

**COMHAIRLE CHONTAE DHUN NA nGALL**

Oifig Riarthóir na gCruinnithe  
Aras an Chontae  
LEIFEAR  
19 Marta 2013

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain 25 Marta, 2013, ag **11.00 r.n. 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 le seo.

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

**Mise, le meas**

**Liam Mac a'Bhaird  
Riarthóir Cruinnithe**

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**DONEGAL COUNTY COUNCIL**

Office of Meetings Administrator  
County House  
Lifford  
19<sup>th</sup> March, 2013

**NOTICE OF MEETING**

A Meeting of Donegal County Council will be held on Monday 25<sup>th</sup> March, 2013, at **11.00 am 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**

**Liam Ward  
Meetings Administrator**

## AGENDA

### 1. Confirmation of Minutes

- a) Confirmation of Minutes of Budget Meeting of Donegal County Council held on the 19<sup>th</sup> December, 2012.
- b) Confirmation of Minutes of Adjourned Budget Meeting of Donegal County Council held on the 7<sup>th</sup> – 8<sup>th</sup> January, 2013.
- c) Confirmation of Minutes of Adjourned January Meeting of Donegal County Council held on the 20<sup>th</sup> February, 2013.

## MOTIONS

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

## STRANOLAR ELECTORAL AREA

### Corporate

#### 2. Clr. Harvey

"That Donegal County Council condemn the recent decision to cut the number of beds in St Joseph's Community Hospital Stranorlar." (O)

#### 3. Clr. McGowan

"That the Manager outline his /CCMAs proposals / work to date, for integrating outgoing Town Councils into the new rationalised Co Council under "Government reforms of Local Government 2012" outlining plans to centralise rates collection/spend on a county-wide basis along with redistribution of Staff from the Existing Town Councils out across the rest of the Co Council area." (C)

### Planning and Economic Development

#### 4. Clr. Crawford

"That this Council debate the possible implications for the Council as a result of the recent court decision in Bundoran in relation to the "Takeover of Estates." (O)

## GLENTIES ELECTORAL AREA

### Roads and Transportation

#### 5. Clr. Slowey

"That this Council discuss the provision of proper footpaths and surface water drainage for the town of Ardara." (L)

6. Clr. Alcorn

"That Donegal County Council request the Minister for the Environment and the Minister for the Gaeltacht, to reinstate the L.I.S. Schemes Countywide, and the Bothre Aise Schemes for Roads in the Gaeltacht Areas, as there is no assistance whatsoever to repair non county roads presently." (C)

**Corporate**

7. Clr. Gallagher

"That this Council undertake to apply to the Department to have a social clause included in all public contracts advertised by this Council." (C)

**Planning and Economic Development**

8. Clr. O'Domhnaill

"That this Council condemn the introduction of a Special Protection Area (SPA) along parts of the Donegal Coastline which will de-value land, prohibit rural people from building on their own lands and not allow for ploughing to be carried out in this Area and ask that the Minister stop this ridiculous designation so as a proper, open and frank public consultation can take place with land owners." (C)

**INISHOWEN ELECTORAL AREA**

**Community and Enterprise**

9. Clr. Farren

"Urge that Donegal County Council look into the potential for the appointment of a Official Food Ambassador Role for Co Donegal." (O)

10. Clr. Murray

"That a delegation from Donegal County Council, including members of the executive and cross party representation from IEAC, meets with Derry City Council in order to discuss improving crossborder cooperation and shared services to the mutual benefit of both council areas." (C)

11. Clr. McGuinness

"That his Council takes all necessary steps to progress the development of Malin Head as a strategic tourist destination (Wild Atlantic Way) including taking out a CPO on "The Tower" and the adjoining lands." (L)

### **Roads and Transportation**

#### 12. Clr. Canning

"I would ask that this Council gives priority and a commitment to enhance and upgrade the Roundabout on the National Primary Road at Manorcunningham." (L)

## **LETTERKENNY ELECTORAL AREA**

### **Water and Environment**

#### 13. Clr. McGarvey

"That Donegal County Council publicise for the People of Donegal the changes that may take place when Water Services are transferred to Irish Water." (C)

### **Corporate**

#### 14. Clr. Blaney

"That this Council supports the frontloading of the Single Farm Payment in the new rounds of the CAP negotiations, and that a limit is applied to the amount that each farmer receives." (O)

### **Finance**

#### 15. Clr. Quinn

"This Council calls on the Fine Gael/Labour Government to repeal the Property Tax." (O)

#### 16. Clr. McBride

"That Donegal County Council ask Minister for the Environment, Phil Hogan to review new legislation due for the town of Letterkenny on 01/05/2013 regarding the stocking, selling and sales of certain fuel types be reviewed, as this will have a massive effect on many of our fuel merchants who are valued rate payers to Donegal County Council." (O)

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

Notice under Section 211 of the Planning and Development Act 2000 under Section 183 of the Local Government Act 2001 – to dispose of Old Fire Station, Moville by way of sale to Mr Seamus Harkin.

