:

“The applicant who can demonstrate that they are a Local Builder shall be permitted to build up to two housing units in

any one calendar year, provided that 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 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)”

*Variation No. 11*

On the proposal of Clr. Conaghan, seconded by Clr. Gallagher, it was resolved to accept the County Manager’s recommendation and vary the County Development Plan 2006-2012 by inserting 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.”

*Variation No. 12*

On the proposal of Clr. Conaghan, seconded by Clr. Larkin, it was resolved not to accept the County Manager’s recommendation and to vary the County Development Plan 2006-2012 by inserting the following text:

“Person(s) who have owned a family owned 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.”

*Variation No. 13*

On the proposal of Clr. Conaghan, seconded by Clr. Larkin, it was resolved to reject the County Manager's recommendation and to vary the County Development Plan 2006-2012 by inserting the following 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.”

*Variation No. 14*

A lengthy debate ensued with members acknowledging that there had been a number of difficulties with the current Holiday Homes Policy.

On the proposal of Clr. Conaghan, seconded by Clr. Slowey, it was resolved to accept the County Manager's recommendation and omit Proposed Variation No. 14 thus rejecting a proposed 10% increase in the ratio of holiday homes/permanent homes from 20% holiday homes to 30%.

Clr. Conaghan further proposed, seconded by Clr. Slowey, and it was resolved, that the “Holiday Home “ issue be dealt with at local level through the Local Area Plan process. This, it was acknowledged, would allow for localised debate and a more effective assessment of the situation.

On the proposal of Clr. E. Bonner, seconded by Clr. Conaghan, it was resolved that a “Holiday Home Count” be undertaken in each Electoral Area to assess the current level of holiday home ownership.

Clr. Mac Lochlainn asked that it be recorded that his political grouping on the council had expressed grave reservations about the policy going out for public consultation in the first place.

*Variation No. 15*

On the proposal of Clr. Conaghan, seconded by Clr. Larkin, it was resolved to accept the County Manager's

recommendation and vary the County Development Plan 2006-2012 by inserting the following text: -

“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)”

*Variation No. 16*

On the proposal of Clr. Mc Guinness, seconded by Clr. Conaghan, it was resolved to amend the following text with the text highlighted in bold: -

*“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 degree to which the proposal would form a small cluster with a number of houses or other buildings with adjoining curtilages, this can incorporate backland sites in appropriate circumstances”.**

On the proposal of Clr. Conaghan, seconded by Clr. Mc Guinness, it was resolved to accept the County Manager’s recommendation and vary the County Development plan 2006-2012 by inserting the following revised textual definition: -

“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 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.’

Responding to members queries on the 250m road frontage guidelines, Mr. Francie Coyle, Director Planning and Economic Development advised that such criteria were contained within the Rural Planning Guidelines. The textual changes outlined would, he affirmed, allow for some flexibility.

Members welcomed the flexibility provided within this clause and called for effective collaboration between Planners and the Elected Members.

#### *Variation No. 17*

On the proposal of Clr. Conaghan, seconded by Clr. Mc Guinness, it was resolved to accept the County Manager’s recommendation and vary the County Development Plan 2006-2012 by inserting the following textual definition: -

#### 12. DED

District Electoral Division

#### *Variation No. 18*

It was proposed by Clr. Larkin, seconded by Clr. Conaghan to reject the County Manager’s recommendation and to vary the County Development Plan 2006-2012 by removing Knockbrack, and Glenmaquin Lower from the Urban Generated Rural Housing (URGH) zone, whilst retaining the townlands of Treanavinny, Dooballagh, Glenkeeran and part of Tully within the Urban Generated Rural Housing Area. This policy to be kept under review.”

Clr. Mc Lochlainn asked that it be recorded that his political grouping on the Council could not support such a policy as the exclusion of specific townlands would give rise to inconsistency within the overall plan.

He asked that a definitive description of Urban Generated and Non-Urban Generated be provided. At the request of the Mayor, Mr. Gerry Richards, Senior Planner outlined the criteria for both types of development.

Clr. Larkin advised that the adoption of the policy was essential for regeneration in areas such as Letterkenny and Buncrana. The motion was adopted.

#### *Variation No. 19*

On the proposal of Clr. Conaghan, seconded by Clr. Larkin, it was resolved to accept the County Manager's recommendation and vary the County Development Plan 2006-2012 by inserting 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 Especially High Scenic Amenity areas (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 Product Development 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 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.”

