

**MINUTES OF MUNICIPAL DISTRICT OF LETTERKENNY MEETING HELD IN THE MILFORD PUBLIC SERVICES CENTRE ON TUESDAY, 14<sup>TH</sup> FEBRUARY, 2017**

***MDL 51/17    MEMBERS PRESENT***

Cllr. Liam Blaney  
Cllr. Ciaran Brogan  
Cllr. Jimmy Kavanagh  
Cllr. Michael McBride  
Cllr. James Pat McDaid  
Cllr. Ian McGarvey  
Cllr. Gerry McMonagle  
Cllr. John O'Donnell  
Cllr. Mick Quinn  
Cllr. Dessie Shiels

***MDL52/17    OFFICIALS PRESENT***

Suzanne Bogan, Waste Information Officer  
Eunan Kelly, Area Manager, Corporate & Housing Services  
Martin McDermott, Executive Planner  
Fergal Doherty, S.E.E./Area Manager, Roads & Transportation  
Ciaran Martin, Development Officer  
Linda McCann, Senior Staff Officer  
Liam Ward, Director of Service

The meeting was chaired by Mayor, Cllr. James Pat McDaid,

On the proposal of Cllr Gerry McMonagle seconded by Cllr Ciaran Brogan it was agreed to adjourn the meeting until 2.30 p.m.

***MDL53/17    ADOPTION OF MINUTES OF MDL MEETING HELD ON 10<sup>TH</sup> JANUARY, 2017***

On the proposal of Cllr. Gerry McMonagle and seconded by Cllr. Michael McBride, the Minutes of MDL Meeting held on 10<sup>th</sup> January, 2017 were adopted.

***MDL54/17    STREET LIGHTS - KILMACRENNAN***

On the proposal of Cllr. John O'Donnell and seconded by Cllr. Michael McBride, the following motion was adopted:

*Requesting the Council to complete a footpath from Abbey Village Kilmacrennan to the Community Hall and install street lights. This was a very busy road with a large social housing scheme and also a link road around the village.*

The Members were advised that:

*Roads would consider this in conjunction with other requests for same, in the event that funding was identified. There were currently no funded programmes for the construction of new footpaths or the installation of new street lighting.*

On proposing the motion Cllr. O'Donnell stated that this footpath was a necessity in the interest of pedestrian safety as it was frequently used and very dark. He asked that funding was sourced to deliver this project.

In seconding the motion Cllr. McBride fully supported the motion and asked that the Council liaise with local volunteers/community group to deliver the works by way of the Council providing the necessary materials and the community group carrying out the work.

Cllr. O'Donnell thanked Cllr. McBride for supporting the motion and expressed annoyance at the response received in that no funding was available. He raised a previous motion in relation to the provision of a footpath between Downings and Carrigart when he was advised that no funding was available to carry out an Appropriate Assessment and has now read in the local paper that funding has been made available to carry out this study to progress the footpath. He stated that he had worked with a local group to submit a DFI application for funding for the Appropriate Assessment and negotiated with local landowners and was very annoyed to learn that this was progressing and he was not informed by the Executive.

Fergal Doherty advised that a local group approached the Council agreeing to provide half towards the cost of the study and in order to progress this, the Council agreed to fund the balance of approximately €1,500.

Cllr. O'Donnell requested that he be provided with a copy of the letter from the relevant group and evidence of their match funding; he also asked why he was not informed of this progression of the project; and asked where the Council's contribution was funded from.

Cllr. O'Donnell stated he was delighted the project was progressing to Part VIII stage but disappointed he was not informed.

***MDL55/17***     ***MOUNTAIN TOP & PRUMERICA ROUNDABOUTS***

On the proposal of Cllr. John O'Donnell and seconded by Cllr. Gerry McMonagle, the following motion was adopted:

*Requesting the Council to install a yellow box on the inward lane at the Mountain Top Roundabout and at the Prumerica Roundabout.*

The Members were advised that:

*Roads had assessed this and did not consider that the yellow box was appropriate at these locations, as the majority of 'through traffic' and 'entering traffic' was travelling towards Letterkenny at both roundabouts in the morning. Current arrangements allowed for traffic entry on an equal basis that would be removed if the yellow boxes were introduced. The yellow box would be appropriate if the majority of the 'entering traffic' was traversing the roundabout, which was not the case in either the Mountain Top or Pramerica Roundabouts. The NRO and Donegal Road Design were currently reviewing issues at several junctions in Letterkenny and reviewing LUTS recommendations.*

On proposing the motion Cllr. O'Donnell said the roundabout was grid locked with incoming traffic to the roundabouts and traffic from Calhame and other directions were delayed and had no access to the roundabout. Cllr. O'Donnell said he disagreed with the response given.

On seconding the motion Cllr. McMonagle stated that a yellow box should be installed in most roundabouts in the town, the hospital roundabout was another example and it was vital it was moving freely with the emergency services requiring access. He said driver behaviour was a contributing factor.

Fergal Doherty advised that yellow hatching was appropriate in some instances and not appropriate on others, it depended on the flow of the majority of traffic. He reiterated that in this roundabout this would not be effective.

Cllr. O'Donnell thanked Cllr. McMonagle for supporting the motion and stated that he was getting requests from the public on this matter and if a yellow box was in place no one would enter the roundabout.