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

- a) To approve carrying out of works with regard to the replacement of the existing partially collapsed masonry arch

bridge with a single span concrete culvert crossing the stream at the existing Mullanasole Bridge in the townland of Mullanasole in the Donegal Electoral Area.

- b) To approve carrying out of works with regard to the replacement of the existing Elactagh Bridge in the townlands of Letterbrick and Altlahan located on the Regional Road R252 and connects Ballybofey to Dungloe and Glenties.

### **19. Planning and Economic Development**

- a) To consider the draft variation to the County Donegal Development Plan 2012 – 2018 and that the Members, by resolution, propose to make the variation so that the public consultation process can be formally commenced, subject to completion and outcome of screening in respect of Strategic Environmental Assessment and/or Appropriate Assessment.
- b) To confirm date for rescheduled workshop on the operation /implementation of the County Donegal Development Plan 2012-2018.

### **20. Endorsement of Minutes**

- a) Endorsement of the Confirmed Minutes of Meeting of Letterkenny Electoral Area Committee held on the 14<sup>th</sup> January, 2013.
- b) Endorsement of the Confirmed Minutes of Meeting of Stranorlar Electoral Area held on the 15<sup>th</sup> January, 2013.
- c) Endorsement of the Confirmed Minutes of Meeting of Donegal Electoral Area held on the 16<sup>th</sup> January, 2013.

### **21. Authorisation of representation at a Seminar, Meeting or Event**

Authorisation of representation at a seminar, meeting or event under Section 142 (5) of Local Government Act, 2001, S.I. No 668 of 2006, Local Government (Expenses of Local Authority Members) Regulations 2006, S.I. No 37 of 2010, Guidelines given by the Minister for the Environment, Heritage and Local Government in relation to the Local Government Act, 2001 (Section 142) Regulations 2010:-

- LAMA Spring Seminar 2013 Local Authorities in Ireland; new Challenges – New Opportunities, to be held Friday 5<sup>th</sup> and Saturday 6<sup>th</sup> April, 2013 at the Ashdown Park Hotel, Gorey.
- “Opening Doors: My Life, My Home” being hosted by the Lord Mayor of Cork, Cllr. John Buttimer to be held Thursday

18<sup>th</sup> and Friday 19<sup>th</sup> April, 2013 at the Rochestown Park Hotel, Rochestown Road, Douglas, Co. Cork.

- Tgr Seminars – Local Property Tax: Logistics, implications and consequences for Irish consumers, to be held from Friday 19<sup>th</sup> to Sunday 21<sup>st</sup> April, 2013 at the Mullingar Park Hotel, Mullingar, Co Westmeath.
- Eures Cross Border Partnership Tourism Conference 2013 – Sustainable Tourism – Practical Ideas for your business to be held Wednesday 24<sup>th</sup> April, 2013 at the Ballymascanlon House Hotel, Dundalk, Co. Louth.

## **22. Conference Reports**

### **Clr. John Ryan**

Creating Employment Opportunities in Local Food Production held from Friday 10<sup>th</sup> to Sunday 12<sup>th</sup> August, 2012 at the Celtic Ross Hotel, Rosscarbery, West Cork.

### **Clr. Dessie Larkin**

Tutorial BA (Hons) Public Management (LG) Sunday 20<sup>th</sup> and Monday 21<sup>st</sup> October, 2012 at the IPA HQ Dublin.

### **Clr. Martin Harley**

10<sup>th</sup> National Waste Summit held Friday 23<sup>rd</sup> November, 2012 at the Croke Park Conference Centre.

### **Clr. Dessie Larkin**

IPA Tutorial in Dublin held Saturday 8<sup>th</sup> and Sunday 9<sup>th</sup> December, 2012 at the IPA Headquarters in Dublin.

### **Clr. Martin Harley**

NRA Delegation held 14<sup>th</sup> December, 2012 at the St Martin House, Dublin.

### **Clr Jack Murray**

Certificate in Local Government Studies Tutorial held 18<sup>th</sup> February, 2013 at the IPA Dublin.

## **23. Mayor's Business**

## **24. Manager's Report**

### **QUESTIONS**

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

### **STRANORLAR ELECTORAL AREA**

### **Planning and Economic Development**

#### 25. Clr. Harvey

"To ask the Council to outline the findings of the High Court in relation to the Scheme for Unfinished Estates and the implications of this ruling for other Unfinished Estates in the County?" (C)

#### 26. Clr. Harvey

"To ask the Council to give a list of designated public rights of way in the Stranorlar Electoral Area and to outline the procedure taken by the Council to protect the right of the public to access the right of way in cases where there is ambiguity over the ownership of the land or where the public have been denied access to the land by a private person?" (L)

#### 27. Clr. Crawford

"What action can this Council take to avoid any possible public information gaps in transboundary planning applications i.e. to make the public more aware of applications?" (C)

#### 28. Clr. Crawford

"Where does this Council stand as regards the number of Unfinished Estates which received a waiver from Household/Property Tax and what criteria was used." (C)

### **Roads and Transportation**

#### 29. Clr. McGowan

"Can a report be given on when the Council will be in a position to take on additional Roads Maintenance Staff, and in the interim can the Pot Hole Repair Lorry be contracted in, to deal urgently with the crises on our potholed roads especially in the Stranorlar area?" (L)