*Variation No. 20*

On the proposal of Clr. Conaghan, seconded by Clr. Mc Bride, it was resolved to accept the County Manager’s recommendation and vary the County Development Plan 2006-2012 by inserting the following text;-

“Section 9

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.”

#### *Variation No 21 Appendix A Changes*

On the proposal of Clr. Conaghan, seconded by Clr. Byrne it was resolved to accept the County Manager’s recommendations and vary the County Development Plan 2006–2012, as outlined in Variation No. 21 Appendix A Changes.

Clr. Conaghan proposed, seconded by Clr. Gallagher and it was resolved to include the following textual amendment: -

By the addition of the word “certain” and the exclusion of the word “exceptional”

*“Page 8, Section 2.1 3. Entrance Details*

In **certain** circumstances consideration may be given to shared entrance arrangements to facilitate particular family circumstances.”

The necessity of meeting with the National Roads Authority in relation to the implementation of this policy was highlighted.

On the proposal of Clr. Conaghan, seconded by Clr. Slowey, the Council resolved to make the Variation to the County Development Plan 2006-2012 subject to all the recommendations set out in the Managers Report and the amendments agreed at the meeting and to publish the said Draft Variation in accordance with the terms and provisions of the Planning & Development Acts 2000-2006.

The hard work and considerable efforts of all involved in the preparation of the amendments to the County Development Plan 2006-2012 was acknowledged.

C/394/08

TO CONSIDER PROPOSED DRAFT LETTERKENNY AND ENVIRONS DEVELOPMENT PLAN 2008 FOR PUBLIC CONSULTATION PURPOSES

Members considered Volumes 1, 2 and 3 of the Core Document in relation to the Draft Letterkenny and Environs Development Plan 2008 –2014 together with the Schedule of Erratums circulated with the agenda in relation to the above. An additional 1 page report circulated during the meeting, detailed key issues raised by members at a workshop on the 16<sup>th</sup> September 2008.

On the proposal of Clr. Larkin, seconded by Clr. Brogan, it was resolved to publish the Draft Letterkenny & Environs Development Plan 2008 –2014 and Environmental Report subject to:

- 1) The inclusion of the corrections contained in the Schedule of Erratums.

- 2) The inclusion of lands at Glebe within the plan boundary and the zoning of said lands as “Low Density Residential”
- 3) The approval of Letterkenny Town Council in relation to other issues within the administrative area of Letterkenny Town.

C/395/08      TO CONSIDER MANAGER’S REPORT ON  
SUBMISSIONS TO THE PUBLISHED DRAFT  
AMENDMENT TO THE LIFFORD LOCAL AREA PLAN  
2007-2013 AND MAKE SAID AMENDMENT

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

*Amendment 1(A)*

On the proposal of Clr. Crawford, seconded by Clr. Crawford, it was resolved to amend the Draft Lifford Local Area Plan 2007-2013 and rezone lands from ‘Agricultural’ (Map 1) to ‘Residential’ (Map 2) (with a 10 metre development free buffer, zoned ‘Agricultural’ alongside the proposed N14 Realignment Corridor).

*Amendment 1 (B)*

On the proposal of Clr. Crawford, seconded by Clr. Brogan, it was resolved to accept the County Manager’s recommendation and reject Amendment 1 (B) to the Lifford Local Area Plan 2007-2013

*Amendment 1.(C )*

On the proposal of Clr. Crawford, seconded by Clr. A. Bonner, it was resolved to relocate lands that were zoned as ‘Public Utilities’ on Map No. 1, (Draft Lifford Local Area Plan 2007 – 2013) to the site identified on Map 2, and to rezone those underlying lands as both an ‘Amenity Area’ and an ‘Area of Sporting Excellence’. Lands zoned as ‘Public Utilities’ may accommodate a proposed new Waste Water Treatment Plant.

The subject area for the proposed Amendment covers approximately 1 hectare of land, which is situated along the Foyle embankment on the edge of Lifford. A site for the proposed Waste Water Treatment Plant was adopted within the Lifford Local Area Plan, however, arising from consultations with interested parties, Lifford Coursing Club and Lifford Celtic FC the proposed location of a new Waste

Water Treatment Plant (within the area demarked blue) will be subject to further detailed site investigation, and negotiation with landowners pending the appointment of consultants. The total area of the treatment plant shall not exceed 2 acres in area. In addition, the areas zoned as 'Public Utilities' within both the adopted Lifford Local Area Plan 2007 – 2013 and the proposed amendment 1(C) to that Plan (2008) will be removed. These underlying areas will be zoned as both 'Amenity' and 'Area of Sporting Excellence', while the overall area demarked in blue, will be subject to further site analysis for the development of a new Waste Water Treatment Plant."

