

**COMHAIRLE CHONTAE DHUN NA nGALL**

Oifig Riarthóir na  
gCruinnithe  
Aras an Chontae  
LEIFEAR  
21 Marta, 2017

**FOGRA CRUINNITHE**

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain 27 Marta, 2017, 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 leis seo.

Beidh Clár Orduithe an Phríomh-Fheidhmeannaigh le feiceáil ag an gcruinniú.

Mise, le meas

**Seosamh O’Piobla  
Riarthóir Cruinnithe**

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**DONEGAL COUNTY COUNCIL**

Office of Meetings Administrator  
County House  
Lifford  
21<sup>st</sup> March 2017

**NOTICE OF MEETING**

A Meeting of Donegal County Council will be held on Monday 27<sup>th</sup> March 2017, at **11.00am 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 Chief Executive’s Orders will be available for inspection at the meeting.

**Yours sincerely**

**Joe Peoples  
Meetings Administrator**

## AGENDA

### **1. Confirmation of Minutes**

Confirmation of the Minutes of the January Meeting of Donegal County Council held on the 30<sup>th</sup> January, 2017.

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

Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose of property at 45 Horn Head, Dunfanaghy to Ms Bridget Ferry, Murroe, Dunfanaghy, Co Donegal.

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

- a) To approve the carrying out of works with regard to the construction of a housing development consisting of 29 No. Residential Units of apartments and dwelling houses at Long Lane, Ballyboe, Glencar, Letterkenny, Co Donegal.
- b) To approve the carrying out of works with regard to the construction of a footbridge over the River Finn between Ballybofey and Stranorlar.

### **4. Corporate**

- a) To fill the casual vacancy on the Donegal Education and Training Board.
- b) To fill casual vacancy on the County Donegal Joint Policing Committee.
- c) To note closing date for nominations in respect of the 2017 Presidential Distinguished Service Awards for the Irish Abroad.
- d) Consideration of extension of the continuous period of absence from meetings/committee meetings of the Council – Cllr Sean Mc Eniff.

### **5. Roads and Transportation**

To approve the implementation of the proposed 2017 Non National Roads Bridge Strengthening Programme.

### **6. Planning and Economic Development**

- a) National Planning Framework – Ireland 2040 Our Plan – Issues & Choices. To approve submission from Donegal County Council.

- b) Review of County Development Plan 2012 – 2018. To consider requirement for a further plenary workshop in advance of Special Council Meeting on 24<sup>th</sup> April, 2017.

**7. Community and Enterprise**

- a) Filling of Casual Vacancy on the Donegal Local Development Committee.  
b) Consideration of the Donegal Local Development Committee Annual Report 2016.

**8. Finance**

- a) To consider and note the report on Irrecoverable Rates for 2016.  
b) To adopt the Schedule of Municipal District Works for the Glenties Municipal District in accordance with subsection (4) of Section 103A of the Local Government Act 2001.

**9. Endorsement of Minutes**

- a) Endorsement of the Minutes of the County Donegal Heritage Forum Meeting held on the 14<sup>th</sup> July, 2016.  
b) Endorsement of the Minutes of the County Donegal Heritage Forum Meeting held on the 22<sup>nd</sup> September, 2016.

**10. Authorisation of attendance at Seminar, Training or Event Conferences**

- Conference on Housing in Ireland – Policy Forum for Ireland to be held Wednesday 29<sup>th</sup> March, 2017 in Central Dublin.
- Cross Border Tourism Conference 2017 – Growing your visitors – Learning from the best to be held Wednesday 5<sup>th</sup> April, 2017 in the Four Seasons Hotel, Carlingford, Co Louth.
- Irish Planning Institute – Annual Planning Conference to be held from Wednesday 5<sup>th</sup> to Friday 7<sup>th</sup> April, 2017 in the Castlecourt Hotel, Westport, Co Mayo.

**Training**

- AILG – Annual Training Conference 2017 to be held Thursday 6<sup>th</sup> and Friday 7<sup>th</sup> April 2017 in Tracey’s West County Hotel, Ennis, Co Clare.
- LAMA 2017 Spring Training Seminar to be held on Friday 28<sup>th</sup> and Saturday 29<sup>th</sup> April, 2017 in the City North Hotel, Gormanstown, Co Meath

**11. Conference Reports**

**Cllr Nicholas Crossan** – Brexit Conference held from Friday 9<sup>th</sup> to Sunday 11<sup>th</sup> December, 2016 in Carlingford Co Louth.

**12. Request for Deputation**

To consider request from Donegal Lymes Disease Support Group to address a future meeting of Donegal County Council.

**MOTIONS**

**INISHOWEN MUNICIPAL DISTRICT**

**Roads and Transportation**

**13. Cllr Albert Doherty**

"That this Council welcome the grant from SEUPB under Interreg VA for North West Greenways Network, furthermore, that this Council now timetable and ensure that prompt collective assistance, action, delivery and spend progresses with all stakeholders including Derry/Strabane Council, Transport NI, Sustrans to prioritise staged delivery of the project between three new cross border greenways routes at (1) Muff/Culmore/Derry, (2) Buncrana/Pennyburn Derry and (3) Lifford/Lifford Bridge/Strabane."

**14. Cllr Paul Canning**

"I would ask this council to carry out a survey of all the towns in Donegal that are having problems getting the traffic to slow down and to carry out an investigation as to whether a pedestrian crossing within these towns would alleviate this problem."

**Community and Enterprise**

**15. Cllr Bernard McGuinness**

"That Donegal County Council set up a special committee to assist existing industries including farming and fishing and also to promote and assist companies wishing to set up in the county as a consequence of Brexit."

**LETTERKENNY MUNICIPAL DISTRICT**

**Corporate**

**16. Cllr Jimmy Kavanagh**

"That the Council initiate a link up with the probation service to identify and carry out suitable work, that the Council are unable to deal with through their own resources."

**17. Cllr Michael McBride**

"That Donegal County Council calls for a ban on the use of wild animals in Circuses."

**Community and Enterprise**

18. **Cllr Gerry McMonagle**

"That this Council conduct an audit of public, private and community transport services within the County with a view to developing an efficient and cost effective Rural Transport System."

19. **Cllr Ian McGarvey**

"That a concerted effort be made to source direct EU funding for the development of our islands and that initiatives also be pursued at national level."

**DONEGAL MUNICIPAL DISTRICT**

**Roads and Transportation**

20. **Cllr Noel Jordan**

"That this Council ask the Department of Marine to deliver a significant funding package for development at working piers."

**STRANORLAR MUNICIPAL DISTRICT**

**Corporate**

21. **Cllr Gerry Crawford**

"That this Council call on the Minister for Defence to formally award the military Medal for Gallantry to the Veterans of the siege of Jadotville, in view of the outstanding bravery and heroism shown."

22. **Cllr Gary Doherty**

"That Donegal County Council write to the Minister for Education outlining our dissatisfaction with the review of the School Transport Scheme and the negative impact this will have on families in Donegal."

23. **Cathaoirleach's Business**

24. **Chief Executive's Monthly Management Report**

**QUESTIONS**

**INISHOWEN MUNICIPAL DISTRICT**

**Corporate**

25. **Cllr Albert Doherty**

"What role does Donegal County Council play in relation to providing information and awareness to the public during "Lyme Awareness Week" (HSPC), what council signage is presently erected in council owned bushy, woodland and parks (recreation areas) drawing awareness and attention to Lyme Disease and will the Council liaise with the Scientific Advisory Committee of the HPSC to ascertain best practice, and develop strategies to undertake primary prevention in order to minimise the harm caused by Lyme Borreliosis?"

26. Cllr Albert Doherty

"What actions i.e. compilation of a register of affected tenants etc., have Donegal County Council taken to respond to the MICA Expert Panel Report, what correspondence has been received and/or forwarded between Council and the Ministers' (Minister Coveney/Minister English) Departments since the last final expert report expected publication date of 31st October, 2016 and has the Council been informed of the name of the new point of contact for Council and MICA Support Groups following internal personnel changes in the Department for Housing, Planning and Local Government?"