### **Community and Enterprise**

#### 30. Clr. McGowan

"Will the Manager give a detailed report on Community Facilities across the County including, FRCs, CDPs, Youth Cafes/Youth Projects, MABs, Citizens Info Centres, and other Community Projects which receive annual funding from various agencies in order to highlight which large populated areas have little or no such resources so that future strategies/funding can be prioritised and directed to these areas in future?" (C)

## **GLENTIES ELECTORAL AREA**

### **Finance**

31. Clr. Slowey

"How much money is outstanding at the end of 2012 to Donegal County Council under the Non Domestic Water Metering Project? The total outstanding at the end of 2012 and a breakdown of the outstanding amounts per Electoral Area please?" (C)

**Community and Enterprise**

32. Clr. Slowey

"What are Donegal County Council doing to fulfil their promise to re-establish a library at Glenties Town?" (L)

**Roads and Transportation**

33. Clr. Alcorn

"Why have the Public Lights that were erected on the N56 at Meenacuing, Gweedore a few years ago as a pilot scheme, not been replaced as promised, as the present lights are a disgrace?" (L)

34. Clr. Alcorn

"What allocation did Donegal County Council receive for L.I.S. Scheme from 2004 on a yearly basis to 2012. Could I have total for (a) County (b) Glenties Electoral Area.?" (C)

35. Clr. O'Domhnaill

"Can I be supplied with an up to date report on Magheraroarty Pier, outlining the annual cost of dredging, problems associated with the pier design as well as an expected date for commencement of construction and costing for a Break Water Wall which is now needed and was advised by local fishermen at the time of Pier construction?" (L)

36. Clr. Gallagher

"How much roads money in total was granted to each Electoral Area in the years 2007, 08, 09, 10, 11, 12, 13?" (C)

**Water and Environment**

37. Clr. O'Domhnaill

"Can a Public Water Supply be connected forthwith to the Drumnatinney Beach in Falcarragh so as to allow for the beach to reach it's full potential?" (L)

**INISHOWEN ELECTORAL AREA**

**Roads and Transportation**



38. Clr. Canning

"Is this Council within the roads section using a different tarmac surface than previous, if not do they have an answer as to the increase in road accidents after long dry spells?" (O)

**Water and Environment**

39. Clr. Canning

"Does this Council have any proposals to upgrade the asbestos watermain at the Pound Cottages at Burt?" (L)

40. Clr. Murray

"Given the Council's stated commitment to achieving designation of bathing waters at Carnagarve Beach, Moville, can the Council outline its efforts in this regard and also explain its future intentions?" (L)

41. Clr. McGuinness

"What is the position with regard to my motion (outlined below) and submitted for the June 2011 Council Meeting re Sewage Treatment Plants in Culdaff?" (L)

*"That this council carry out an assessment of the sewerage treatments that are at present servicing the village of Culdaff and its environs; all treatment plants, private and public, plus individual septic tanks and puraflo plants, with the possibility of one upgraded treatment plant servicing all and also a report on pollution levels presently in the area."*

**Planning and Economic Development**

42. Clr. Murray

"What follow-up has been done following the successful passing of my motion at the November Council Meeting? Can the response give specific reference to Stoneybridge and Aileach Valley Estates in Bridgend as they are clearly affected by the passing of that motion?" (L)

**LETTERKENNY ELECTORAL AREA**

**Roads and Transportation**

43. Clr. McGarvey

"Is there any possibility that this Council will get funding for L.I.S. work this year?" (C)

44. Clr. Blaney

"Will this Council attempt to source funding for footpath repairs in the County, and make the old Milford area a pilot project area?" (C)

45. Clr. Blaney

"When does this Council propose to tar the link road at Ballymagowan towards the Kerrykeel/Portsalon road, known locally as the Ballymagowan Brae?" (L)

**Community and Enterprise**

46. Clr. McGarvey

"Is there any intention to provide Library Service in Ramelton now or in the future?" (L)

**MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD IN  
THE COUNTY HOUSE, LIFFORD ON 25<sup>TH</sup> MARCH, 2013**

**C/145/13     MEMBERS PRESENT**

Clrs. Frank McBrearty, Mayor, D. Alcorn, L. Blaney, J. Boyle, B. Byrne, P. Canning, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M.T. Gallagher, M. Harley, C. Harvey, D. Larkin, M. McBride, N. McBride, I. McGarvey, P. McGowan, B. Mc Guinness, J. Murray, S. Ó'Domhnaill, M. Quinn, J. Ryan, T. Slowey.

**C/146/13     OFFICIALS IN ATTENDANCE**

Mr Seamus Neely, County Manager, Mr Liam Ward, Director of Housing and Corporate, Meetings Administrator, Mr John McLaughlin, Director of Roads & Transportation, Mr Garry Martin, Head of Finance & Director of Emergency Services, Mr Joe Peoples, A/Director of Water & Environment, Mr Michael Heaney, Director of Community Culture & Planning, Mr Denis Kelly, Senior Executive Planner, Ms Annemarie Crawford, Staff Officer, Corporate Services.

