

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR
18 Meán Fomhair, 2018

FOGRA CRUINNITHE

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain 24 Meán Fomhair, 2018, 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**

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
18th September, 2018

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 24th September, 2018, 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 July Meeting of Donegal County Council held on the 23rd July, 2018.

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

- a) 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 Maghera, Ardara to Mr Liam Dolan.
- b) 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 land at the Ard Chroine Estate, Quay Road, Dungloe to Julia and Martin Flanagan.
- c) 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 by way of lease property in Carndonagh Public Services Centre, Malin Road, Carndonagh, to Teagasc.
- d) 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 land and granting of Right of Way at Meenagoland, Cloghan to the Donegal Education and Training Board.

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

To approve the carrying out of improvement works in accordance with the recommendations as set out in the Part 8 Report – Letterkenny Designated Urban Gateway Scheme Phase 1.

4. Finance

- a) To agree date for Statutory Budget Meeting.
- b) That Members consider whether they wish to pass a resolution to vary the Local Property Tax in County Donegal in respect of 2019.

5. **Planning**

Judicial Review Proceedings

Planree Limited v Donegal County Council – Wind Energy provisions in the County Development Plan 2018-2024.

6. **Community**

To note change in membership of the Local Community Development Committee

7. **Endorsement of Minutes**

To note minutes of the Meeting of the Corporate Policy Group held on the 16th July, 2018.

8. **Attendance at Conference, Seminar 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 or 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, and the Local Government (Expenses of Local Authority Members) Regulations, 2014.

Training

- AILG “In Service Elected Members Module 4 Training September – December 2018.
- AILG Autumn Training Seminar to be held Thursday 25th to Friday 26th October in the Hillgrove Hotel, Monaghan.
- LAMA – Autumn Training Seminar “Tourism – It’s Economic Benefits – Role of Local Authorities to be held Friday 28th and Saturday 29th September, 2018 in the River Island Hotel, Lower Main Street, Castleisland, Co Kerry.

Conferences

- Leitrim County Council – “Smart Towns and Villages – An opportunity to Revitalise Rural Ireland” to be held Monday 22nd October, 2018 in Lough Rynn Castle, Mohill, Co Leitrim.
- Celtic Conferences – Towards a Hard Brexit and Its Consequences to be held from Friday 26th to Sunday 27th October, 2018 in the Clonakilty Hotel, Clonakilty, Co Cork..

Travel Abroad

Attendance of the Cathaoirleach at the following:

- Eurovelo – “Atlantic on Bike” Third Project Steering Meeting to be held between the 16th and 18th of October, 2018 in Faro, Portugal.
- Joint Trade and Investment Mission led by Donegal County Council and Derry City and Strabane District Council with other parties to the USA in November 2018.

MOTIONS

GLENTIES MUNICIPAL DISTRICT

Corporate

9. Cllr Michéal Cholm Mac Giolla Eabuig

"Iarrann Comhairle Contae Dhún na nGall ar An Post agus ar Rialtas Átha Cliath an cinneadh a rinne siad maidir le druidim seacht gcinn deag d'Oifigí Poist i nDún na nGall a tharraingt siar, chomh maith leis an chinneadh atá déanta acu oifigí poist eile ar fud an stáit a dhruidim. Má tá an Ghaeltacht le maireachtáil tá gá leis na seirbhísí seo i measc an phobail. Tá an Rialtas seo ag caint ar “an Ghaeltacht” agus ar shaol na “tuaithe in Éirinn” a shábháil ar láimh amháin, ach ar an láimh eile tá siad ag tabhairt ar shiúl seirbhísí fíorthábhachtacha ón phobal. D'iarrfainn go seolfaí an rún seo chuig na comhairlí contae eile fosta".

"Donegal County Council calls on An Post and the Dublin Government to reverse their decision to close 17 Post Offices in Donegal and also to reverse their decision to close all the other Post Offices across the state. If the Gaeltacht is to survive it needs these services in the community. This Government is on one hand talking about the importance of saving “An Gaeltacht” and “Rural Ireland”, but on the other hand it is taking away vital services from our community. I would ask that this motion is also circulated to other County Councils."

Economic Development

10. Cllr Marie Therese Gallagher

“That this Council welcome the addition of a Gaeltacht Tourism Officer, and ensures a budget to enable projects to progress in the Gaeltacht is ringfenced in the upcoming budget process."

INISHOWEN MUNICIPAL DISTRICT

Housing

11. Cllr Albert Doherty

"Donegal County Council, welcome latest progress and statements from an Taoiseach assuring MICA affected of redress prospect similar to Pyrite affected properties,

Acknowledge circa 450 council stock homes, council tenants affected by MICA/DEFECTIVE BLOCKS,

Prepare and plan for all / any need or order for families to vacate council homes,

Donegal County Council now demand from government,

- 1) A significant increase in the housing allocation, build, purchase budget for 2019 and future consecutive years
- 2) A significant increase in the housing maintenance budget for 2019 and future consecutive years,
- 3) A full recompense to Donegal County Council for all past and present financial spending incurred relating to the MICA investigation, repair and resettlement costings to date."

Water and Environment

12. Cllr Jack Murray

"That this Council recommits itself to ensuring that all citizens in Donegal have access to leisure centre amenities as a matter of priority and, as such, will take all measures necessary to support leisure centre committees working to that end."