*Amendment 1(D)*

On the proposal of Clr. Crawford, seconded by Clr. Conaghan, it was resolved to accept the County Manager's recommendation and reject Amendment 1(D) to the Lifford Local Area Plan 2007-2013

On the proposal of Clr. Crawford, seconded by Clr. Larkin, it was resolved to amend the Lifford Local Area Plan 2007-2013 subject to the recommendations set out in the Manager's Report (September 2008) and the the inclusion of the amendments outlined above, in accordance with Section 20 (3) (g) of the Planning and Development Acts 2000-2006.

C/396/08 TO CONSIDER MANAGER'S REPORT ON THE SUBMISSIONS TO THE PUBLISHED DRAFT AMENDMENT TO THE NEWTOWNCUNNINGHAM LOCAL AREA PLAN 2007- 2013 AND MAKE SAID AMENDMENT

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

On the proposal of Clr. Conaghan, seconded by Clr. Mc Guinness, it was resolved to amend the Newtowncunningham Local Area Plan 2007-2013, subject to the recommendations set out in the Manager's Report and in accordance with Section 20 (3) (g) of the Planning and Development Acts 2000 -2006

C/397/08 TO CONSIDER THE MANAGER'S REPORT ON INITIAL PUBLIC CONSULTATION ON REVIEW OF

THE BUNDORAN AND ENVIRONS DEVELOPMENT PLAN 2004-2010 AND PREPARATION OF THE NEW BUNDORAN AND ENVIRONS DEVELOPMENT PLAN 2010-2016

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

On the proposal of Clr. Mc Eniff, seconded by Clr. O' Neill, it was resolved that the creation of a village from the Town Boundary to Lennox's Bridge, including the Rock Road to the Moy Road, Bundoran and at Drumacrin from the Town Boundary to Rathmore Crossroads, be included in the new Bundoran and Environs Development Plan 2010-2016.

Clr. Pringle proposed, seconded by Clr. Mc Eniff, and it was resolved that the Department of Defence lands adjoining Tullan Strand be excluded from the Draft Bundoran and Environs Development 2016 – 2016.

Clr. O' Neill expressed disappointment with the submission from Leitrim County Council particularly in relation to the inclusion of Design Guidelines and queried the reference to the poor quality of shop fronts and advertising signs in Bundoran.

On the proposal of Clr. Mc Eniff, seconded by Clr. O' Neill, it was resolved to proceed with the preparation of the Draft Bundoran & Environs Development Plan subject to the recommendations set out in the Manager's Report and the inclusion of the amendments outlined above, in accordance with Section 11 of the Planning and Development Acts 2000 –2006

C/398/08

RAISING OF LOAN OF €1,783,022 FOR THE DEVELOPMENT OF A VOLUNTARY HOUSING PROJECT AT CONVENT LAND, CARNDONAGH BY NORTH AND WEST HOUSING ASSOCIATION UNDER LOAN AND SUBSIDY SCHEME

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

On the proposal of Clr. Conaghan, seconded by Clr. Slowey, it was resolved to approve the raising of a loan of €1,783,022 for the development of a Voluntary Housing Project at Convent Land, Carndonagh by North and West

Housing Association under the Capital Loan and Subsidy Scheme.

C/399/08 TRANSFER OF SPECIAL HOUSING AID FOR THE ELDERLY SCHEME FROM THE HEALTH SERVICE EXECUTIVE TO THE DEPARTMENT OF THE ENVIRONMENT HERITAGE AND LOCAL GOVERNMENT

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

On the proposal of Clr. Conaghan, seconded by Clr. Slowey, it was resolved to endorse the recommendation from the Housing and Building Strategic Policy Committee re setting aside a limited fund to enable a speedy programme of works to be put in place to respond to emergencies of a health care related nature, as outlined in Mr. Liam Kelly, Director of Services report of the 17<sup>th</sup> September, 2008.

Members highlighted the particularly high level of bureaucracy surrounding the scheme and asked that every effort be made to simplify application forms etc.