**C/147/13     VARIATION IN THE ORDER OF BUSINESS**

The Mayor informed Members that he intended to adjourn the meeting at 11.15 am to facilitate the launch of the National Conference on Sport-Aiding Mental-Health.

Thus on the proposal of Clr. Farren, seconded by, Clr. Mc Garvey, it was resolved to vary the order of business to deal with the following items at this juncture:-

Items No. 1, 17, 18, 19, 20, 21 and 22.

The Mayor advised that the meeting would be concluding at 3.15pm to facilitate the Civic Reception in honour of the Donegal Olympians and Paralympians who had represented Ireland in the London 2012 Games.

**C/148/13     CONFIRMATION OF MINUTES OF BUDGET MEETING OF  
DONEGAL COUNTY COUNCIL HELD ON THE 19<sup>TH</sup>  
DECEMBER, 2012**

On the proposal of Clr. McGarvey, seconded by, Clr. Slowey, the minutes of the Budget Meeting of Donegal County Council held on the 19<sup>th</sup> December, 2012 were adopted.

C/149/13 CONFIRMATION OF MINUTES OF ADJOURNED BUDGET MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 7<sup>TH</sup> AND 8<sup>TH</sup> JANUARY, 2013

On the proposal of Clr. M. Mc Bride, seconded by Clr. Farren, the minutes of the Adjourned Budget Meeting of Donegal County Council held on the 7<sup>th</sup> and 8<sup>th</sup> January, 2013 were adopted.

C/150/13 CONFIRMATION OF MINUTES OF ADJOURNED JANUARY MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 20<sup>TH</sup> FEBRUARY, 2013

On the proposal of Clr. Farren, seconded by, Clr. McGarvey, the minutes of the Adjourned January Meeting of Donegal County Council held on the 20<sup>th</sup> February, 2013 was adopted.

C/151/13 DISPOSAL OF OLD FIRE STATION, MOVILLE BY WAY OF SALE TO MR SEAMUS HARKIN

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

On the proposal of Clr. Farren, seconded by, Clr. M. McBride, it was resolved to formally dispose of the Old Fire Station, Moville by way of sale to Mr Seamus Harkin, in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.

C/152/13 TAKING OF DECISION WITH REGARD TO THE CARRYING OUT OF WORKS WITH REGARD TO THE REPLACEMENT OF THE EXISTING PARTIALLY COLLASPED MASONRY ARCH BRIDGE WITH A SINGLE SPAN CONCRETE CULVERT CROSSING THE STREAM AT THE EXISTING MULLANASOLE BRIDGE IN THE TOWNLAND OF MULLANSOLE IN THE DONEGAL ELECTORAL AREA

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

On the proposal, of Clr. Gallagher, seconded by, Clr. Boyle, 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 the replacement of the existing partially collapsed masonry arch bridge with a single span concrete culvert crossing the stream at the existing Mullanasole Bridge in the Townland of Mullanasole in the Donegal Electoral Area was approved.

C/153/13 TAKING OF DECISION WITH REGARD TO THE CARRYING OUT OF WORKS WITH REGARD TO THE REPLACEMENT OF THE EXISTING ELACTAGH BRIDGE IN THE TOWNLANDS OF LETTERBRICK AND ALTLAHAN LOCATED ON THE REGIONAL ROAD R252 AND CONNECTS BALLYBOFEY TO DUNGLOE AND GLENTIES  
Members considered the report, circulated with the agenda, in relation to the above.

On the proposal, of Clr. Harvey, seconded by, Clr. Gallagher, 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 the replacement of the existing Elactagh Bridge in the townlands of Letterbrick and Altlahan located on the Regional Road R252 and connecting Ballybofey to Dungloe and Glenties was approved.

C/154/13 CONSIDERATION OF THE DRAFT VARIATION TO THE COUNTY DONEGAL DEVELOPMENT PLAN 2012 – 2018 AND THAT THE MEMBERS, BY RESOLUTION, PROPOSE TO MAKE THE VARIATION SO THAT THE PUBLIC CONSULTATION PROCESS CAN BE FORMALLY COMMENCED

Members considered the Draft Variation to the County Donegal Development Plan 2012 – 2018 and on the proposal of Clr. O’Domhnaill, seconded by Clr. Gallagher it was resolved to make the variation so that the public consultation process could be formally commenced subject to completion and outcome of screening in respect of Strategic Environmental Assessment and/or Appropriate Assessment.

C/155/13 CONFIRMATION OF DATE FOR RESCHEDULED WORKSHOP ON THE OPERATION/IMPLEMENTATION OF THE COUNTY DONEGAL DEVELOPMENT PLAN 2012 – 2018

Mr. Michael Heaney, Director Planning and Economic Development referring to the previous item advised that work in relation to the Draft Variation had already commenced.

The County Manager noted that it had also been intended to hold a workshop in relation to the proposed changeover to Irish Water.

After some consideration it was resolved to hold the following workshops:-

*Monday 8<sup>th</sup> April, 2013 @ 10am.*

Workshop on the operation/implementation of the County Donegal Development Plan 2012-2018.