***MDL56/17      FLOODING RELIEF SCHEME***

On the proposal of Cllr. Ian McGarvey and seconded by Cllr. Liam Blaney, the following motion was adopted:

*Requesting that Council's consideration for people who attended the meeting on funding for flooding in their area.*

The Members were advised that:

*The OPW were currently assessing all submissions made as part of the CFRAM SI Consultation process on the Flood Risk Management Plans. The OPW had indicated that the Final Flood Risk Management Plans would include the prioritization list but there was no time scale for the prioritization as yet. The prioritization could not take place until all submissions were reviewed but it was hoped this would be complete in spring 2017. This was one of the final stages of Phase 1 of the CFRAM Programme.*

*Below was an extract from the OPW's CFRAM Programme - North Western-Neagh Bann newsletter which provided some information on the way forward.*

*"Following the completion of the CFRAM programme, flood relief schemes, where appropriate, would be developed for areas of significant flood risk. The process of bringing a scheme from concept to construction involves a number of key stages, some of which were requirements of environmental legislation, competition law or engineering best practice. As a result, it was not uncommon for larger flood relief schemes to take a number of years to complete. The Government cannot fund all schemes at once; therefore these would be prioritised, resulting in a National Programme of Schemes, and implemented on a phased basis."*

*The OPW was currently at the end of Phase 1 (CFRAM Programme) at the Flood Risk Management Plans step. Phase 2 (flood relief scheme development) had yet to commence and the first step of this phase was the development of the National Programme of Schemes (as referred to above). There were a number of steps in this phase prior to reaching the final phase of the process, Phase 3 (construction).*

*Further details in relation to this programme can be seen on the website "[www.northwestcfram.ie](http://www.northwestcfram.ie)".*

On proposing the motion Cllr. McGarvey stated that he attended a meeting in the Letterkenny PSC where people were encouraged to make submissions. He expressed concern that individual's submissions were not being considered and highlighted two particular areas at Creevy and Glinsk where works carried out by the OPW were causing flooding on farmer's lands. Cllr. McGarvey asked that when public make submissions these are acted on.

On seconding the motion Cllr. Blaney stated that he also attended the meeting and also stated that while there are a number of areas to be looked at there are individual cases which are being ignored by the Flood Relief Scheme. Cllr. Blaney asked for a timeline for the construction of the schemes.

Cllr. McGarvey asked that the Council write to the OPW requesting that the small farmers' issues were addressed.

***MDL57/17 AUGHADAHOR, CARRIGART (R.O.W)***

On the proposal of Cllr. Ian McGarvey and seconded by Cllr. Dessie Shiels, the following motion was adopted:

*Requesting the Council to restore the Public Road at Aughadahor, Carrigart (R.O.W.) that Planning allowed abandonment without any Notices being served under the Local Authority Act 2001.*

The Members were advised that:

*The Planning Authority was satisfied that there were no established rights of way for the purposes of the Planning or Roads Acts, this matter had previously been address and responded to at Full Council and MD level, and was outside the remit of the Planning Authority.*

On proposing the motion Cllr. McGarvey stated that the right of way was in place going back to 1878 and that planning allowed to the abandonment of the extinguishment of the road. Cllr. McGarvey quoted Section 72 of the Roads Act in that it is the Local Authority's responsibility to protect the public use of Public Rights of Way.

On seconding the motion Cllr. Shiels stated that a public beach had been privatised as the existing roadway had been blocked. When considering the map the road appeared to be for accessing the beach and stone bollards were put in place. He asked if there was a possibility of reaching agreement to open access to the beach.

Liam Ward advised that this matter had been raised a number of times and Members were advised by the Council's Law Agent at a Plenary Meeting that the Council had no further role in this matter. The Council took a decision to have no further role in the matter. Mr. Ward advised that the Mayor of the day, Cllr. Michael McBride and Cllr. Liam Blaney both corresponded with both parties to come to an acceptable arrangement to resolve the matter and this was not taken up. Cllr. McGarvey may submit a motion to March Plenary Council if he wished.

Cllr. Blaney confirmed that the attempts were made prior to the Municipal District being established which were to no avail.

***MDL58/17***     ***RAMELTON TO KILMACRENNAN ROAD***

On the proposal of Cllr. Ian McGarvey and seconded by Cllr. Michael McBride, the following motion was adopted:

*That this Council upgrades the Ramelton to Kilmacrennan Road*

The Members were advised that:

*There was currently no programme for the major upgrading of roads which had formerly been constructed under Specific Improvement Grants. RI programme for 2017 agreed by Members.*

On proposing the motion Cllr. McGarvey asked that the Council carry out maintenance works to this road as it was in a poor condition and required corners/hedging to be cleared.

On seconding the motion Cllr. McBride fully supported the motion and asked that improvement works are carried out to avoid further deterioration.

***MDL59/17***     **UPPER COLLEGE FARM ROAD**

On the proposal of Cllr. Jimmy Kavanagh and seconded by Cllr. Ciaran Brogan, who had a similar motion, the following motion was adopted:

*That the private section of road at Upper College Farm Road would be designated as a public road.*

The Members were advised that:

*Roads would consider suitability in accordance with the adopted policy and revert in due course.*

On proposing the motion Cllr. Kavanagh stated that this road was suitable to be a public road and joins onto a public road.

On seconding the motion Cllr. Brogan stated that this road was in use for over 30 years and asked that additional public lighting be provided also. This road also served St. Bernadette's School.

Cllr. Kavanagh thanked Cllr. Brogan for his support and welcomed the response.

***MDL60/17***     **MILFORD TO KERRYKEEL ROAD**

On the proposal of Cllr. Jimmy Kavanagh and seconded by Cllr. Liam Blaney, the following motion was adopted:

*That the Council provide funding to replace the barrier along the Milford to Kerrykeel Road.*

The Members were advised that:

*The budget cost for the replacement of the Safety Barriers was €75,000. There was currently no identified budget to replace these barriers.*

On proposing the motion Cllr. Kavanagh stated that this has been raised a number of times by himself and Cllr. Blaney. He advised that the barrier was broken in places and below the road serving no value. He advised that the barrier was preventing the Kerrykeel Tidy Towns Committee from drawing down funding to develop a walkway and asked that the Council prioritise 500 yds of the barrier to allow the Committee progress their project.