**Water and Environment**

27. Cllr Bernard McGuinness

"What is the position of group water schemes that have not been taken over by Irish Water and what is the Council's role in this matter?"

**Roads and Transportation**

28. Cllr Bernard McGuinness

"When will the new pontoon be installed at Bunagee Harbour as part of the Sail West Project and what arrangements have been put in place to monitor and collect charges?"

**Housing**

29. Cllr Paul Canning

"With regard to Council dwellings under construction in the County, can I have a breakdown per MD with regard to the perspective completion dates?"

**Finance**

30. Cllr Paul Canning

"Have any arrangements or enquiries been made with this Council from the Customs and Excise Department on the availability of property within our border towns?"

## LETTERKENNY MUNICIPAL DISTRICT

### *Housing*

31. Cllr Gerry McMonagle

"How many housing voids have we in the County per each Municipal District?"

### *Water and Environment*

32. Cllr Gerry McMonagle

"Can I have a breakdown of the annual costs to Council per Municipal District for the hire of portaloos at seaside/beach locations across the County since 2010?"

### *Community and Enterprise*

33. Cllr Ian McGarvey

"Will Donegal County Council carry out an investigation into the present fishing interests with the view of maximising the quotas allocated and other relevant matters?"

### *Roads and Transportation*

34. Cllr Ian McGarvey

"Is the proposed A5 completely off the agenda at present due to legal and other difficulties?"

## STRANORLAR MUNICIPAL DISTRICT

### *Corporate*

35. Cllr Gerry Crawford

"How many adults/ children are on this Council's housing waiting list?"

36. Cllr Gary Doherty

"Has this Council considered utilising a 'choice based' letting system, and are there any plans to implement same?"

### *Cultural Services*

37. Cllr Gerry Crawford

"What plans exist for improvement of the County Archive Facilities based in Lifford?"

### *Community and Enterprise & Planning Services*

38. Cllr Gary Doherty

"What is the process for amending this Council's Landscape Character Assessment Maps?"

### **39. Motions from Other Councils/Bodies**

#### **SOUTH DUBLIN COUNTY COUNCIL**

“That this Council, conscious as it is of the increasing gap in incomes in Ireland and across the EU, debate the case for a Basic Income as a means of addressing social and economic inequality and the inadequacy of both Social Welfare and Taxation Law in tacking either. That this basic income should be funded by progressive taxation and should not replace any existing Social Welfare payments. If there is consensus, that we write to the Taoiseach and Minister for Finance asking them to enter into discussion with their EU partners with the objective of making Ireland a Pilot Country to explore moving from the current Social Welfare and Taxation Systems to a Basic Income Support.”

#### **SOUTH DUBLIN COUNTY COUNCIL**

“This Council being very concerned at the barriers faced by persons with a disability and their families in getting to Hospital and other services in the shortest possible time, now calls on the Minister for Transport to regulate use of Bus Lanes by permitting vehicles that display the standard ‘Disability Parking Permit’ to use the Bus Lanes at all times. That the contents of this motion be forwarded to the Minister for Transport and the Minister for Justice and that it be copied to all other City and County Councils inviting them to join the campaign.”

#### **SOUTH DUBLIN COUNTY COUNCIL**

“This Council, conscious of the fact that there is a Direct Provision Centre located in this County and that some residents of the facility both individuals and families, have been detained there for up to nine years, now requests that the Chief Executive write to both the Minister for Justice and the Minister for Foreign Affairs deploring this denial of human rights and calling on them to have legislation urgently updated so that the status of asylum seeks/refugees can be decided in the shortest possible time, preferably within nine months of their arrival, and, that they be allowed to seek and take up employment on a permit bases while their status is being considered. That this motion be copied to all other City and County Councils.”

#### **TIPPERARY COUNTY COUNCIL**

“That Tipperary County Council request the Department of Planning, Housing, Community and Local Government to amend/increase the planning exemptions for Solar Photovoltaic energy production for residential and non residential buildings for generation on roofs and



small ground mounted arrays where a large proportion of the renewable energy generated is consumed on the premises.”

#### SLIGO COUNTY COUNCIL

“Sligo County Council noting the important Statement of Principle in the Programme for Partnership Government relating to Credit Unions now calls on the Taoiseach and Finance Minister to make a statement setting out a work programme on how it will implement its commitments for Credit Unions

No.1 – To secure Credit Union funding for Social Housing

No.2 – A full Review of Credit Union Lending Limits.

No.3 – provision of Mortgages by Credit Unions.”

#### CLARE COUNTY COUNCIL

“That this Council calls on the Minister for Health, Simon Harris to fund the drug Orkambi to the sufferers of Cystic Fibrosis who request the drug.”

#### TIPPERARY COUNTY COUNCIL

“In recognition of the importance of existing Bus Eireann Services throughout our County, this Authority calls on the Minister for Transport, Bus Eireann and the National Transport Authority to resolve the present uncertainty as speedily as possible and with a view to retaining present services and making improvements where necessary.”

#### KILKENNY COUNTY COUNCIL

“That Kilkenny County Council calls on the Minister for Health and the HSE to change the review on the standard of cancer care in Ireland from 10 years to 5 years, as the number of cancer patients are increasing each year and new research is being identified.”

MINUTES OF MARCH MEETING OF DONEGAL COUNTY COUNCIL,  
HELD IN THE COUNTY HOUSE, LIFFORD ON 27<sup>TH</sup> MARCH, 2017

C/78/17 MEMBERS PRESENT

Cllrs Terence Slowey, Cathaoirleach, L Blaney, E Bonner, C Brogan, J Campbell, P Canning, T Conaghan, G Crawford, N Crossan, A Doherty, G Doherty, L Doherty, R Donaghey, M Farren, M T Gallagher, M Harley, N Jordan, J Kavanagh, N Kennedy, M C Mac Giolla Easbuig, F McBrearty, M Mc Bride, J P Mc Daid, M McDermott, I Mc Garvey, B McGuinness, G McMonagle, J Murray, S O'Domhnaill, J O' Donnell, J S O'Fearraigh, B O'Neill, M Quinn, & J Ryan.

C/79/17 OFFICIALS IN ATTENDANCE

Seamus Neely, Chief Executive, Joe Peoples, Director of Housing, Corporate and Cultural Services / Meetings Administrator, John McLaughlin, Director of Roads and Transportation, Michael Mc Garvey, Director of Water and Environment, Garry Martin, Director of Finance, Information Systems and Emergency Services, Patricia McIntyre, Area Manager, Eunan Quinn, Senior Planner, Eileen Burgess, County Librarian, Anne Marie Conlon, Communications Officer, Sean O'Daimhin, Oifigeach na Gaelige, Anne Marie Crawford, Staff Officer.

C/80/17 APOLOGIES

Apologies were received from Cllr McGowan who was unable to attend the meeting.

C/81/17 CONFIRMATION OF THE MINUTES OF THE JANUARY MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 30<sup>TH</sup> JANUARY 2017

On the proposal of Cllr Canning, seconded by, Cllr McBrearty the minutes of January Meeting of Donegal County Council held on the 30<sup>th</sup> January, 2017 were adopted.

C/82/17 DISPOSAL OF PROPERTY AT 45 HORN HEAD, DUNFANAGHY TO MS BRIDGET FERRY, MURROE, DUNFANAGHY, CO DONEGAL

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

On the proposal of Cllr O'Domhnaill, seconded by, Cllr O'Fearraigh, it was resolved to dispose of property at 45 Horn Head, Dunfanaghy to Ms Bridget Ferry, Murroe, Dunfanaghy, Co

Donegal, in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and Section 183 of the Local Government Act, 2001.

C/83/17 TO APPROVE THE CARRYING OUT OF WORKS WITH REGARD TO THE CONSTRUCTION OF 29 NO RESIDENTIAL UNITS OF APARTMENTS AND DWELLING HOUSES AT LONG LANE BALLYBOE GLENCAR LETTERKENNY  
Members considered the report circulated in relation to the above.