Concern was also expressed that members had not been given adequate notice of the transfer.

The Director advised that only one week's notice of the transfer had been received and that provision had to be made for the carrying out of emergency works.

He advised that further information was awaited from the HSE and that there was no indication as yet of what the Department allocation for 2009 would be. The next three months, he noted, would be very much a transitional phase.

C/400/08 REVIEW OF EXISTING POLICY ON HOUSING AID FOR OLDER PEOPLE GRANT SCHEME IN SO FAR AS IT RELATES TO DEPENDENT CHILDREN

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

On the proposal of Clr. Conaghan, seconded by Clr. Mc Guinness, it was resolved to adopt the recommendation from the Housing and Building Strategic Policy Committee re changing policy on Housing Aid for Older People in so far as it relates to Dependent Children.

Clr. Conaghan proposed, seconded by Clr. Larkin and it was resolved that the matter be considered within the context of Budget 2009 and that every effort made to provide for same. Clr. Mc Gowan asked that a further review be carried out in relation to people outside the age group limits who live with or act as a carer to an elderly person.

C/401/08

#### 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. Mc Gowan it was resolved to authorise any member, if he/she so wished, to attend the following conferences, subject to the following conditions:

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 Role of Local Government in Protecting our Water Resources to be held from 9<sup>th</sup> to 12<sup>th</sup> October, 2008 at the Connemara Gateway Hotel, Oughterard, Co. Galway.
  - The Blascaod Commemoration 2008 “Emigration and Beyond” to be held from 10<sup>th</sup> to 12<sup>th</sup> October, 2008 at Ionad an Bhascaoid, Dún Chaoin, Trá Lí, Co. Chiarraí.
  - Climate Change Conference The Way Forward for Local Authorities to be held 16<sup>th</sup> October, 2008 at the Croke Park Conference Centre, Dublin 1.
  - Local Authority Financing – A Crisis Brewing, the Challenge for Councillors to be held from the 16<sup>th</sup> to 18<sup>th</sup> October, 2008 at the Killarney Plaza Hotel, Kenmare Place, Killarney, County Kerry.
  - Association of Irish Regions 11<sup>th</sup> Annual Conference “Ireland’s Waters: An Untapped Resource?” to be held 17<sup>th</sup> October, 2008 at the Inchydoney Island Lodge and Spa Hotel, Clonakilty, Co. Cork.
  - Douglas Hyde Conference 2008 “Lost in Translation – Amú in Aistriúcháin” to be held from 17<sup>th</sup> – 19<sup>th</sup> October,

2008 at the Abbeyfield Hotel, Ballaghaderreen, Co. Roscommon.

- Irish Planning Institute Autumn Conference “Local Area Planning – Opportunities & Challenges” to be held 24<sup>th</sup> October, 2008 at the Radisson SAS Royal Hotel, Golden Lane, Dublin 8.
- Anti Social Behaviour and Associated Health & Safety Issues to be held from 31<sup>st</sup> October to 2<sup>nd</sup> November, 2008 at the Carraig Hotel, Main Street, Carrick-on-Suir, Co Tipperary.
- “Green Infrastructure – Connecting Nature, People and Places” to be held 4<sup>th</sup> and 5<sup>th</sup> November, 2008 at the Grand Hotel, Malahide, Co. Dublin.
- 11<sup>th</sup> Annual Céifin Conference “Family Life Today – The Greatest Revolution?” to be 4<sup>th</sup> and 5<sup>th</sup> November, 2008 at the West County Hotel, Ennis, Co. Clare.
- 5<sup>th</sup> National Conference on Local Government Financing to be held 7<sup>th</sup> November, 2008 at the Mount Wolseley Hilton Hotel, Tullow, County Carlow.

C/402/08 ADJOURNMENT FOR LUNCH

On the proposal Clr. Conaghan, seconded by Clr. Mc Gowan, it was resolved to adjourn the meeting for a one-hour lunch break.

C/403/08 TAKING OF DECISION WITH REGARD TO PROPOSED ROAD REALIGNMENT BROCKAGH TO FINTOWN PHASE VII.

Mr. John Mc Laughlin, Director Roads and Transportation advised that he wished to withdraw the item pending further clarification of the project boundaries. It was agreed that the matter would be listed for the January 2009 Council Meeting.