On seconding the motion Cllr. Blaney asked that barrier was put in place in phases to allow the Tidy Towns Committee obtain planning permission to develop the boardwalk. Cllr. Blaney asked that the Council re-consider this request.

**MDL61/17 TRAFFIC FLOW – MOUNTAIN TOP ROUNDABOUT**

On the proposal of Cllr. Michael McBride and seconded by Cllr. John O’Donnell, the following motion was adopted:

*That Donegal County Council Engineers look at the current layout and traffic flow at the roundabout on the N56 at the Mountain Top Letterkenny where the two inbound lanes close into one lane immediately after exiting the roundabout. This was leading to dangerous manoeuvres and many incidents of road rage.*

The Members were advised that:

*This matter had been referred to the DCC Safety Engineer for assessment. The NRO and Donegal Road Design were currently reviewing issues at several junctions in Letterkenny and reviewing LUTS recommendations.*

*It was intended that findings be brought to a future meeting.*

On proposing the motion Cllr. McBride advised that he was on Highland Radio discussing this issue and received a lot of feedback from listeners. This was a concern for road users, high volume of traffic on this road and large number of businesses and secondary school. Cllr. McBride asked that the Council investigate alternative options for parking / drop off area to alleviate the traffic congestion at Colaiste Ailigh.

On seconding the motion Cllr. O’Donnell fully supported the motion and noted a different response to his similar motion on the roundabouts in this area. He would welcome the findings of the Safety Engineer in the future.

**MDL62/17 HOUSES AT CHAPEL ROAD, KILMACRENNAN**

On the proposal of Cllr. Michael McBride and seconded by Cllr. Ian McGarvey, the following motion was adopted:

*That Donegal County Council follows through with the order given to demolish four partially finished town houses on Chapel Road, Kilmacrennan.*

The Members were advised that:

*The content of this motion was noted. This motion related to a live and ongoing enforcement investigation case, accordingly the Planning Authority was not in a position to discuss this matter further.*

On proposing the motion Cllr. McBride said that the security fence was in a dangerous state and these houses were unsightly and dangerous for years. He advised that the Tidy Towns Committee were enduring this for a long time and it was unacceptable that this site had been left like this.

On seconding the motion Cllr. McGarvey fully supported the motion.

Cllr. McBride asked for a timeframe of when the matter would be resolved.

***MDL63/17***    ***COLMCILLE'S 1500<sup>TH</sup> CELEBRATION***

On the proposal of Cllr. Michael McBride and seconded by Cllr. Jimmy Kavanagh, the following motion was adopted:

*That this Municipal District in conjunction with the Donegal Heritage Committee and the Colmcille Heritage Trust lead out on the 1500th celebration of Colmcille's birth in 2021.*

The Members were advised that:

*The Council celebrated heritage and cultural commemorations through the various programmes, events and performances in the Theatre and Regional Cultural Centre on an ongoing basis and worked in partnership with local communities and festivals on local commemorative events. The Council would be happy to engage with the Colmcille Heritage Trust in good time to prepare an appropriate programme to mark the 1500<sup>th</sup> anniversary of the birth of Colmcille in 2021.*

On proposing the motion Cllr. McBride asked that this MD lead out in this celebration. There would be a large volume of work in preparing and should follow through in the Colmcille connections in Sligo, Derry and Iona. Cllr. McBride asked that all stakeholders were brought together and to identify a date that could be worked towards.

On seconding the motion Cllr. Kavanagh fully supported the motion and stated it was an opportunity to highlight the culture and heritage in the area.

***MDL64/17***    ***CHURCH LANE, LETTERKENNY***

On the proposal of Cllr. Gerry McMonagle and seconded by Cllr. Ciaran Brogan, the following motion was adopted:

*That this Council investigate the possibility of re-locating the Overhead Electricity Cables underground at Church Lane.*

The Members were advised that:

*Roads would investigate with a view to establishing cost estimate for further consideration.*

On proposing the motion Cllr. McMonagle highlighted the hard work of the regeneration committee on developing the Cathedral Quarter and asked that in line

with changing the street scape that a programme was put in place to relocate overhead cables underground.

On seconding the motion Cllr. Brogan fully supported the motion and asked that Port Road would be included also. Cllr. Brogan asked that the Council liaise with the ESB to establish their plans.

Cllr. McMonagle asked that a meeting was coordinated with the ESB to discuss this matter.

***MDL65/17***     **HARBOUR MASTER - RATHMULLAN**

On the proposal of Cllr. Gerry McMonagle and seconded by Cllr. Mick Quinn, the following motion was adopted:

*That this Council discuss the possibility of how we could help with the appointment of a Harbour Master for Rathmullan to help rejuvenate Rathmullan as a major tourist destination.*

The Members were advised that:

*The current proposed Work Force Plan had not include for any additional Harbour Masters within the county and so it was not within the remit of the Council to appoint a Harbour Master for Rathmullan. The role of Harbour Master would, in normal circumstances, have very limited input into development or rejuvenation of tourism as this was not the function of a Harbour Master.*

*Donegal County Council recognised the need for a person to be available to deal with issues that arise with the increased usage experienced at the various piers and harbours throughout the county.*

*The Council was currently in the process of having a safety assessment of all piers and harbours throughout the county carried out, with a view to maintaining public access in a manner that was as safe as practical without impeding the primary function of the facility. This assessment would identify any defects with current facilities and make recommendations that may also include an increase in visits and inspections by Council staff.*