On the proposal of Cllr McMonagle, seconded by, Cllr Mc Bride, the carrying out of works with regard to the construction of 29 No Residential Units of apartments and dwelling houses at Long Lane Ballyboe Glencar Letterkenny under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) were approved.

Mr Joe Peoples, Director Housing, Corporate and Cultural Services responding to a query from Cllr Mc Brearty confirmed that this was a standard social housing development and that construction was funded by the Department with the normal Part 8 requirements applicable in accordance with the Planning and Development Regulations 2001 (as amended).

C/84/17 MINUTES SILENCE  
Members observed a minutes silence as mark of respect to the following:-

- Martin Mc Guinness, former Deputy First Minister, Northern Ireland.
- Danielle Mc Laughlin who had died tragically in India.
- The crew members of the Rescue 116 Helicopter

C/85/17 TO APPROVE THE CARRYING OUT OF WORKS WITH REGARD TO THE CONSTRUCTION OF A FOOTBRIDGE OVER THE RIVER FINN BETWEEN BALLYBOFEY AND STRANORLAR

Members considered the report circulated in relation to the above.

On the proposal of Cllr Crawford, seconded by, Cllr L Doherty, the carrying out of works with regard to the construction of a footbridge over the River Finn between Ballybofey and Stranorlar under Part XI of the Planning & Development Act, 2000 (as

amended) and Part 8 of the Planning & Development Regulations 2001(as amended) were approved.

- C/86/17      TO FILL THE CASUAL VACANCY ON THE DONEGAL EDUCATION AND TRAINING BOARD  
It was resolved to defer this item until later in the meeting.
- C/87/17      TO FILL CASUAL VACANCY ON THE COUNTY DONEGAL JOINT POLICING COMMITTEE  
It was resolved to defer this item until later in the meeting.
- C/88/17      TO NOTE CLOSING DATE FOR NOMINATIONS IN RESPECT OF THE 2017 PRESIDENTIAL DISTINGUISHED SERVICE AWARDS FOR THE IRISH ABROAD  
Members considered the report circulated with the agenda and noted that the closing date for nominations in respect of the 2017 Presidential Distinguished Service Awards for the Irish Abroad was Wednesday 19<sup>th</sup> April, 2017.
- C/89/17      CONSIDERATION OF EXTENSION OF THE CONTINUOUS PERIOD OF ABSENCE FROM MEETINGS/COMMITTEE MEETINGS OF THE COUNCIL – CLLR SEAN MC ENIFF  
Members considered the report circulated with the agenda in relation to the above. On the proposal of Cllr C Brogan, seconded by, Cllr S O’Domhnaill it was resolved to extend the continuous period of absence from meetings/committee meetings of the Council to twelve months in respect of Cllr Sean McEniff.  
  
Members extended their best wishes to Cllr Mc Eniff.
- C/90/17      TO APPROVE THE IMPLEMENTATION OF THE PROPOSED 2017 NON NATIONAL ROADS BRIDGE STRENGTHENING PROGRAMME  
On the proposal of Cllr O’Neill, seconded by, Cllr Farren, the implementation of the proposed 2017 Non National Roads Bridge Strengthening Programme was approved.
- C/91/17      TO APPROVE SUBMISSION FROM DONEGAL COUNTY COUNCIL – NATIONAL PLANNING FRAMEWORK – IRELAND 2040 OUR PLAN – ISSUES & CHOICES  
On the proposal of Cllr A Doherty, seconded by, Cllr J Campbell, the submission from Donegal County Council in respect of the

National Planning Framework – Ireland 2040 Our Plan – Issues and Choices was approved.

C/92/17 TO CONSIDER REQUIREMENT FOR A FURTHER PLENARY WORKSHOP IN ADVANCE OF THE SPECIAL COUNCIL MEETING ON 24<sup>th</sup> APRIL, 2017 IN RESPECT OF THE REVIEW OF THE COUNTY DEVELOPMENT PLAN 2012 – 2018

It was unanimously agreed to hold a workshop at 2pm on Wednesday 12<sup>th</sup> April, 2017 in the County House, Lifford.

C/93/17 FILLING OF CASUAL VACANCIES ON THE DONEGAL LOCAL COMMUNITY DEVELOPMENT COMMITTEE

On the proposal of Cllr Brogan, seconded by, Cllr O'Neill, it was resolved that Fionan Bradley replace Anthony Doogan as the Inishowen Development Partnership representative and that Aengus Kennedy replace Emmett Thompson as the PPN Environmental representative on the Donegal Local Community Development Committee.

C/94/17 TO CONSIDER THE DONEGAL LOCAL DEVELOPMENT COMMITTEE ANNUAL REPORT 2016

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

On the proposal of Cllr Brogan, seconded by, Cllr Crawford, the Donegal Local Development Committee Annual Report 2016 was noted.

C/95/17 TO CONSIDER AND NOTE THE REPORT ON IRRECOVERABLE RATES FOR 2016

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

Mr Garry Martin, Director of Finance, Information Systems and Emergency Services outlined the main aspects of his report. He said that his department had a consistent and continuing approach which involved working proactively with customers on an individual basis. This approach, he said, had worked and it was reflected in the increased collection rates. It was noted that the Small Business Grant Scheme had been a success with in excess of 50% of rates customers availing of the grant in 2016. He also acknowledged the fact that Donegal County Council had not had an increase in the common rate multiplier outside of the harmonisation process over the last eight years.

He informed members that a total of €31m gross in commercial rates was being targeted in 2017. Donegal, he added, had not yet been notified regarding a formal revaluation but indications were that this would take place in 2019/2020. The 2016 outturn, it was confirmed, would be in accordance with the budget as presented and that it was expected that the vacancy rate of business premises would continue to reduce.

On the proposal of Cllr Brogan, seconded by Cllr Mc Garvey, the report on Irrecoverable County Rates for 2016 was noted in accordance with Section 26(2) of the Local Government Financial Procedures & Audit Regulations 2014.

A number of issues were raised by members including:-

- Query as to the percentage of businesses not paying rates.
- Concern that any revaluation would lead to those who continually paid their dues being worse off.
- Acknowledgement of the fact that much excellent work had been done over the past 6-7 years particularly with the introduction of payment plans.
- Outlined the need to contact the Department as a matter of urgency with regard the proposed timeline for the revaluation of properties county-wide.
- Concern expressed that Irish Water would have a different focus when collecting water charges and may not be as business friendly.
- Call for the re-introduction of Rate Collectors.
- Query as to whether the Council was able to recoup monies from Business Liquidators.
- Disappointment expressed that temporary apportionment measure would not be available from 2017 onwards. Members said that this should be appealed.
- Query as to whether the Schedule of Uncollected Rates was available for inspection.
- Highlighted the need to determine how many properties in the county were permanently vacant.
- Brexit implications need to be taken into consideration.

There was general agreement that the present valuation system was archaic and outdated. Members outlined the necessity of lobbying for reform at the highest level together with the introduction of a fairer system of rates.

Mr Garry Martin, Director of Finance, Information Systems and Emergency Services reminded members that the Council had not adjusted the county-wide multiplier since 2009 and that the Small Business Grant Scheme had been put in place to assist rate payers.

He said that all concerned needed to be mindful of the wider implications of Brexit.

He said that he was reasonably certain going forward that proposals to review the rating system nationally would be followed through.

There was he confirmed a graduated approach in dealing with non-payers and that consideration was taken generally of the fact that that many businesses operated in a peak and trough scenario. Problems existed, he advised, when there was no engagement and ultimately impacted on the Council's ability to carry out work programmes.

The Council, he confirmed, often received monies from the receivership process.

The informal temporary apportionment option, he advised, could not be applied from 2017 onwards but it would still be possible to apply for a formal temporary apportionment. The Valuation Office, he said when carrying out an evaluation were generally mindful of the level of trade partially or otherwise.

In response to an earlier question, he noted that the former Town Council areas had been wholly amalgamated.

It was confirmed that the Council did not formally provide details of the uncollected rates schedule to members and that the small number of rate payers who did not engage in any way with the process were followed through due legal process

C/96/17

TO ADOPT THE SCHEDULE OF MUNICIPAL DISTRICT WORKS FOR THE GLENTIES MUNICIPAL DISTRICT IN ACCORDANCE WITH SUBSECTION (4) OF SECTION 103A OF THE LOCAL GOVERNMENT ACT 2001

It was unanimously agreed to defer this item to later in the meeting.