*Wednesday 24<sup>th</sup> April, 2013 @ 10am.*

Workshop to discuss implication of the changeover to Irish Water.

- C/156/13     ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF LETTERKENNY ELECTORAL AREA COMMITTEE HELD ON 14<sup>TH</sup> JANUARY, 2013  
On the proposal of Clr. McGarvey, seconded by, Clr. M. McBride, it was resolved to endorse the Confirmed Minutes of Meeting of Letterkenny Electoral Area Committee held on the 14<sup>th</sup> January, 2013.
- C/157/13     ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF STRANORLAR ELECTORAL AREA COMMITTEE HELD ON 15<sup>TH</sup> JANUARY, 2013  
On the proposal of Clr. Harvey, seconded by, Clr. McBrearty, it was resolved to endorse the Confirmed Minutes of Meeting of Stranorlar Electoral Area Committee held on the 15<sup>th</sup> January, 2013.
- C/158/13     ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF DONEGAL ELECTORAL AREA COMMITTEE HELD ON 16<sup>TH</sup> JANUARY, 2013  
On the proposal of Clr. Boyle, seconded by, Clr. Slowey, it was resolved to endorse the Confirmed Minutes of Meeting of Donegal Electoral Area Committee held on the 16<sup>th</sup> January, 2013.
- C/159/13     CONFERENCES  
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 2010 and directives issued by the Minister in that regard, on the proposal of Clr. M. McBride, seconded by Clr. Boyle, it was resolved to authorise any member, if he/she so wished, to attend the following conferences, subject to the normal procedures:-

1. Individual members not exceeding their annual budget for attendance at conferences.
  2. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance.
  3. Submission of a Conference Report
- LAMA Spring Seminar 2013 Local Authorities in Ireland; new Challenges – New Opportunities, to be held Friday 5<sup>th</sup> and Saturday 6<sup>th</sup> April, 2013 at the Ashdown Park Hotel, Gorey.
  - “Opening Doors: My Life, My Home” being hosted by the Lord Mayor of Cork, Cllr. John Buttimer to be held Thursday 18<sup>th</sup> and Friday 19<sup>th</sup> April, 2013 at the Rochestown Park Hotel, Rochestown Road, Douglas, Co. Cork.
  - Tgr Seminars – Local Property Tax: Logistics, implications and consequences for Irish consumers, to be held from Friday 19<sup>th</sup> to Sunday 21<sup>st</sup> April, 2013 at the Mullingar Park Hotel, Mullingar, Co Westmeath.
  - Eures Cross Border Partnership Tourism Conference 2013 – Sustainable Tourism – Practical Ideas for your business to be held Wednesday 24<sup>th</sup> April, 2013 at the Ballymascanlon House Hotel, Dundalk, Co. Louth.

C/160/13 CONFERENCE REPORTS

On the proposal of Clr. M. McBride, seconded by Clr. Crawford, the following conference reports were noted:-

**Clr. John Ryan**

Creating Employment Opportunities in Local Food Production held from Friday 10<sup>th</sup> to Sunday 12<sup>th</sup> August, 2012 at the Celtic Ross Hotel, Rosscarbery, West Cork.

**Clr. Dessie Larkin**

Tutorial BA (Hons) Public Management (LG) Sunday 20<sup>th</sup> and Monday 21<sup>st</sup> October, 2012 at the IPA HQ Dublin.

**Clr. Martin Harley**

10<sup>th</sup> National Waste Summit held Friday 23<sup>rd</sup> November, 2012 at the Croke Park Conference Centre.

**Clr. Dessie Larkin**

IPA Tutorial in Dublin held Saturday 8<sup>th</sup> and Sunday 9<sup>th</sup> December, 2012 at the IPA Headquarters in Dublin.

**Clr. Martin Harley**

NRA Delegation held 14<sup>th</sup> December, 2012 at the St Martin House, Dublin.

**Clr Jack Murray**

Certificate in Local Government Studies Tutorial held 18<sup>th</sup> February, 2013 at the IPA Dublin.

C/161/13 ADJOURNMENT OF MEETING

On the proposal of Clr. O' Domhnaill, seconded by Clr. Alcorn, it was resolved to adjourn the meeting until 12 noon to allow Members attend the launch of the National Conference on Sport - Aiding Mental-Health.

C/162/13 VARIATION IN THE ORDER OF BUSINESS

Clr. Farren took the chair for a brief period in the absence of the Mayor.

It was unanimously agreed to vary the order of business and deal with Clr. Murray's motion at this juncture.

On the proposal of Clr. Farren, seconded by Clr. Gallagher, a vote of sympathy was extended to Clr. Murray on the death of his grandmother, Susan Murray.

C/163/13 CALL FOR A DELEGATION FROM DONEGAL COUNTY COUNCIL TO INCLUDE EXECUTIVE AND CROSS PARTY REPRESENTATION FROM INISHOWEN ELECTORAL AREA COMMITTEE TO MEET WITH DERRY CITY COUNCIL IN ORDER TO DISCUSS IMPROVING CROSSBORDER COOPERATION AND SHARED SERVICES

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

"That a delegation from Donegal County Council, including members of the executive and cross party representation from IEAC, meets with Derry City Council in order to discuss improving cross-border cooperation and shared services to the mutual benefit of both council areas."