C/404/08 ESTABLISHMENT OF DONEGAL REGIONAL CULTURAL CENTRE MANAGEMENT COMMITTEE AND APPOINTMENT OF MEMBERS HERETO

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

Mr. Eunan Sweeney, Meetings Administrator advised that the Regional Cultural Centre Management Committee could not legally be established as a sub committee of the Community, Corporate and Cultural SPC.

Mr. Sweeney, further advised that the County Manager's nominee and the Director of Community Culture and Enterprise could not be voting members of the committee if established.

On the proposal of Clr. Larkin, seconded by Clr. Brogan, it was resolved, in accordance with Section 51 of the Local Government Act, 2001, to establish the Regional Cultural Centre Management Committee with the following membership:

- Mayor of the day
- 1 member from each Electoral Area Committee
- 1 member from the Cultural Committee
- 2 members from Letterkenny Town Council

On the proposal of Clr. Larkin, seconded by Clr. Brogan it was resolved that every effort should be made for the official naming of the Regional Cultural Centre as soon as possible.

C/405/08 UPDATE ON THE DONEGAL ROAD SAFETY WORKING GROUP

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

Mr. Eamonn Browne, Road Safety Officer outlined the main points of his reports. The Mayor thanked Mr. Browne for the comprehensive and thought provoking report.

C/406/08 MAYORS BUSINESS

• *Road Works Programme 2008*

The Mayor outlined his disappointment that some elements of the Road Works Programme had not been delivered and that the members had not been kept informed of this development. He referred specifically to the Ballindrait and Argergy areas. He accepted the explanation provided by the Roads Service and asked that in future a full update be provided on all aspects of the programme.

Mr. John Mc Laughlin, Director of Roads and Transportation stated that the funding provided did not cover all of the designated works. The matter had he advised been sorted and that it was hoped to complete the works in

question in the spring of next year. He would be confirmed contact Clr. Crawford in relation to the proposed timetable.

- *Donegal Rail Initiative*

The Mayor advised that a forum on the establishment of rail links within the county would be held in the County House, Lifford on Thursday 16<sup>th</sup> October, 2008, which would be a valuable debating forum for all those interested in progressing the development of rail within the region.

#### Votes of Sympathy

Votes of sympathy were proposed in relation to the following: -

- Manuel Friel, Roads, Milford on the death of his brother James Friel
- Eamon Mc Elhinney, Waterworks Inspector on the death of his mother, Catherine Mc Elhinney
- Cathal Mc Daid, Planning, Carndonagh, on the death of his father, Patrick Mc Daid.
- James Bradley, Machinery Yard on the death of his father Jimmy Bradley.
- Ronnie Whyte, Corporate Services and Mervyn Whyte, County Museum on the death of their mother Jean.
- Liam Edwards (Roads Section, Donegal PSC) on the death of his father William Edwards.
- The family of the late Bernard Daly, (former fireman).
- The family of the late John Mc Cauley, Marine Section.
- The family of the late George Spokes, Former Station Officer, Buncrana Fire Brigade.

- Paul Mc Hugh, Derrymcconnell on the death of his father John Mc Hugh.
- The family of the late Dan McCann
- The family of the late Father Seamus Kelly
- *Local Reception*  
On the proposal of Clr. Mc Eniff, seconded by Clr. O'Neill it was resolved that a local reception to honour the St Joseph's GAA Team Ballyshannon/Bundoran (1968) be held on Friday 28<sup>th</sup> November, 2008 in the Donegal Public Service Centre.

C/407/08 MANAGERS 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.

Clr. Mc Eniff advised that he wished to refute most strongly the allegations contained in correspondence circulated to all elected members that he had been involved in the selection of the site for the Fire Station in Bundoran without any mandate.

Clr. O'Neill noted that the Department of Environment Heritage and Local Government should look at the Health and Safety aspect of providing two Fire Stations. Option C he suggested should not be considered.

Responding to a query by Clr. Blaney, the County Manager affirmed that work was ongoing in relation to the compilation of a template for dealing with the re-organisation of Electoral Areas from six to five. This was, he noted, a complex piece of work which he hoped to have completed by the end of the year.

C/408/08 PROVISION OF FOOTBRIDGE ALONG BALLYBOFEY/STRANORLAR BRIDGE

On the proposal of Clr. McGowan, seconded by Clr. Kelly, the following motion was adopted:-

“That this Council as a matter of urgency carry out assessment of Ballybofey/Stranorlar Bridge with a view to having a footbridge provided along side for pedestrians and persons needing assistance.”