C/97/17      ENDORSEMENT OF THE MINUTES OF THE COUNTY  
DONEGAL HERITAGE FORUM MEETING HELD ON THE  
14<sup>TH</sup> JULY 2016

On the proposal of Cllr A Doherty, seconded by, Cllr Canning the minutes of the County Donegal Heritage Forum Meeting held on the 14<sup>th</sup> July 2016 were endorsed.

C/98/17      ENDORSEMENT OF THE MINUTES OF THE COUNTY  
DONEGAL HERITAGE FORUM MEETING HELD ON THE  
22<sup>ND</sup> SEPTEMBER 2016

On the proposal of Cllr Canning, seconded by, Cllr A Doherty, the minutes of the County Donegal Heritage Forum Meeting held on the 22<sup>nd</sup> September, 2016 were endorsed.

C/99/17      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 -2014 as amended and directives issued by the Minister in that regard, on the proposal of Cllr Brogan, seconded by, Cllr Ryan, it was resolved to authorise any member, if he/she so wished, to attend the following conferences, subject to the normal procedures:-

- i. Individual members not exceeding their annual budget for attendance at conferences.
  - ii. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance.
  - iii. Submission of a Conference Report.
- Conference on Housing in Ireland – Policy Forum for Ireland to be held Wednesday 29<sup>th</sup> March, 2017 in Central Dublin.
  - Cross Border Tourism Conference 2017 – Growing your visitors – Learning from the best to be held Wednesday 5<sup>th</sup> April, 2017 in the Four Seasons Hotel, Carlingford, Co Louth.
  - Irish Planning Institute – Annual Planning Conference to be held from Wednesday 5<sup>th</sup> to Friday 7<sup>th</sup> April, 2017 in the Castlecourt Hotel, Westport, Co Mayo.

Training

- AILG – Annual Training Conference 2017 to be held Thursday 6<sup>th</sup> and Friday 7<sup>th</sup> April 2017 in Tracey’s West County Hotel, Ennis, Co Clare.



- LAMA 2017 Spring Training Seminar to be held on Friday 28<sup>th</sup> and Saturday 29<sup>th</sup> April, 2017 in the City North Hotel, Gormanstown, Co Meath

C/100/17 TO NOTE CONFERENCE REPORTS

On the proposal of Cllr Brogan, seconded by, Cllr Kavanagh, the Members noted the following conference reports:-

**Cllr Nicholas Crossan** – Brexit Conference held from Friday 9<sup>th</sup> to Sunday 11<sup>th</sup> December, 2016 in Carlingford Co Louth.

C//101/17 TO CONSIDER REQUEST FROM DONEGAL LYMES DISEASE SUPPORT GROUP TO ADDRESS A FUTURE MEETING OF DONEGAL COUNTY COUNCIL

On the proposal of Cllr O'Neill, seconded by, Cllr Donaghey it was resolved that the Donegal Lymes Disease Support Group would be invited to address a future meeting of the Council.

C/102/17 COUNCIL LINK UP WITH THE PROBATION SERVICE TO DELIVER WORK THAT THE COUNCIL IS UNABLE TO DEAL WITH THROUGH THEIR OWN RESOURCES

It was unanimously agreed at this juncture to vary the order of business to deal with Item 16.

On the proposal of Cllr J Kavanagh, seconded by, Cllr Ryan, the following motion was adopted:-

"That the Council initiate a link up with the probation service to identify and carry out suitable work, that the Council are unable to deal with through their own resources."

Cllr Kavanagh received a response from the Director of Housing, Corporate and Cultural Services in relation to the above.

Introducing the motion, Cllr Kavanagh said there was an opportunity here for the Local Authority to liaise with the Probation Service particularly in relation to those who had been ordered to carry out community service. He noted however that there were specific criteria and that those concerned could only take on work which affected no one else.

It was acknowledged that there had already been some collaboration in Letterkenny with positive results.

Cllr Ryan supporting the motion alluded to the fact that Local Authorities in Cork and Galway had already piloted such a scheme.

There was no opposition to the motion.

Mr Joe Peoples, Director Housing, Corporate and Cultural Services acknowledged the work done in Letterkenny and said that the Council would engage with the Probation Service regarding potential options for collaboration.

C/103/17 NORTHWEST GREENWAYS NETWORK

On the proposal of Cllr A Doherty, seconded by, Cllr Murray, the following motion was adopted:-

"That this Council welcome the grant from SEUPB under Interreg VA for North West Greenways Network, furthermore, that this Council now timetable and ensure that prompt collective assistance, action, delivery and spend progresses with all stakeholders including Derry/Strabane Council, Transport NI, Sustrans to prioritise staged delivery of the project between three new cross border greenways routes at (1) Muff/Culmore/Derry, (2) Buncrana/Pennyburn Derry and (3) Lifford/Lifford Bridge/Strabane."

Cllr Doherty received a response from the Director of Roads and Transportation in relation to the above.

Addressing members, Cllr Doherty said that the benefits of the Great Western Greenway were already apparent and that the continued promotion of the NW Greenway was essential if the NW region was to achieve city status. He asked that updates in relation to the progression of the project be presented at regular intervals to the elected members.

Cllr Murray supporting the motion said that the effective implementation of the project would be a game changer for Inishowen in particular and proposed that the motion be amended as follows:-

"That this Council welcome the grant from SEUPB under Interreg VA for North West Greenways Network, furthermore, that this council now timetable and ensure that prompt collective assistance, action, delivery and spend progresses with all stakeholders

including Derry/Strabane Council, Transport N.I, Sustrans to prioritise staged delivery of the project between three new cross border greenways routes at (1) Muff/Culmore/Derry, (2) Buncrana/Pennyburn Derry and (3) Lifford/Lifford Bridge/Strabane and that every effort be made to collaborate with Irish Water so that the necessary upgrades to the water main at Fahan are carried out in tandem with this project. "

This was seconded by Cllr Doherty.

There was no objection to the motion.

Mr John Mc Laughlin, Director Roads & Transportation confirmed that a number of conditions needed to be met before the project Group could get their letter of offer from the SEUPB. Updates going forward, he added, could be provided through the Chief Executive's Monthly Management Report.

Cllr Doherty acknowledged the commitment of the NWRCBG to the project and said that the development of the greenway could only enhance the attractiveness of the area in both social and economic terms.

#### C/104/17 SURVEY OF TRAFFIC SPEEDS IN TOWNS

On the proposal of Cllr P Canning, seconded by, Cllr O'Domhnaill, the following motion was adopted:-

"I would ask this Council to carry out a survey of all the towns in Donegal that are having problems getting the traffic to slow down and to carry out an investigation as to whether a pedestrian crossing within these towns would alleviate this problem.

Cllr Canning received a response from the Director of Roads and Transportation in relation to the above.

He informed the meeting that there were specific problems in the Carrigans, Killea and Newtowncunningham areas and that something needed to be done urgently to slow down vehicles travelling at dangerous speeds in these localities. Alluding to the reply and the fact that pedestrian crossings were not considered to be an appropriate method of traffic calming, he said this was regrettable as they were the only method that seemed to work.

Statistics showed, he said, that there were no accidents on Pedestrian Crossings and that there was no reason why crossings or ramps could not be introduced to slow down traffic.

Cllr O' Domhnaill in seconding the motion asked that a prioritised list of towns as alluded to in the reply be drawn up as soon as possible for each Municipal District. It was noted that there were similar problems in the Falcarragh area.

Pedestrian Crossings, he confirmed provided a specific focus in any area and he welcomed any initiative which would identify whether local towns and villages could benefit from pedestrian crossings.

There was no opposition to the motion.

Mr John Mc Laughlin, Director Roads & Transportation said that it would be helpful if each Municipal District drew up a priority list of towns for review.

Pedestrian crossings, he added, were not considered an appropriate method of traffic calming and their installation warranted specific criteria being in place initially.