*Donegal County Council had, for some time now, recognised the need to have this pier refurbished. Unfortunately, there had been no funding stream or source available to the Council for such a project in recent years. Included in the brief for the aforementioned safety assessment, was a structural survey of the pier at Rathmullan to determine its condition and to confirm that it was structurally sound.*

*The Council also recognised the significance of Rathmullan Pier as having a larger capacity than any other pier in its control in terms of depth and was committed to*

*maintaining capacity at this facility. The Swilly Ferry would continue to operate here during the summer months and the Piers & Harbours Section would continue to support this service along with the private marina that operates from the pier.*

*The Piers & Harbours Section, Central Technical Services Division, Roads & Transportation Directorate was available to meet pier users to discuss any measures required to better facilitate activity at the pier.*

On proposing the motion Cllr. McMonagle highlighted the value of the pier at Rathmullan being the second deepest pier in the county and the high number of visitors to Rathmullan. Cllr. McMonagle would welcome a safety audit and asked that Council work closely with the local Committee to develop their plans for the area. Cllr. McMonagle asked that a longterm plan be put in place to develop Rathmullan's potential.

On seconding the motion Cllr. Quinn asked that the Council develops Rathmullan potential under tourism and asked for a meeting to facilitate this with the local Committee.

Ciaran Martin advised that he attended a tourism meeting in Rathmullan and gave a commitment to help, the next meeting was to be held on 6<sup>th</sup> March. He agreed to bring an update back to the Members and would continue to assist the local Committee in developing a Plan for the area. He advised that the Committee had submitted a DFI application also.

Cllr. McMonagle asked that a survey was conducted to establish what investment was needed.

***MDL66/17     ATTENDANCE OF OFFICIALS FROM THE O.P.W.***

Cllr James Pat Mc Daid welcomed Frank Shalvey, Principle Officer, Heritage Services and Eoghan Moylan, District Works Manager from the O.P.W. to the meeting to discuss signage for Heritage Sites in the MDL.

Frank Shalvey advised that OPW was responsible for signage for New Mills and Glebe Gallery but that NPWS was responsible for signage for Glenveigh and that Outdoor Pursuits Centre and St Colmcille Centre were responsible for their own signage. The O.P.W. would usually engage with Councils regarding the replacement and erection of signage for heritage sites on a co-funding basis which means OPW pay cost and Council erect the signs and that the OPW would engage with the Council regarding the signage referred to.

Members raised a number of issues with Mr Shalvey and Mr Moylan. Frank Shalvey also advised that OPW was responsible for heritage sites with high number of visitors and low numbers of visitors and gave examples of Grianan of Aileach that had 104,000 visitors and Doe Castle that had over 46,00 visitors last

year. OPW was willing to work with local groups and Councils in developing and promoting projects.

Eoghan Moylan advised that primary function of the OPW was conservation and OPW was responsible for 17 National Monuments in Donegal and he agreed to circulate the list. He also advised that OPW would assist with giving technical advice on conservation to the Council and local groups but was precluded from spending money on sites other than National Monuments.

Cllr James Pat Mc Daid thanked Mr Moylan and Mr Shalvey for attending the meeting.

***MDL67/17***     **FOOTPATH AT KILMACRENNAN ROAD, MILFORD**

On the proposal of Cllr. Liam Blaney and seconded by Cllr. John O'Donnell, the following motion was adopted:

*That this Council construct a footpath from the speed limit sign towards the town to meet up with the footpath that was in place on the Kilmacrennan Road, Milford.*

The Members were advised that:

*Roads to consider in conjunction with other requests for same, in the event that funding was identified. There were currently no funded programmes for the construction of new footpaths or the installation of new street lighting.*

On proposing the motion Cllr. Blaney asked that the Council seek to put a footpath in place on the Kilmacrennan Road, Milford in the interest of pedestrian safety.

On seconding the motion Cllr. O'Donnell fully supported the motion and asked that the Council seek funding for footpaths and work with CE Schemes.

Cllr. Blaney asked that the site off this road was examined with the intention of putting a car park in place for this area.

***MDL68/17***     **BERTIE'S LANE, GLEBE, LETTERKENNY**

On the proposal of Cllr. Liam Blaney and seconded by Cllr. John O'Donnell, the following motion was adopted:

*That this Council take-over the road known locally as Bertie's Lane at the Glebe, Letterkenny.*

The Members were advised that:

*Roads would consider suitability in accordance with the adopted policy and revert in due course.*

On proposing the motion Cllr. Blaney asked that this road was taken over due to the large volume of users. Cllr. Blaney asked if the Letterkenny MD had taken over roads under the Policy adopted last year countywide.

On seconding the motion Cllr. O'Donnell said he fully supported the motion.

Fergal Doherty advised that the Policy came in at the latter part of 2016 and that the Letterkenny MD took over the Kilty Road and 14 housing estates were taken over which equated to an estimated 4-7 kms. Mr. Doherty advised that the Council would assess the list of roads for take over in 2017 in line with the criteria set out in the Policy.

Cllr. Blaney expressed his disappointment that the estates were coming under this Policy and asked that this was raised with management.

***MDL69/17***     **BEACH WHEEL CHAIR, DOWNINGS**

On the proposal of Cllr. Liam Blaney and seconded by Cllr. Jimmy Kavanagh, the following motion was adopted:

*That this Council looked into sourcing a beach wheel chair for Downings Beach*

The Members were advised that:

*The Coastal Officer was attempting to identify a suitable partner in Downings with whom to make a beach wheelchair available. Suitable storage and accessibility of the chair must be agreed. Conversations were also underway with the relevant landowner regarding improving wheelchair access to the water. The Council was optimistic that this service could be agreed and procured ahead of the 2017 Bathing Season.*

On proposing the motion Cllr. Blaney asked for this following the success of the wheelchair in Rathmullan. Cllr. Blaney welcomed the response and asked that this was implemented in all the Blue Flag Beaches over a phased basis.