Members were informed that:-

“Given the proximity of County Donegal to Derry City, the fourth largest city on the island of Ireland, the importance of cross-border links in the delivery and planning of essential infrastructure, the potential for complementary services and the acknowledgement of the collective critical mass is recognised. The potential catchment population of the North West when connected is up to 350,000 persons. There is a strong history of cross border collaboration and co-operation in the northwest region of Ireland. The formation of



the North West Partnership Board (NWPB) in 2011, a multi-sectoral platform, drawing its membership from the Donegal County Development Board (CDB) and the Derry Strategy Board, Strabane District Council and Limavady Borough Council, has provided a new impetus to this collaborative work. It is the aim of this partnership to promote a coordinated approach with regard to the economic, social and cultural development, on a cross-border basis, of the North West of Ireland. The Board has identified the need for closer and more integrated cross border co-operation to realise the aspirations of the NW Gateway Initiative. Work is also underway to promote the cross-border Letterkenny/Derry Gateway recognised in the National Spatial Strategy and the Northern Ireland Regional Development Strategy.

Donegal County Council also through its participation in the North West Region Cross Border Group, works collectively with partner councils of Derry, Strabane, Limavady and Magherafelt to promote the social, cultural and economic development of the county and region. Many collaborative initiatives are also currently underway with financial support from the Interreg IVA and Peace III programmes.”

Clr. Murray advised that the strong historic, economic and cultural links shared between the two jurisdictions provided an excellent background on which to expand and deliver shared services. Alluding specifically to waste management problems in the border villages of Bridgend and Killea, he advised, that the potential existed for both local authorities to work together on matters of mutual interest.

He suggested also that representatives from the Department of the Environment, Community and Local Government together with their counterparts in the Department of Regional Development be invited to meet with the delegation.

A number of Members whilst supportive of the sentiment of the motion, advised of the need for caution in progressing the matter. They were of the opinion that there was no need for the setting up of another formal body, given that cross-border co-operation was being actively pursued through the North West Region Cross Border Group, ERNACT and the North West Partnership Board.

Clr. Quinn noted that the motion had not in fact called for the setting up of a specific body but rather explored the need to deal

with wider issues such as waste management problems across the border areas.

Clr. Larkin, in his capacity as Chair of the NW Partnership Board offered the services of the Partnership to progress dialogue on the matter.

Members acknowledged generally the need to keep all of the cross-border bodies on board.

The County Manager informed Members that there had been communication with Trevor Haslett, Chief Executive N.I Water Executive and that considerable work had been done in relation to the North West Action Plan, a process which had deepened cross-border relationships in a structured way.

Mr. Michael, Heaney, Director Planning and Economic Development advised that a number of groups were working proactively in this field.

Clr. Murray concluding the debate said he was disappointed with some of the reservations expressed by Members.

He asked that the delegation to be organised as soon as possible.

C/164/13

CONDEMNATION OF THE CUTTING IN THE NUMBER OF BEDS IN ST JOSEPHS HOSPITAL STRANORLAR

On the proposal of Clr. Cora Harvey, seconded by Clr. Mc Gowan, the following motion was adopted:-

"That Donegal County Council condemns the recent decision to cut the number of beds in St Joseph's Community Hospital Stranorlar."

Clr. Harvey advised that local management in the Finn Valley area were being forced to make decisions re the cutting of bed numbers and had little or no choice in the overall decision making policy.

She questioned the practicality of reducing the number of beds from 75 to 60, when in fact the number of admissions to St Josephs had risen from 593 in 2010 to 724 at present.

She called for an end to the moratorium on staff recruitment so that hospitals such as St Joseph's could provide an acceptable level of care for the elderly and infirm in the community.

Members were of the opinion that the level of care and service provided by local community hospitals was second to none, advising that this was a key element in developing a preventative health care strategy

A number expressed concern in relation to overall government policy, including cuts in patient transport, the reduction in hours for Home Helps and the continued levying of car parking charges at Letterkenny General Hospital, noting that there appeared to be no clear strategy re the overall use of resources.

They noted that St Joseph's was a model of best practice and thus warranted positive interaction.

It was acknowledged also that there were ongoing issues re the future of Lifford Hospital that needed to be further addressed.

Members expressed concern that HSE Officials had not taken up the recent invitation to meet with Donegal County Council regarding ongoing cuts in the Home Support Service.

The lack of dialogue also in relation to the proposed transfer of ambulance services from Lifford was noted.

The HSE, they affirmed, needed to engage with the general public and their elected representatives.

The Mayor said he was extremely disappointed that the Members on the HSE West Forum had not been informed of the planned bed reductions and had learned of the plans through the local media.

Clr. Harvey concluding the debate asked Members of the government parties to liaise with their colleagues at national level, and bring the matter to the attention of the Minister for Health, Mr. James Reilly, T.D.