The Roads department, he confirmed, worked closely with Members and the various communities and that there was ongoing collaboration between the Gardai and the Road Design Section.

Responding to an earlier query, he said, that he did not have at hand information in relation to the number of counters put in by the Council over the last number of years.

He said it would be possible to survey the roads in the villages identified by Cllrs Canning and O' Domhnaill and that each Municipal District would be asked to draw up a list of prioritised towns for review.

C/105/17

SETTING UP OF A COMMITTEE TO ASSIST EXISTING INDUSTRIES IN THE COUNTY SUCH AS FISHING AND FARMING

On the proposal of Cllr B McGuinness, seconded by, Cllr Ryan, the following motion was adopted:-

"That Donegal County Council set up a special committee to assist existing industries including farming and fishing and also to promote and assist companies wishing to set up in the County as a consequence of Brexit."

Cllr McGuinness received a response from the Director of Community , Enterprise and Planning Services in relation to the above.

On the proposal of Cllr O' Domhnaill, seconded by Cllr Brogan it was resolved to suspend Standing Orders and allow one member from each grouping to participate in the debate.

Cllr Mc Guinness alluded to the Inishowen area in particular and the fact that there was no register of available lands and facilities in the area. Donegal, he said, now more than ever needed to look after itself and he paid tribute to the ongoing collaboration which existed between Donegal County Council and Derry City and Strabane District Council. Thus, he advised, a special committee needed to be set up combining all the existing agencies with the aim of making a special case for the farming and fishing industries in Donegal whilst also being mindful of the consequences of Brexit.

Cllr Ryan seconding the motion said that every opportunity needed to be taken to source as much inward investment as possible for the County.

There was no opposition to the motion.

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

- The fact that Donegal was in a good position going forward and stood to benefit from the present level of cross-border collaboration.
- Disappointment at the demise of the old County Enterprise Board System and the fact that the elected members did not have as much input or engagement with the new Local Enterprise Offices.
- Ongoing collaboration needed with the Local Enterprise Offices.

- Request that an update be provided in relation to the results of the collaboration between Donegal County Council and Derry City and Strabane District Council.
- Suggested that the Border Community Against Brexit Group be invited to participate in the committee.
- Tourism needs to be a key area of focus with particular emphasis on maintaining and sourcing all available funding to ensure the continuation of ferry services in the county.
- Outlined the importance of maintaining good communication channels with all the sectors involved.
- The Council needed to be proactive going forward and that a special case needed to be made for Donegal at national level.

The Chief Executive said that a Register of Lands and Interests was being worked on and that it was intended that there would be an easily accessible system available in the future. He alluded to the ongoing work being carried out in conjunction with Derry City/Strabane District Council and noted that the sectors alluded to in the motion had been consulted and were engaged in the process. There was, he added, a significant cross-border dimension and that the NWRDG were also placing a complimentary focus on Brexit implications. It was acknowledged that there was continuing engagement at both national, sectoral and all Ireland level. He informed members that he had met with the All Ireland Select Affairs Committee and the British Ambassador and that the establishment of an office in Brussels was high on the agenda.

Referring to the recent initial analysis of the challenges and opportunities of Brexit for the Derry City, Strabane and Donegal County Council areas report, Mr Neely said that the baseline scenario for employment in Donegal up to 2030 was for a 30% net increase in employment with a hard Brexit scenario reducing this figure to 21%.

This, he contended, clearly showed that Donegal's economy would grow and that job numbers would increase no matter what the outcome. It was imperative, he added, that localised solutions were found to address the problems and that initiatives were progressed for the benefit of the North West City Region as a whole.

The Cathaoirleach and the Chief Executive, he confirmed, needed to be involved directly with any such committee and that the committee itself should be comprised of 2 nominees from each of

the representative groupings. When the committee was up and running, it would then be possible, he said, to look at the best mechanism for engaging with other stakeholders.

Cllr Mc Guinness acknowledged the work done to date and welcomed the fact that a Register of Lands was being worked on. He called at this juncture for an audit of vacant factories in the region to be completed and asked that the relevant groupings contact the Chief Executive's Office as soon as possible with their nominations.

C/106/17 ADJOURNMENT FOR LUNCH

On the proposal of Cllr Mc Guinness, seconded by Cllr Brogan it was resolved to adjourn the meeting until 3pm.

C/107/17 BAN ON THE USE OF WILD ANIMALS IN CIRCUSES

On the proposal of Cllr Mc Bride, seconded by, Cllr McMonagle, the following motion was adopted:-

"That Donegal County Council calls for a ban on the use of wild animals in circuses."

He said that he had introduced the motion on foot of a request from pupils in the Loreto Convent in Letterkenny. The pupils, he added, had done quite a bit of research on the project and all evidence pointed to the fact that it was wrong to use wild animals in circuses.

Cllr Mc Monagle supporting the motion said that a number of countries worldwide had banned the use of wild animals. These animals, he added, were not meant to be caged in small enclosures out of their natural habitat.

There was no opposition to the motion.

It was agreed that a copy would be forwarded to the Minister for Agriculture and a copied to the Irish Society for the Prevention of Cruelty to Animals for their information.

C/108/17 SURVEY OF ALL TRANSPORT IN THE COUNTY TO DEVELOP THE RURAL TRANSPORT SYSTEM

On the proposal of Cllr G McMonagle, seconded by, Cllr Gallagher, the following motion was adopted:-

"That this Council conduct an audit of public, private and community transport services within the County with a view to developing an efficient and cost effective Rural Transport System."

Cllr McMonagle received a response from the Director of Community, Enterprise and Planning Services in relation to the above.

He outlined the need for a co-ordinated approach and the necessity of having Donegal from an economic and tourism perspective accessible to all. An audit / survey of all transport services, was needed, he confirmed, and he thus called for a meeting of all community and bus operatives to assess the situation going forward given Donegal's reliance on privately operated services.

Cllr Mc Monagle proposed, seconded by Cllr Gallagher that Serbhis Iompair Tuaithe Teo be invited to address a future meeting of Council. He asked also that the S.I.T.T. Audit of public, private and community transport be circulated to members.

There was no opposition to the motion.

Mr John Mc Laughlin, Director Roads & Transportation said that arrangements would be made to have the presentation at full Council.

Concluding Cllr Mc Monagle said this was another prime example of where rural Ireland was losing out. He reiterated the necessity of moving forward with a co-ordinated approach and said that a committee should be formed to look at the S.I.T.T recommendations and a possible implementation strategy.

C/109/17 EU FUNDING FOR THE ISLANDS

On the proposal of Cllr I McGarvey, seconded by, Cllr O'Domhnaill, the following motion was adopted:-

"That a concerted effort be made to source direct EU funding for the development of our islands and that initiatives also be pursued at national level."



Cllr McGarvey received a response from the Director of Community, Enterprise and Planning Services in relation to the above.

He was he said extremely concerned in relation to the lack of funding for Island communities and the fact that they often had to travel to the mainland to avail of basic services. There was an onus on this Council, he said, to seek and demand funding for those most disadvantaged. A concerted effort, he added, was needed to source EU funding and look at initiatives which could be utilised to develop and expand IT services, the education system and a range of horticultural activities.

Cllr O' Domhnaill acknowledged that there had been significant investment in Tory but that additional assistance was clearly needed. Incentives were needed, he said to bring prosperity and develop the natural amenities on the Islands. It was imperative, he added that a representative from the Council's EU unit be invited to attend a meeting of the Island's Committee so that progress could be made in relation to the matter. The tourism aspect, he contended, needed to be further developed with particular emphasis on the development of old lighthouses as focused tourism attractions.

There was no objection to the motion.

Mr John Mc Laughlin, Director Roads & Transportation acknowledged that there had been significant investment over the years in water infrastructure, piers and the construction of a helipad on Tory.

It would be possible, he said, for a representative of the Council's EU Department to attend the Glenties MD and Islands meetings to discuss same.

Cllr Mc Garvey concluding said that he was aware that certain work had been done but that a collaborative effort was needed at this juncture to ensure that all our island communities received a fair and adequate share of all available funding.