On seconding the motion Cllr. Kavanagh fully supported the motion and stressed the importance of the beaches being accessible to all users.

***MDL70/17***     **IRISH BOOKMAKERS ASSOCIATION**

On the proposal of Cllr. Dessie Shiels and seconded by Cllr. Gerry McMonagle, the following motion was not adopted as follows:

*That this Council not only does not support but strongly opposes the current lobbying campaign by the Irish Bookmakers Association which seeks to reduce the existing 1% betting duty to only 0.25% for betting shops in circumstances where*

*large corporate bookmakers trade only for pure commercial gain to the cost and loss of all those persons who trade with them*

On proposing the Motion Cllr. Shiels highlighted that there were 26 Bookmakers in Dublin, 3 in Cork and Donegal had 23. He stated that gambling had ruined a lot of individual's lives and families. He asked that if the Motion was past that the Council write to the Bookmakers Association. Cllr. Shiels stated that the levy should be increased and not reduced.

On seconding the motion Cllr. McMonagle fully supported the motion and suggested that the levy should be increased and a fund set aside for mental health services for people impacted by gambling addiction.

Cllr. Brogan opposed the motion stating that the Council did not know enough about this matter to make a decision. Cllr. Brogan was contacted by a local Bookmaker on this levy and stated that the Bookmakers contribute to employment and rates in the county. Cllr. Brogan said he had huge reservations and could not support the motion.

Cllr. Kavanagh seconded Cllr. Brogan's opposition to the motion and stated that on-line gambling was a bigger issue. Cllr. Kavanagh stated that the responsibility lay with the gambling industry who should be requested to ring-fence funding for individuals and families in need of support as a result of a gambling addiction.

Following a vote the Mayor declared the motion lost as five Members opposed the motion and two supported the motion.

***MDL71/17      FOOTPATHS / PUBLIC LIGHTING IN LISMONAGHAN AREA***

On the proposal of Cllr. Dessie Shiels and seconded by Cllr. Ian McGarvey, the following motion was adopted:

*That this Council confirm why when it had given planning permission for hundreds of houses in various estates such as Rowan Park, the Maples and Hillview on the Lismonghan Road, Letterkenny that it had not first ensured that the public road serving these estates would be lit with continuous public lighting and served by a continuous public footpath in circumstances where the failure to do so had now created a dangerous public traffic hazard for both pedestrians and motor users especially in the dark winter months.*

The Members were advised that:

*The assessment of applications across the Letterkenny area was guided by the terms and policies of the Letterkenny & Environs Development Plan that was operational at that given time. Each application for multiple housing was assessed on the basis of, inter alia, location, housing policies, infrastructural provision and the sustainable growth of the town as the principal town in the County. In many of*

*these cases infrastructural provision was addressed through a combination of developer provided works and/or the application of appropriate development charges to address potential infrastructural need that can be assessed on an ongoing basis by Council Services. In relation to the specific developments cited, these would be examined to ascertain was there are any outstanding areas of compliance that can, at this stage, be considered to be unfulfilled and could be enforced.*

On proposing the motion Cllr. Shiels asked what works were currently ongoing on a section of the Lismonaghan road. Cllr. Shiels asked what went wrong historically that so many estates were developed without footpaths and public lighting installed. Cllr. Shiels asked for a reply before the next meeting.

On seconding the motion Cllr. McGarvey fully supported the motion and stated this was a legacy throughout the county. Cllr. McGarvey asked for a timeframe on when the works would be done.

Cllr. Shiels expressed his annoyance that he was not updated on the works commencing despite raising numerous motions on the matter. Cllr. Shiels asked for details on the extent of works currently being carried out.

Fergal Doherty advised that agreement was reached with a local landowner to allow a section of footpath to be put in place. Mr. Doherty agreed to update Cllr. Shiels on when the works would be completed.

Cllr. Blaney asked that the Members were updated accordingly and that Members prioritise a list of footpaths should funding become available.

***MDL72/17      PLANNING CHARGES CONDITIONS / WORKS IN LIEU***

On the proposal of Cllr. Dessie Shiels and seconded by Cllr. Ian McGarvey, the following motion was adopted:

*That this Council confirm what mechanisms were in place to prevent Council officials certifying that planning charges conditions had been satisfied for housing estates on the casual agreement between the Council official and the developer that the developer would carry out work in the future when no actual bond or written agreement was put in place to safeguard getting that future work done and in circumstances where past incidents of this had cost this Council tens of thousands of Euro on individual estates and caused great trauma to house owners without any person ever being held accountable.*

The Members were advised that:

*The procedure relating to security bonds was set out in the Chapter 10 'Development & Technical Standard' of the County Development Plan 2012-2018 was as follows:*

*Developers were required to give adequate security by way of a cash bond or bond to ensure the satisfactory completion and maintenance of a development, including maintenance until taken in charge, in circumstances where the development satisfies the Council's policy on the Taking in Charge of Residential Estates.*

*A condition relating to security bond was imposed on permissions for development in accordance with Section 34(4)(g) of the PDA 2000 (as amended) for the satisfactory completion of said development. The amount of the security was calculated on the basis of €5,000 per house within a development that contains no mechanical/electrical plant and €15,000 per house that were serviced by mechanical and electrical plant.*