C/165/13

#### SUBMISSION OF MOTION UNDER URGENT BUSINESS

##### *Motion No. 1*

A request by Clrs N. Mc Bride, M. Mc Bride, I. Mc Garvey, M. Quinn, M. Doherty and L. Blaney to have the following motion discussed as urgent business in accordance with Standing Order No. 28 was read into the record :-

“That this Council take immediate action to resolve the water problems that currently exist in Rathmullan”.

It was unanimously agreed to consider same prior to the adjournment of the meeting at 3.15pm.

C/166/13 ADJOURNMENT OF MEETING

On the proposal of Clr. Alcorn, seconded by Clr. Mc Garvey it was solved to adjourn the meeting from 1pm until 2pm for lunch

C/167/13 SUBMISSION OF MOTIONS UNDER URGENT BUSINESS

*Motion No. 2*

A request by Clrs. S. O' Domhnaill, D. Larkin, P. Canning, L. Blaney, D. Alcorn, M.T.Gallagher and T. Slowey to have the following motion discussed as urgent business in accordance with Standing Order No. 28 was read into the record :-

“That this Council discuss the impact which the collapse of the Wind Turbine at Loughderryduff will have on the landscape, and any measures which this Council intend to take to ensure that such an event does not take place again, by way of putting in place proper setback distances to eliminate dangers”

*Motion No. 3*

A request by Clrs. M. Quinn, J. Murray, C. Harvey, M.T. Gallagher and I. Mc Garvey to have the following motion discussed as urgent business in accordance with Standing Order No. 28 was read into the record :-

“This Council shares the concerns of the Trade Unions and associations who are calling on their Members to reject the Croke Park 2 Agreement and supports their position”.

After some deliberation it was resolved to deal with the three motions submitted under urgent business at the Adjourned March Meeting of Donegal County Council.

C/168/13 INTEGRATION OF OUTGOING TOWN COUNCILS INTO THE PROPOSED NEW RATIONALISED COUNTY COUNCIL UNDER “GOVERNMENT REFORMS OF LOCAL GOVERNMENT 2012”

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

"That the Manager outline his CCMA's proposals/work to date, for integrating outgoing Town Councils into the new rationalised Co

Council under "Government Reforms of Local Government 2012" outlining plans to centralise rates collection/spend on a county-wide basis along with redistribution of Staff from the existing Town Councils out across the rest of the Co Council area."

Members were informed that:-

“The Action Plan for Effective Local Government – ‘Putting People First’, published in October, 2012 provides for, inter alia, the abolition of Town Councils with effect from the Local Elections to be held in 2014.

The abolition of the Town Councils forms part of a much wider reform of the Local Government System as it currently operates including the establishment of Municipal District arrangements within each County.

This aspect of the reforms (number of Electoral Areas / Municipal Districts) was considered by the Council on 18th January, and 24th January 2013. Following this consideration, a submission was made to the Local Electoral Area Boundary Committee. The outcome of the deliberations of the Local Electoral Area Boundary Committee is not yet available and is not expected for a number of weeks.

The information sought in the motion is not available at present as it is dependant on the precise arrangements to be put in place for the Municipal Districts. Provision of the information sought requires clarity of the form, function and resourcing arrangements of the Municipal Districts and their relationship to the full Council.

As soon as this information is available, arrangements will be made as soon as is practicable, to engage with the full Council and Town Councils as appropriate on the implications arising, which will include the details sought in the motion.”

Clr. Larkin queried the validity of the motion given that the act was still in the process of going through the Oireachtas and as such had no definitive legal status. To ask the County Manager at this stage to outline proposals was, he noted, at the very least premature.

Clr. Mc Gowan enquired as to whether or not the County Manager had received any communication/guidelines in relation to the

matter, either from the CCMA or the Department of the Environment, Heritage and Local Government. He had, he confirmed, submitted the motion simply to initiate debate on the matter.

Clr. Larkin, advised that he was of the opinion that Town Councils were protected by the twentieth amendment of the Constitution Act, 2001 and in particular Article 28A, Items 1-5.

He noted that many Fine Gael and Labour TDs were against the abolition of Town Councils.

It was acknowledged also that the CEO of the AMAI had been asked to obtain senior legal advice in relation to the passing of this legislation, with the view to taking a constitutional challenge re the legitimacy of the process. It was imperative, he affirmed, that the general public had a say in what was effectively the removal of their democratic right.

He called on the Fine Gael and Labour Members to liaise with their counterparts in government re the status of the ongoing proposals.

The County Manager reiterated the fact that he was not in a position at present to provide the necessary clarifications. The Committee deliberating on the number of Electoral Areas and Municipal Districts was sitting at present, he noted, and indications were that the ensuing deliberations would issue in and around the 30<sup>th</sup> May, 2013.

Clr. Mc Gowan, cited the need to brief the electorate in relation to the proposed changes. Towns such as Ballybofey and Stranorlar, had, he confirmed, been severely disadvantaged by not having town council status, whilst the likes of Letterkenny had attained considerable growth and development.