C/110/17

CALL FOR FUNDING PACKAGE FOR WORKING PIERS

On the proposal of Cllr Jordan, seconded by, Cllr A Doherty, the following motion was adopted:-

"That this Council ask the Department of Marine to deliver a significant funding package for development at working piers."

Cllr Jordan received a response from the Director of Roads & Transportation in relation to the above.

He expressed concern at the lack of funding for working piers and the fact that funds were only available to carry out maintenance works.

There was also, he added, confusion at national level as regards who was actually responsible for funding.

Cllr Jordan called on the Department to step up and provide a significant funding package for the county's piers and harbours in light of the impending implications of Brexit.

Cllr A Doherty seconding the motion said that the Council was continually being fobbed off with answers from Department officials despite Minister Donohoe confirming that there was an additional capital spend available. It was imperative; he added, that funding was provided to finish the breakwater at Greencastle and that a costing was prepared for Leenan Pier.

There was no opposition to the motion.

Mr John Mc Laughlin, Director Roads & Transportation drew attention to the fact that Donegal County Council had applied for €902,000 funding from the Harbour Development and Marine Leisure Scheme which had a country-wide budget of €2.5m. He noted that there were a number of projects included in the marine plan but that the requirement for funding was greater than the budget available. The Council, he said, could not fund these projects on its own and therefore matching funding was needed. He would, he confirmed write to the Department again in relation to the additional funding opportunities.

Cllr Jordan said it was imperative that a collaborative effort was made to source additional funding.

Cllr Campbell asked that details in relation to the projects shortlisted under the Harbour Development and Marine Leisure Scheme application be circulated to members.

C/111/17 CALL ON THE MINISTER FOR DEFENCE TO AWARD THE MILITARY MEDAL FOR GALLANTRY TO THE VETERANS OF THE SIEGE OF JADOTVILLE

On the proposal of Cllr G Crawford, seconded by, Cllr P Canning, the following motion was adopted:-

"That this Council call on the Minister for Defence to formally award the Military Medal for Gallantry to the veterans of the Siege of Jadotville, in view of the outstanding bravery and heroism shown."

Cllr Crawford said the siege of Jadotville took place in September 1961 during UN intervention in the Katanga conflict in the Congo and involved A Company 35th Battalion (UN Service ) of the Irish Army. The Irish /UN soldiers resisted Katanganese assaults for 6 days This outnumbered Irish company was then forced to surrender only after ammunition and supplies ran out and they then became prisoners of war for a time. The heroic action of these soldiers, 11 of whom hailed from Donegal , were, he added, wholly deserving of the Military Medal for Gallantry.

Cllr Canning outlined his support for the motion.

There was no opposition to the motion.

Cllr Crawford concluding thanked members for their support and asked that the motion be circulated to all Local Authorities for consideration.

C/112/17 DISSATISFACTION WITH THE REVIEW OF THE SCHOOL TRANSPORT SCHEME

On the proposal of Cllr G Doherty, seconded by, Cllr A Doherty, the following motion was adopted:-

"That Donegal County Council writes to the Minister for Education outlining our dissatisfaction with the Review of the School Transport Scheme and the negative impact this will have on families in Donegal."

Cllr Doherty said he had been compelled to bring the motion before Council as the School Transport review had not dealt with many of the substantive issues involved.

The review, he contended, did not recommend any changes to anomalies within the operation of the nearest school rule policy, and was not workable in practice. This policy, he said, had caused considerable alarm and distress and was having a negative impact all round.

He outlined the need for a more flexible system to deal with the realities involved and said that it was unfair that children were being targeted in such a way.

Cllr A Doherty supporting the motion cited specific examples in the Inishowen MD where this rule had proved to be particularly problematic and had caused nothing but havoc and upset in rural Donegal.

He asked that Bus Eireann be updated also in relation to the matter.

There was no opposition to the motion.

Cllr Doherty concluding the debate thanked members for their support and asked that he be provided with a copy of the correspondence that will issue to the Minister.

C/113/17 CATHAOIRLEACH'S BUSINESS

*Votes of Sympathy*

A vote of sympathy was extended to the following:-

- Breege Murphy, formerly Dungloe Public Service Centre on the death of her daughter Shirley Murphy.
- Kathleen Anderson, Income Collection Unit on the death of her father, Vincent Gallagher.
- The family of the late Sean Quinn, The Roughan Lifford.
- Kathleen Logue , Information Systems, on the death of her husband P.J.
- Una Matthewson, Library Service, on the death of her mother Maisie.
- The family of the late Jimmy Mc Shane, Convent Road, Letterkenny.
- Eileen Lorinyenko, NRDO ,Donegal Public Service Centre, on the death of her mother Bridie Gallagher.

- Gerard Duddy, Library Service on the death of his father, Joseph.
- Joe Gallagher, Housing, Letterkenny on the death of his mother, Veronica.
- The family of the late Ryan Mc Bride, former Derry City Football captain

*Attendance at St Patrick's Day Events in the USA – March 2017*

The Cathaoirleach circulated a report detailing his attendance at a number of events in Philadelphia, New York and Boston and provided members with an overview of same.

*Visit of Minister Damien English, T.D, Minister for Housing and Rural Affairs.*

Members were informed that Minister Damien English, T.D., Minister of State for Housing and Urban Renewal would be visiting the County on Monday 3<sup>rd</sup> April, 2017.

Minister English, he confirmed, would be available to meet with the Elected Members at 11am on Monday morning in the Training Room, County House, Lifford.

*Tributes to the late Martin Mc Guinness*

The Cathaoirleach informed members that that he had represented the county at the funeral of the late Mr Mc Guinness. He extended deepest sympathy to Mr Mc Guinness's wife Bernadette, his daughters Grainne and Fionnuala, sons Fiachra and Emmet and extended family circle.

Cllr Mc Monagle said that the attendance of the Cathaoirleach and the Chief Executive at the funeral had been much appreciated. A lasting legacy for Mr Mc Guinness, he said, would be that all sections of the community in Northern Ireland would be treated equally with respect and dignity.

Members from the various groupings extended their deepest sympathy to his wife Bernadette, sons, daughters and family circle.

*Retirement of Cllr Mick Quinn*

Cllr Quinn informed members that he intended to resign from Donegal County Council on the 31<sup>st</sup> March, 2017. He thanked the people of the Letterkenny MD for electing him to Donegal County

Council. It had, he confirmed been an honour and a privilege to serve his own community.

Cllr Quinn thanked the Executive, the Chief Executive and all staff who had assisted him in any way. He acknowledged also the support provided by his colleagues in Sinn Fein and fellow Councillors from the various party groupings.

He said that whilst it was not always possible to get consensus on certain issues, it was right to be passionate about politics as at the end of the day it was about doing the very best for all the citizens of the county.

He acknowledged also the support and assistance provided by his wife Eileen and extended family circle.

Members extended their best wishes to Cllr Quinn, acknowledging his excellent contribution to politics in Donegal over the past eight years and wished him well in his retirement.

The Chief Executive and the Cathaoirleach also extended their best wishes.

C/114/17 CHIEF EXECUTIVE'S MONTHLY MANAGEMENT REPORT

Members considered the report circulated with the agenda and addendum circulated during the meeting.

An update was provided in relation to the following:-

1. Corporate
  - a. Polling Scheme.
2. Community, Enterprise & Planning
  - a. Tourism Strategy 2017-2020
  - b. PEACE IV
  - c. Enterprise Week 2017
  - d. Irelands Best Young Entrepreneur
  - e. Student Enterprise Programme.
3. Finance Emergency Services & Information Systems
  - a. Update on Development of Business Case for Fire Station Investment in Ballyshannon and Bundoran,
  - b. Twitter Day 2017-# Our CouncilDay

c. CLEAN Project

A definitive summary, it was confirmed, would be circulated in respect of the Clean Project.