*The procedures for the release of the bond are*

- *Formal written request from the developer/agent requesting the return of a bond;*
- *The developer was required to provide 'as constructed' drawings, CCTV surveys, a written report and written certification that infrastructural services had been installed and completed to a standard that will allow for the taking in charge of the services*
- *The application/permission was examined by the staff member for compliance with the terms and conditions of the permission and is referred to Area Services for comment on specific services;*
- *If Area Services were satisfied that the estate services were completed to required standard a recommendation to release the bond/surety was made by staff member for review and consideration by planning manager;*
- *If not in compliance, the request was refused in writing with reasons (i.e. outlining the areas of potential non-compliance or deficiencies) and the developer was advised to carry out necessary remedial works;*
- *If developer refused to carry out necessary remedial works may consider initiating enforcement action or may opt to utilise bond to carry out the required works*
- *If no works were required and it was deemed that a refund of the bond was due, this was approved by planning manager,*
- *Refunds were also subject to approval through the Council's financial management system.*

On proposing the motion Cllr. Shiels stated it was brought to his attention that Development Charges were waived for works to be carried out by developers in a number of estates in Letterkenny, however the developer did not carry out the works and was no longer in business. Cllr. Shiels asked what procedures were in place to ensure that an official of the Council did not write such letters going forward.

On seconding the motion Cllr. McGarvey advised that works in lieu did not transpire in some estates and the Council has learnt from this.

Liam Ward advised that he would examine a specific case that Cllr. Shiels was relating to if Cllr. Shiels gave him the details and the practice of accepting works in lieu of agreement of development charges was no longer a practice in the Council.

Cllr. Shiels asked that this would be a written policy to ensure this does not happen again. Cllr. Shiels asked why an official had been given the authority to be reckless with public funds.

Cllr. Brogan advised that a lot of good work was implemented in Letterkenny under the works in lieu of development charges, in particular, Lismonaghan and Glencar areas.

***MDL73/17***     **SUSPEND STANDING ORDERS**

On the proposal of Cllr. Dessie Shields and seconded by Cllr. Michael Mc Bride it was agreed to suspend Standing Orders to allow meeting to extend past 6.00 p.m.

***MDL73/17***     **CATHEDRAL ROAD & COLLEGE ROW, LETTERKENNY**

On the proposal of Cllr. Ciaran Brogan and seconded by Cllr. Gerry McMonagle, the following motion was adopted:

*I propose that this Council review traffic at Cathedral Road , College Row with a view to making this a one way traffic route .*

The Members were advised that:

*The Council was currently reviewing traffic at Cathedral Road, a one way system being one of the options considered.*

On proposing the motion Cllr. Brogan welcomed the response and highlighted the congestion during school and mass times.

On seconding the motion Cllr. McMonagle fully supported the motion and welcomed the response.

***MDL74/17***     **UPPER COLLEGE FARM ROAD**

On the proposal of Cllr. Ciaran Brogan and seconded by Cllr. Jimmy Kavanagh, the following motion was adopted:

*I propose that this Council take over the top of College Farm Road and make safe traffic movements in this area.*

The Members were advised that:

*Roads would consider suitability in accordance with the adopted policy and revert in due course.*

This motion was dealt under MDL59/17.

***MDL75/17***     **COURTHOUSE, LETTERKENNY**

On the proposal of Cllr. Ciaran Brogan and seconded by Cllr. Jimmy Kavanagh, the following motion was adopted:

*What progress had been made by this Council following my motion and questions to retain our Courthouse when it was vacated by Courts Services for tourism, culture and tidy town it would also demonstrate our commitment to town centre services.*

The Members were advised that:

*The Council previously had agreed to contact the Courts Service to ascertain what options were being considered for the future use of the existing Court House in Letterkenny, when the proposed new Court House had been provided. The Council would make contact with the Court Service now that the new Court House was nearing completion.*

On proposing the motion Cllr. Brogan asked that the Council seek to establish the options open to availing of this building due to its historical value to the town.

On seconding the motion Cllr. McMonagle stated that other groups were interested and asked that the Council contact the Courts Service to establish their plans for the Courthouse.

***MDL76/17***     **MAYORS BUSINESS**

Cllr. McDaid, Mayor wished Cannon Steward Wright and his family a happy retirement and asked that letter is issued on behalf of the Members of the Letterkenny MD.

Cllr. McDaid advised that the next Letterkenny Town Forum meeting would be held in the Letterkenny PSC on Thursday, 16<sup>th</sup> February at 4:00 p.m.

***MDL77/16***     **CORRESPONDENCE**

***77.1 Deputation from the Good Morning Services***

The Members agreed to accept a deputation at the March meeting from the Good Morning Services at 1.30 p.m.

***77.2 Approval to the Donegal Association of An Taisce to erect a memorial in the Bernard McGlinchey Town Park in memory of May McClintock (RIP)***

On the proposal of Cllr. Gerry McMonagle and seconded by Cllr. Ciaran Brogan the Members gave permission to the Donegal Association of An Taisce to erect a memorial in the Bernard McGlinchey Town Park in memory of May McClintock (RIP).

***MDL78/16***    **PLANNING & ECONOMIC DEVELOPMENT**

The Members considered the report circulated with the Agenda which included:

1. Summary of planning applications for the District
2. Appeals (Received & Decisions Notified).
3. Significant Cases (incl. Transboundary applications)
4. Other case types [Part 8's etc]
5. Taking in Charge Residential Developments

Martin McDermott highlighted the new format of the reports to Members and advised of work underway to take-in-charge approximately 8 housing estates in the Letterkenny Municipal District.