C/169/13 CALL FOR DONEGAL COUNTY COUNCIL TO DEBATE THE POSSIBLE IMPLCIATIONS FOR THE COUNCIL AS A RESULT OF THE RECENT DECISION IN BUNDORAN IN RELATION TO THE "TAKEOVER OF ESTATES"

On the proposal of Clr. Crawford, seconded by Clr. Mc Gowan, the following motion was adopted:-

"That this Council debate the possible implications for the Council as a result of the recent court decision in Bundoran in relation to the Takeover of Estates."

Members were informed that:-

“The High Court judgement in relation to the case in the south of the County is currently being examined with the view to its impact on the current Donegal County Council policy on the take over of housing developments. It is anticipated that this matter will be discussed with members at the earliest possible opportunity.”

Clr. Crawford noted that there were serious ramifications for the entire Council area and that it appeared to the public that local authority input to the matter was severely restricted.

He enquired as to the following:-

1. Where the Council as a body stood in relation to the matter?
2. Would the judgement impact on all sections of the Council?

Clr. Farren took the Chair for a brief period in the absence of the Mayor.

The County Manager informed Members that the matter was still subjudicae and that the Court had issued a judgement in so far as it related to Bundoran Town Council. The Town Council now had to consider this as a reserved function and the judgement as such was then open to interpretation. Specific implications re water services would, he confirmed, be dealt with at the workshop on the 24<sup>th</sup> April.

A range of complicated issues, he stated, had led to this particular outcome. He asked Members to note that there would not necessarily be the same outcome in every situation, advising that those who created a specific situation were in the long-run primarily responsible for the overall outcome.

Donegal County Council, it was acknowledged, needed to be proactive, and work with Management Committees in these estates rather than the final outcomes having to be determined by the Courts.

Clr. Gallagher asked for clarity re the takeover policy in other local authorities and the overall cost of taking over mechanical plant in 2012.

Accepting the County Manager's response, Clr. Crawford advised that specific expectations had been generated as a result of the court decision, along with a considerable amount of confusion. He asked that clarity be provided re the implication of the overall judgement and regard given to the wider decisions of the Council as opposed to national policies and guidelines. This, he confirmed, should be provided as part of the overall response.

C/170/13 DISCUSSION ON THE PROVISION OF PROPER FOOTPATHS AND SURFACE WATER DRAINAGE FOR THE TOWN OF ARDARA

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

"That this Council discuss the provision of proper footpaths and surface water drainage for the town of Ardara."

Members were informed that:-

"A scheme to provide new footpaths and surface water drainage for the town of Ardara was initiated in 2011. Planning and Design of Phase 1 "Front Steet Ardara Scheme" has progressed as follows:

1. The Part 8 Planning report was submitted and subsequently passed at the November 2011 Council meeting.
2. The estimated construction cost of the project is approximately €17,000.00 incl. VAT.
3. The detailed design is about 70% complete.

Several funding sources have been sought over the past 2 years including from the NRA, DLDC and from the DCC Water Environment Section in a combined project approach. It has proven to be difficult to secure sufficient funding to proceed and the usual sources for such funding have become more and more restricted.

We are continuing to pursue funding to complete the Front Street Phase 1. The Local Area Roads are also looking for funding for interim repairs to footpath sections through the small projects NRA funding source.

The Local Area Roads have replaced a couple of Footpath bays on safety grounds and we will continue with these small scale works



as funding allows in the hope that funding becomes available for the bigger project.”

Clr. Slowey highlighted the deteriorating condition of the footpaths and the ongoing problems associated with poor surface water drainage in Ardara.

He asked that urgent consideration be given to completing the following works:-

1. The completion of remaining works on the stretch of road from Nancy’s Bar to Hillhead.
2. Repairs to the footpath along the Diamond Area to the Catholic Church.
3. Concerted effort be made to alleviate surface water drainage problems at the West End.

The Mayor returned at this juncture.

Members of the Glenties Electoral Area outlined their support for the motion. Given Ardara’s status as a Heritage Town, it was imperative, they affirmed that everything possible was done to bring the roads infrastructure to a safe and acceptable standard. They asked that the issues as highlighted be brought to the attention of the National Roads Authority, noting that it was essential that all the works in question were attended to. Interim measures, they added, would not be acceptable at this juncture. It was suggested that use could be made also of the Community Involvement Scheme.

Mr. John Mc Laughlin, Director Roads & Transportation noted that the options were limited and that the Glenties Electoral Area could possibly look at using Discretionary Funding to progress the works in question. It was possible to contact the NRA, he noted, but assistance from this source would require matching funding. It was agreed that the matter could be discussed further at Electoral Area level and that consideration could be given to the possible use of the Community Involvement Scheme.

Clr. Slowey concluding the debate advised that the situation was worsening by the day and that not taking action was not an option at this point.

C/171/13 ADJOURNMENT OF MEETING

On the proposal of Clr. Alcorn, seconded by Clr. N. Mc Bride it was resolved to adjourn the meeting until 11am on Monday 15<sup>th</sup>, April, 2013.

**Certified:** \_\_\_\_\_  
**Mayor.**

**Date:** \_\_\_\_\_