4. Housing Corporate, & Cultural Services

- a. “Buy and Renew” and “Repair and Leasing” Initiative under Rebuilding Ireland, Action Plan for Housing and Homelessness.
- b. Creative Ireland Programme.
- c. 1916:2016-Donegal County Council Commemorative Monument.
- d. Bealtaine Festival 2017.
- e. Self Service Kiosks installed in Bundoran and Twin Towns Libraries.
- f. Wainfest Arts & Book Festival for Children.
- g. Donegal County Museum receives 1916 Centenary Commemorative Medal.
- h. Archives-Digitisation of 1916 Minutes.
- i. County Donegal Heritage Office.

5. Water & Environment

- a. Donegal Clean Up 2017.
- b. Stop Food Waste Challenge.
- c. Tidy Towns-Sustainable Waste and Resource Management Category.
- d. Marram Grass Transplanting, Carrickfinn Beach.

6. Ministerial Direction.

The Chief Executive outlined in detail the contents of his addendum to the Monthly Management Report.

Referring to the Section 31 Direction under the Planning and Development Act 2000 (“the Act”) as amended regarding The Donegal County Development Plan 2012 -2018 and The High Court- Judicial Review 2016/976JR John Campbell- v- The Minister for Housing, Planning, Community and Local Government (Respondent) and Donegal County Council (Notice Party), and the members recommendation that the Council should

not participate in the legal proceedings and leave same to be litigated between the applicant , Cllr Campbell and the Minister.

He said that the Council had been informed on the 14<sup>th</sup> March, 2017 that a Consent Order had been made in the proceedings following a settlement between the applicant and the respondent Minister. This order he said, confirmed that the Section 31 Direction had been quashed. As a result of this, he advised, he had made a further order which effectively reversed the steps the Council was required to take following the issue of the Direction and that specifically Variation No 2 (June 2014) to the Plan concerning wind energy developments would be restored to the Plan.

The direction and all references to same would, he confirmed, be removed from hard copies of the Plan and the Council's Website. It would, he stated, be replaced with a notice of the quashing of the direction and that the Council would arrange to publish same.

Cllr Campbell said he was disappointed that the Council did not defend the variation as a body corporate. In the interests of local democracy, he said, it would have been wrong to accept blindly the Minister's direction. He had, he confirmed, taken a serious financial risk but was glad that the Minister had formally recognised that the initial reasoning was not adequate. He asked that all references to the variation be removed from all applicable sources.

Cllr O' Domhnaill proposed, seconded by Cllr Campbell that the decision be reflected in the new Draft Development Plan and reference also included to the Pearl Mussels set back distance.

A number of members congratulated Cllr Campbell on the stance he had taken noting that it effectively showed local democracy at work.

### **Update on Business Case for Fire Station Investment in Ballyshannon and Bundoran.**

Cllr Campbell said that there had been ongoing failure to address the issue and as such the legitimacy of the Members as a Fire Authority was in question. The one station option, he said, did not fit in with the Authority's Section 26 Plan. He had, he said, continually documented in all correspondence that it was not



sustainable to shut either station. The Chief Fire Officer, he contended, had confirmed that resources at the stations concerned were adequate at present but he was, he advised, firmly of the opinion that this was not the case.

He also queried the status of the Chief Fire Officer's review which had been due to issue in mid March and said that there was no reason that this report should in any way be a barrier to recruitment.

Cllr Campbell called on the Chief Executive to move to fill fire personnel vacancies in these locations.

Cllr O' Neill said that he wanted it put on record as a member representing the Donegal MD and as an ordinary citizen that stations were needed for both Ballyshannon and Bundoran under the Capital Replacement Programme.

It was the express view of the members, he added, that two Fire Stations were needed in South Donegal and that any external evaluation needed to take that into consideration.

The Chief Executive said it was clear from the discussion that the intention of the members was to seek capital funding for two stations. It would be hard, he acknowledged, to get the case to stack up and acquire funding for stations which were only 5 miles apart.

He advised that arrangements were in train for the recruitment of fire fighters at both Ballyshannon and Bundoran.

It made more sense, he confirmed, to have the work done to date externally validated so as to be in a position to determine the most beneficial option and to be well placed to avail of all possible funding options. He noted that there were no proposals in the draft to close any other stations.

### ***Polling Scheme***

Members welcomed plans for the introduction of a new Draft Polling Scheme in 2017.

C/115/17     SUSPENSION OF STANDING ORDERS  
On the proposal of Cllr Mc Monagle, seconded by Cllr Mc Brearty it was resolved in accordance with Standing Order No 28 to suspend Standing Order No 3 so as to allow the meeting continue beyond 6pm and allow for the completion of the remainder of the business on the agenda.

C/116/17     TO FILL THE CASUAL VACANCY ON THE DONEGAL EDUCATION AND TRAINING BOARD  
On the proposal of Cllr Brogan, seconded by Cllr Mc Daid it was resolved that Cllr Blaney fill the casual vacancy on the Donegal Education and Training Board occasioned by the resignation of Cllr James Pat Mc Daid.

C/117/17     TO FILL CASUAL VACANCY ON THE COUNTY DONEGAL JOINT POLICING COMMITTEE  
Cllr Mc Daid confirmed that he wished to withdraw his resignation and that he intended to remain as a member of the County Donegal Joint Policing Committee.

C/118/17     TO ADOPT THE SCHEDULE OF MUNICIPAL DISTRICT WORKS FOR THE GLENTIES MUNICIPAL DISTRICT IN ACCORDANCE WITH SUBSECTION (4) OF SECTION 103A OF THE LOCAL GOVERNMENT ACT 2001  
The Chief Executive said that the matter was now before plenary Council as the Elected Members in the Glenties Municipal District had decided not to adopt the Schedule of Municipal District Works for the Glenties MD. Responding to a query from the floor, the Chief Executive said that failure to adopt the schedule would result in a scenario where only works within the main budgetary parameters could be completed.

Cllr O' Domhnaill said that the Glenties members had decided not to adopt the schedule as they had grave concerns in relation to the level of funding and services provided within the Glenties Municipal District and thus to approve same would show great disservice to the people that they represented.

Glenties MD members advised that there had been little investment in West Donegal compared to other areas and that this was reflected in the lack of infrastructure and services.

Cllr O' Neill noted however that the Donegal MD members had been presented with a similar budget and had proceeded to adopt same based on the overall county budget agreed in November 2016.

The Chief Executive said he was happy to work with the members in relation to each of the funding headings but that he had no discretion to provide additional funding or redistribute funding allocations which were agreed in the 2017 Budget.

The Chief Executive said that he would facilitate a meeting with the Glenties members in due course.

After some debate it was resolved on the proposal of Cllr Conaghan, seconded by Cllr Campbell to adopt the Schedule of Municipal District Works for the Glenties Municipal District in accordance with subsection (4) of Section 103A of the Local Government Act 2001.

**The following questions were noted.**

C/119/17 ROLE OF DONEGAL COUNTY COUNCIL IN PROVIDING INFORMATION AND AWARENESS TO THE PUBLIC DURING LYME AWARENESS WEEK

The following question was submitted by Cllr A Doherty:-

"What role does Donegal County Council play in relation to providing information and awareness to the public during "Lyme Awareness Week" (HSPC), what council signage is presently erected in council owned bushy, woodland and parks (recreation areas) drawing awareness and attention to Lyme Disease and will the Council liaise with the Scientific Advisory Committee of the HPSC to ascertain best practice, and develop strategies to undertake primary prevention in order to minimise the harm caused by Lyme Borreliosis?"

Cllr Doherty received a response from the Director of Housing, Corporate and Cultural Services in relation to the above.

C/120/17 UPDATE ON THE STATUS OF MICA CORRESPONDENCE,  
NEW MICA CONTACT PERSONNEL IN THE DEPARTMENT

The following question was submitted by Cllr A Doherty:-

"What actions i.e. compilation of a register of affected tenants etc., have Donegal County Council taken to respond to the MICA Expert Panel Report, what correspondence has been received and/or forwarded between Council and the Ministers' (Minister Coveney/Minister English) departments since the last final expert report - expected publication date of 31st October, 2016 and has the Council been informed of the name of the new point of contact for Council and MICA support groups following internal personnel changes in the Department for Housing, Planning and Local Government?"