Members were informed that:-

“The Road Design Bridges team will liaise with the Stranorlar Roads Area staff in assessing this bridge after completion of priority issues on their current work programme. This is estimated to be carried out in the first quarter of 2009. Their findings will be presented to the Stranorlar Electoral Area Committee at a future meeting.”

It was agreed that a report on the matter would be brought back to members for consideration.

C/409/08

MAJOR PROBLEMS BEING EXPERIENCED BY THE  
INDIGENOUS POPULATION ALONG THE N56 DUE TO  
NRA APPEALING DECISIONS TO AN BORD  
PLEANALA

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

"That this County Council discuss the major problem that local indigenous people are having in obtaining planning along the N56 due to the N.R.A. appealing decisions to An Bord Pleanala"

Members were informed that:-

“An analysis of appeals within the 100m corridor around the N56 from January 2007 to September 2008 provided the following information.

Six single house developments which were granted by Donegal County Council in this period were appealed by the NRA and of those An Bord Pleanala overturned the Council’s decision in 4 cases with the remaining two still to be decided. A further five single house applications which were granted by the Council were appealed by people who had objected to the developments, of these one was

overturned, one was upheld and there is, as yet, no decision in the other three cases.”

A number of members expressed concern in relation to the matter and called for a prompt review of the current legislation. It was agreed that a copy of the motion and the relevant statistics would be forwarded to all the Oireachtas Members in the county together with a copy of the relevant statistics.

C/410/08 FLOODING AT HIGH TIDE ON THE SANDFIELD AND BALLYIRSTON ROADS

On the proposal of Clr. Slowey, seconded by Clr. McBride, the following motion was adopted:-

“That this Council address the serious problem of flooding at high tide on the Sandfield and Ballyirston roads leading to the cutting off of Narin, Portnoo and Rosbeg.”

Members were informed that:-

“Flooding occurs at these locations during high tides coupled with high winds. The Roads Service, in conjunction with the Marine Service, will examine and cost solutions to this issue.

The findings will be presented to the Glenties Area Members when completed.”

C/411/08 SUBMISSION TO THE OIREACHTAS REPORT ON BEHALF OF THE JOINT COMMITTEE OF ARTS SPORTS, TOURISM, COMMUNITY, RURAL AND GAELTACHT AFFAIRS

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

“That this Council makes a submission to the Oireachtas report on behalf of the Joint Committee of Arts, Sports, Tourism, Community, Rural and Gaeltacht affairs, which is being compiled by Senator Pearse Doherty.”

Members were informed that:-

“The Community & Enterprise Division will be glad to make a submission outlining needs and opportunities for County Donegal as identified in, e.g. An Straiteis – Donegal CDB Strategy for Economic, Social and Cultural Development – and in other submissions made by Donegal County Council to various bodies.”

Clr. Gallagher asked that contact be made with the chairman of the above committee.

C/412/08 CARPARK IN CARNDONAGH

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

“That some work be started on the carpark in Carndonagh”

Members were informed that:-

“Since 2004 over €200,000 has been spent on the carpark at Carndonagh a sum which represents considerable value for money. The available funding sources for projects such as Carndonagh Car Park include the Development Contribution Scheme from which over €150,000 was allocated in 2007. Future works are dependant on further allocations form sources such as this.”

Clr. McGonagle requested that the Department be contacted in relation to the possibility of obtaining a special allocation to complete the above works.

Mr John McLaughlin, Director of Roads and Transportation agreed to write to the Department of Transport in relation to the matter.

C/413/08 ADDITION OF LAGHEY BAR CHURCH TO THE LIST OF PROTECTED STRUCTURES

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

“That Donegal County Council add Laghey Bar Church to the List of Protected Structures.”

Members were informed that:-

“For any structure to be added to the Record of Protected Structures it must meet specific criteria, as laid down in the Planning and Development Act 2000-2006. A Planning Authority may add a structure to the RPS, where it considers it is necessary or desirable to protect the structure for special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. The County Council’s Conservation Officer is aware of the structure and will inspect same, with the view of assessing the Church’s potential for addition to the RPS.”

C/414/08

ADJOURNMENT OF MEETING

On the proposal of Clr. Mc Guinness, seconded by Clr. Mc Eniff, it was resolved to adjourn consideration of the remaining business to Monday 13<sup>th</sup> October, at 12.00 noon.

This concluded the business of the meeting.