***MDL79/17***    **ENVIRONMENT**

The Members considered the report circulated with the Agenda which included:

- Green Schools Programme.
- Smoky Coal
- Tidy Towns Amenity Grant
- Anti Litter Campaign
- Bikes 4 Africa
- Enforcement Figures 2017
- Review of Station Roundabout Area Public Conveniences Letterkenny

The Members welcomed the report.

Cllr. Blaney reported dumping at White Hill Road, Glenswilly and body of a wild deer reported three weeks previous in Ramelton.

Cllr. Blaney and Cllr. McGarvey asked that the Council revisited the relocation of the bottle banks at Moorefield, Ramelton.

Cllr. McMonagle asked that signs were erected for the public conveniences at Station Roundabout, Letterkenny.

***MDL80/17***    **COMMUNITY ENTERPRISE & CULTURAL SERVICES**

The Members noted the content of a report circulated with the Agenda. Ciaran Martin informed the meeting of the following:

- The “turning of the sod” at Fanad Lighthouse was to be held on 8<sup>th</sup> March 2017 at 10.30 am and invitations would be issued to Members.
- Development Fund Initiative Workshop. Members agreed to hold a workshop to review applications on Thursday, 23<sup>rd</sup> February, 2017 at 10.00 a.m. in the Letterkenny PSC.

***MDL81/17***    **ROADS & TRANSPORTATION**

The Members noted the content of the Roads report circulated with the Agenda.

On the proposal of Cllr. Gerry McMonagle and seconded by Cllr. Jimmy Kavanagh the revised RI Surface Dressing Programme was agreed. The agreed programme was attached in Appendix A .

On the proposal of Cllr. Ian McGarvey and seconded by Cllr. Gerry McMonagle the RM Surface Dressing Programme was agreed as detailed on Appendix B attached.

It was agreed that Cllr. Ian McGarvey and Fergal Doherty would meet the family of William C. Campbell in relation to naming the bridge in Ramelton in his honour.

On the proposal of Cllr. Gerry McMonagle and seconded by Cllr. Jimmy Kavanagh it was agreed that the Council develop a car park in the location of the former Fire Station at High Road, Letterkenny; that 2 pay and display machines be installed within the new car park It was also agreed to introduce Pay & Display along the High Road from New Line Road Junction to the new car park.

***MDL82/17***    **HOUSING & CORPORATE SERVICES**

The Members noted a report circulated with the Agenda on Housing and Corporate Services.

**Questions**

***MDL83/17***    **RATHMULLAN PUBLIC TOILETS**

In an answer to his question requesting when work would commence on the new public toilets in Rathmullan, Cllr. John O’Donnell was advised that:

*An Archaeologist had completed an assessment of the site in accordance with Planning Permission.*

*Work was ongoing to relocate the existing Roads Service Depot to free up the site in advance of tendering /appointing a contractor.*

*The detailed design and specifications of the proposed project was currently being finalised, including adjustments in accordance with the project budget.*

*The Council still hoped to have construction commenced in the summer 2017.*

**MDL84/17**     **WOODLANDS**

In an answer to his question requesting when work would be completed at Woodlands and any further costs, Cllr. Ian McGarvey was advised that:

*Works were completed at Woodlands and there were no anticipated outstanding construction costs.*

**MDL85/17**     **BLUE BANKS**

In an answer to his question requesting an update on the Bluebanks Road, Cllr. Ian McGarvey was advised that:

*The current status on the N56 Coolboy to Kilmaccreannan Scheme (including the 'Blue banks') was that the Tender Documents were completed subject to conclusion of ongoing external document reviews/checks.*

*As well as all roadworks, the scheme included all waterman upgrade details as designed and documented by IW.*

*Subject to approval and funding from both TII and IW, the scheme may proceed to tender. The entire tender and appointment process would take up to 6 months. Construction duration was estimated at 18 months.*

**MDL86/17**     **RING ROAD, LETTERKENNY**

In an answer to his question requesting that this Council proceed with planning the much needed Ring Road for Letterkenny to deal with the continuing blockage in every side of Town which was damaging to Trade and movement, Cllr. Ian McGarvey was advised that:

*Donegal County Council had procured a Consultant (Dec. 2016) to advance the TEN-T Route Improvement Donegal. This was a Tii funded project.*

*The identified priority Ten-t Routes in Donegal included the 'Letterkenny Relief Road' and would be advanced through the all required stages of design, public consultation and appraisal up to and including Statutory Process (CPO and EIS). The program for this was four years. Completion of the program was subject to various external factors including public consultation, external approvals (DoF, DEPER, Tii) as well as funding*

**MDL87/17**     **AN GARRAN ESTATE, LETTERKENNY**

In an answer to his question could the Council advise on the status of the public lighting at An Garran estate on Long Lane, Letterkenny, as all the lights had been out for a long time, Cllr. Jimmy Kavanagh was advised that:

*The Council had not taken in charge the public lighting at An Garran, Long Lane and the Taking in Charge team would write to Electric Ireland to determine why the lights were not working. The TIC team understands that the public lighting was to a TIC standard however it would be necessary for the residents to submit a TIC application to allow for formal TIC consideration of all services (including public lighting) within the estate.*

***MDL88/17***     **RAMPS AT SLIEVE SNEACHT, LETTERKENNY**

In an answer to his question requesting if the Council could refresh the ramps at Slieve Sneacht estate in Letterkenny , Cllr. Jimmy Kavanagh was advised that:

*The ramps at Slieve Sneacht were not considered structurally to be in poor condition, some re-lining would be considered when carrying out future lining work.*

***MDL89/17***     **CASTLESHANNAGHAN NATIONAL SCHOOL**

In an answer to his question when would the warning sign for Castleshannaghan National School be erected as previously promised, Cllr. Jimmy Kavanagh was advised that:

*Warning signs would be erected over the coming weeks.*

***MDL90/17***     **TRAFFIC ISLAND AT MC DONALDS, LETTERKENNY**

In an answer to his question for an update on the current status of the proposed upgrading of the traffic island adjacent to Mc Donalds in Letterkenny, Cllr. Michael McBride was advised that:

*The junction at Larkins Lane/Pearse Road had been assessed on a number of occasions in the past where various options were investigated. Previous investigations concluded that the current junction layout had the most efficient traffic flows and minimum traffic delays, taking into account available lands, traffic demands and budgets. The existing one way systems of traffic flow in this area of the Town also provided the most efficient means of maintaining traffic flow at all times. Roads met with local business owners in 2016 in relation to their concerns. At that meeting, it was re-emphasised that funding of future works to this junction may require financial contributions from the businesses concerned/benefiting from works. Currently this scheme had been referred to the Road Design Office for further assessment and establishment of additional land requirements.*

**MDL91/17 CIRCULAR ROAD & NEW LINE ROAD, LETTERKENNY**

In an answer to his question had the Council received a start date from Irish Water in relation to the promised Culvert Works at Circular Road and Sewage Pipe extension on the New Line Road in Letterkenny, Cllr. Gerry McMonagle was advised that:

*Irish Waters Tender notice for Letterkenny SS Networks contract RFT had been published on the 6th January 2017, with a tender return date of the 23rd March 2017. Construction of the SS Network was expected in the 3rd quarter of 2017.*

*The contract by Irish Water, was for the design and construction of improvement works to the existing wastewater collection network at various locations within the town and environs, with the construction of the Circular Road Storm Culvert included as an 'additional item' to be funded by the MDL. There was currently €200k set aside as per the former Town Council for the construction of this culvert. The returned price from the Irish Water tender would dictate the actual cost of installation and potential additional capital requirement if any, from the MDL. Roads would advise following confirmation of price.*

**MDL92/17 OLD TOWN, LETTERKENNY**

In an answer to his question had a Feasibility Study been carried out on my motion calling for Traffic Calming measures at Oldtown Road Letterkenny, Cllr. Gerry McMonagle was advised that:

*The Council was not aware of speeding issues on this section of road, nor had it come up at the CPP meetings that roads hold with the Gardai. It was not proposed that traffic calming measures be installed. This location was being assessed to establish the potential suitability of an uncontrolled crossing.*

**MDL93/17 CCTV BERNARD MC GLINCHEY TOWN PARK**

In an answer to his question for an update on his Motion for CCTV to be installed at Bernard Mc Glinchey Town Park, Cllr. Gerry McMonagle was advised that:

*As discussed at workshop prior to the meeting.*

**MDL94/17 PUBLIC TOILETS RATHMULLAN**

In an answer to his question for an update on the Public Toilets in Rathmullan, Cllr. Liam Blaney was advised that:

*An Archaeologist had completed an assessment of the site in accordance with Planning Permission.*

*Work was ongoing to relocate the existing Roads Service Depot to free up the site in advance of tendering /appointing a contractor.*

*The detailed design and specifications of the proposed project was currently being finalised, including adjustments in accordance with the project budget.*

*The Council still hoped to have construction commenced in the summer 2017.*

***MDL95/17     UPPER COLLEGE FARM ROAD***

In an answer to his question that the Council review all public lighting at College Farm Road, Glencar, Letterkenny in particular outside the St Bernadette's School area which presently did not have a light on an existing steel pole and further beyond that at Upper College Farm Road where again there was no public street lighting, all of which would improve public safety and amenity in the area for long existing residents in the area and all persons attending at the St Bernadette's School, Cllr. Dessie Shiels was advised that:

*The Council would review public lighting in this area*

***MDL96/17     RIVER SWILLY – URBAN WATERWAYS***

In an answer to his question for the Council to confirm if there were presently any available sources of funding available for Urban waterways which might be accessed for a project to develop the River Swilly as a recreational amenity in Letterkenny Town and could accessing any such funding be made a priority, Cllr. Dessie Shiels was advised that:

*Donegal County Council recently commissioned Sustrans to carry out a feasibility study on developing a greenway between Letterkenny and Burtonport, based on the old Railway network. The River Swilly was also being looked at under this. It was expected that the feasibility study would form the basis of a future funding application where funding had been identified.*

***MDL97/17     WEST HILL, LETTERKENNY***

In an answer to his question, that the estate road within the Westhill Estate in Letterkenny be added back on to the 3 year Road Improvement programme for the Letterkenny Municipal District as not all of the necessary work required to be carried out had been carried out and that funding be made available to it in 2017 should additional funding be made available during 2017, Cllr. Dessie Shiels was advised that:

*RI programme for 2017 agreed by Members. Westhill was currently not on the agreed programme*

***MDL98/17     LUTS STUDY***

In an answer to his question What had this Council done since my motion to review proposals carried out on LUTS study on traffic in and around Letterkenny I believe that with reviews of our Development Plan we should be trying to source funding so that Roads and Planning can work together to identify and resolve traffic problem, Cllr. Ciaran Brogan was advised that:

*The Council had reviewed the recommendations from the LUTS study and whilst some of the recommendations had been implemented, many were as yet outstanding, and remain targets for implementation, subject to funding. The NRO and Donegal Road Design were currently reviewing issues at several junctions in Letterkenny and reviewing LUTS recommendations, to identify minor works that may be possible to implement.*

***MDL99/17      DATE AND VENUE OF NEXT MEETING***

It was agreed that the next MDL meeting would be held on 9<sup>th</sup> March, 2017 at Letterkenny Public Services Centre commencing at 2:00 p.m.

This concluded the business of the meeting.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Meetings Administrator