Cllr Doherty received a response from the Director of Housing, Corporate and Cultural Services in relation to the above.

C/121/17 STATUS OF GROUP WATER SCHEMES NOT TAKEN OVER  
BY IRISH WATER AND THE COUNCIL'S ROLE IN  
RELATION TO SAME

The following question was submitted by Cllr B McGuinness:-

Cllr McGuinness received a response from the Director of Water and Environment in relation to the above.

C/122/17 TIMEFRAME FOR THE INSTALLATION OF THE NEW  
PONTOON AT BUNAGEE HARBOUR

The following question was submitted by Cllr B McGuinness:-

"When will the new pontoon be installed at Bunagee Harbour as part of the Sail West Project and what arrangements have been put in place to monitor and collect charges ?"

Cllr McGuinness received a response from the Director of Roads and Transportation in relation to the above.

C/123/17 BREAKDOWN PER MD OF THE COMPLETION DATES FOR  
VARIOUS COUNCIL HOUSING PROJECTS UNDER  
CONSTRUCTION

The following question was submitted by Cllr P Canning:-

"With regard to council dwellings under construction in the County, can I have a breakdown per MD with regard to the perspective completion dates?"

Cllr Canning received a response from the Director of Housing, Corporate and Cultural Services in relation to the above.

C/124/17 CONFIRMATION ON ANY ENQUIRIES MADE WITH THIS COUNCIL BY CUSTOM AND EXCISE FOR AVAILABILITY OF PROPERTIES WITH IN OUR BORDER TOWNS

The following question was submitted by Cllr P Canning:-

"Have any arrangements or enquiries been made with Donegal County Council from the Customs and Excise Department on the availability of property within our border towns?"

Cllr Canning received a response from the Head of Finance and Director of Information Systems and Emergency Services in relation to the above.

C/125/17 NUMBER OF HOUSING VOIDS IN THE COUNTY PER MD

The following question was submitted by Cllr G McMonagle:-

"How many housing voids have we in the County per each Municipal District?"

Cllr McMonagle received a response from the Director of Housing, Corporate and Cultural Services in relation to the above.

C/126/17 BREAKDOWN OF THE COSTS TO THE COUNCIL PER MD SINCE 2010 FOR THE HIRE OF PORTALOOS AT BEACHES/SEASIDE LOCATIONS

The following question was submitted by Cllr G McMonagle:-

"Can I have a breakdown of the annual costs to Council per Municipal District for the hire of portaloos at seaside/beach locations across the county since 2010?"

Cllr McMonagle received a response from the Director of Water and Environment in relation to the above.

C/127/17 INVESTIGATION OF FISHING INTERESTS IN THE COUNTY WITH A VIEW TO MAXIMISING QUOTAS ETC

The following question was submitted by Cllr I McGarvey:-

“Will Donegal County Council carry out an investigation into the present fishing interests with the view of maximising the quotas allocated and other relevant matters?”

Cllr McGarvey received a response from the Director of Community and Enterprise and Planning Services in relation to the above.

C/128/17 CURRENT STATUS OF THE A5 PROJECT

The following question was submitted by Cllr I McGarvey:-

"Is the proposed A5 completely off the agenda at present due to legal and other difficulties?"

Cllr McGarvey received a response from the Director of Roads and Transportation in relation to the above.

C/129/17 BREAKDOWN OF THE NUMBER OF ADULTS AND CHILDREN ON THE COUNCIL'S HOUSING WAITING LIST

The following question was submitted by Cllr G Crawford:-

"How many adults/ children are on this Council's housing waiting list?"

Cllr Crawford received a response from the Director of Housing, Corporate and Cultural Services in relation to the above.

C/130/17 CLARIFICATION ON THE CONSIDERATIONS BY THIS COUNCIL TO UTILISE A 'CHOICE BASED' LETTING SYSTEM AND ANY PLANS TO IMPLEMENT SAME

The following question was submitted by Cllr G Doherty:-

"Has this Council considered utilising a 'choice based' letting system and are there any plans to implement same?"

Cllr Doherty received a response from the Director of Housing, Corporate and Cultural Services in relation to the above.

C/131/17 PLANS FOR IMPROVEMENT OF THE COUNTY ARCHIVES FACILITIES BASED IN LIFFORD

The following question was submitted by Cllr G Crawford:-

"What plans exist for improvement of the County Archive Facilities based in Lifford?"

Cllr Crawford received a response from the Director of Housing, Corporate and Cultural Services in relation to the above.

C/132/17 CLARIFICATION ON THE PROCESS FOR AMENDING THIS COUNCIL'S LANDSCAPE CHARACTER ASSESSMENT MAPS

The following question was submitted by Cllr G Doherty:-

"What is the process for amending this Council's Landscape Character Assessment Maps?"

Cllr Doherty received a response from the Director of Community, Enterprise and Planning Services in relation to the above.

C/133/17 MOTIONS FROM OTHER COUNCILS/BODIES

The following motions from other Councils were noted:-

SOUTH DUBLIN COUNTY COUNCIL

“That this Council, conscious as it is of the increasing gap in incomes in Ireland and across the EU, debate the case for a Basic Income as a means of addressing social and economic inequality and the inadequacy of both Social Welfare and Taxation Law in tackling either. That this basic income should be funded by progressive taxation and should not replace any existing Social Welfare payments. If there is consensus, that we write to the Taoiseach and Minister for Finance asking them to enter into discussion with their EU partners with the objective of making Ireland a Pilot Country to explore moving from the current Social Welfare and Taxation Systems to a Basic Income Support.”

SOUTH DUBLIN COUNTY COUNCIL

“This Council being very concerned at the barriers faced by persons with a disability and their families in getting to Hospital and other services in the shortest possible time, now calls on the Minister for Transport to regulate use of Bus Lanes by permitting vehicles that display the standard ‘Disability Parking Permit’ to use the Bus Lanes at all times. That the contents of this motion be forwarded to the Minister for Transport and the Minister for Justice

and that it be copied to all other City and County Councils inviting them to join the campaign.”

#### SOUTH DUBLIN COUNTY COUNCIL

“This Council, conscious of the fact that there is a Direct Provision Centre located in this County and that some residents of the facility both individuals and families, have been detained there for up to nine years, now requests that the Chief Executive write to both the Minister for Justice and the Minister for Foreign Affairs deploring this denial of human rights and calling on them to have legislation urgently updated so that the status of asylum seekers/refugees can be decided in the shortest possible time, preferably within nine months of their arrival, and, that they be allowed to seek and take up employment on a permit bases while their status is being considered. That this motion be copied to all other City and County Councils.”

#### TIPPERARY COUNTY COUNCIL

“That Tipperary County Council request the Department of Planning, Housing, Community and Local Government to amend/increase the planning exemptions for Solar Photovoltaic energy production for residential and non residential buildings for generation on roofs and small ground mounted arrays where a large proportion of the renewable energy generated is consumed on the premises.”

#### SLIGO COUNTY COUNCIL

“Sligo County Council noting the important Statement of Principle in the Programme for Partnership Government relating to Credit Unions now calls on the Taoiseach and Finance Minister to make a statement setting out a work programme on how it will implement its commitments for Credit Unions

No.1 – To secure Credit Union funding for Social Housing

No.2 – A full Review of Credit Union Lending Limits.

No.3 – provision of Mortgages by Credit Unions.”

#### CLARE COUNTY COUNCIL

“That this Council calls on the Minister for Health, Simon Harris to fund the drug Orkambi to the sufferers of Cystic Fibrosis who request the drug.”

#### TIPPERARY COUNTY COUNCIL



“In recognition of the importance of existing Bus Eireann Services throughout our County, this Authority calls on the Minister for Transport, Bus Eireann and the National Transport Authority to resolve the present uncertainty as speedily as possible and with a view to retaining present services and making improvements where necessary.”

KILKENNY COUNTY COUNCIL

“That Kilkenny County Council calls on the Minister for Health and the HSE to change the review on the standard of cancer care in Ireland from 10 years to 5 years, as the number of cancer patients are increasing each year and new research is being identified.”

This concluded the business of the meeting.