13. Cllr Paul Canning

"I would ask that the members of this Council Chamber row in behind the Inishowen Municipal District councillors insofar as making Irish Water aware that we are not in a position to facilitate a supply of water to Letterkenny from the Eddie Fullerton Dam, until the pipework in South Inishowen has been upgraded."

Emergency Services

14. Cllr Martin McDermott

"To call on this Council to make contact with the European Maritime and Fisheries Fund and to avail of European funding to do a pilot programme in Donegal to give all fishermen life jackets fitted with EPIRB (Emergency Position Indicating Radio Beacon)."

LETTERKENNY MUNICIPAL DISTRICT

Corporate

15. Cllr Michael McBride

"That Donegal County Council asks Minister John Halligan to conduct a root and branch review of the current school transport model as the current model has failed miserably for rural Ireland".

16. Cllr Gerry McMonagle

"That this Council acknowledges the commitments made in the Brexit negotiations (both the Joint Report and the Draft Agreement) where Irish/EU citizens in the north of Ireland 'will continue to enjoy, exercise and have access to rights, opportunities and benefits as EU citizens; recognises that this body of rights includes democratic rights i.e. the right to vote and stand as candidates in EU elections; calls on the Irish Government to facilitate this right given that Ireland has been allocated two additional MEP seats; calls on the Irish Government to amend the legislation, allocate those seats to the north of Ireland and allow citizens in the north to vote for candidates for these seats in order that they may be represented in the EU Parliament; calls on the Chief Executive to write to the Minister for Housing, Planning and Local Government requesting this."

17. Cllr Ciaran Brogan

"I propose that this Council recognises the long standing contribution to public life by the late Cllr Sean McEniff in beautiful Bundoran."

Housing

18. Cllr Adrian Glackin

"That this Council in the upcoming budget for 2019, sets aside additional funding for maintenance of council housing."

DONEGAL MUNICIPAL DISTRICT

Corporate

19. Cllr Noel Jordan

"That Council calls on the Government to intervene now to prevent An Post using a very restrictive anti rural definition of a Settlement taken from the Central Statistics Office 2016 census report, as part of the criteria for establishing a post office in an area. An Post has stated that no settlement of over 500 people will be left without a Post Office. A settlement is defined as "having a minimum of 50 occupied dwellings; with a maximum distance between any dwelling and the building closet to it of 100 metres; and where there is evidence of an

urban centre” This is too restrictive and rules out vast areas of rural Ireland including many medium size towns”.

20. Cllr Micheál Naughton

“That Donegal County Council calls on the Minister for Finance, Mr. Paschal Donohue TD, to retain the 9% Vat rate in the upcoming budget for food, tourism and hospitality sector which has helped create and retain jobs in the local and national economy.”

Planning

21. Cllr Niamh Kennedy

“I am calling on Donegal County Council to introduce and implement a strict policy on the erection of posters and signage throughout the County.”

STRANORLAR MUNICIPAL DISTRICT

Corporate

22. Cllr Gary Doherty

“That Donegal County Council calls on the Minister of Defence to implement the recommendation of the European Committee of Social Rights to allow for collective bargaining rights, and to address the issues of pay inequality for members of the Defence Forces.”

Housing

23. Cllr Gerry Crawford

“That this Council liaise with the Dept of Housing Planning and Local Government to ensure that departmental guidelines include, the provision of downstairs bedroom en suite facilities in the provision of social housing projects.”

24. Cllr Patrick McGowan

“That this Council increase the grants paid to Elderly & Disabled People under the “Housing Adaptations Grants for People with a Disability, Mobility Aids Grants and the Housing Aid for Older People Grant, and thus calls on the Minister to increase the grant allocation to the Council in this regard”.

Roads & Transportation

25. Cllr Frank Mc Brearty

“Calling on Donegal County Council to clarify the role that the Elected Members have in selecting roads for the County under its four year programme.”

26. Cathaoirleach's Business

27. Chief Executive's Management Report

QUESTIONS

GLENTIES MUNICIPAL DISTRICT

Economic Development

28. Cllr Marie Therese Gallagher

"Has any progress and/or reply been received following motion passed by DCC calling for a task force for the Donegal Gaeltacht?"

Housing

29. Cllr Marie Therese Gallagher

"Could I receive in tabular format all housing units obtained/built by DCC for year 2016, 2017 and 2018 and the proposed numbers and locations for it over the next three years 2019, 2020 and 2021?"

30. Cllr Michéal Cholm Mac Giolla Easbuig

"An dtig leis an Chomhairle sonraí a thabhair dom ar na scrúduithe cigireachta a rinne Rannóg na dTithe orthu siúd a fhaigheann íocaíocht HAP agus na sonraí sin a léiriú maidir le gach Ceantar Bardais?"

Chomh maith, an dtig leis an Chomhairle sonraí a thabhair do ar na scrúduithe cigireachta a rinneadh orthu siúd i dtithe ar cíós agus nach bhfuil ag fáil aon íocaíocht faoin scéim HAP agus na sonraí sin a léiriú maidir le gach Ceantar Bardais?"

Fosta, an dtig leis an Chomhairle briseadh síos a thabhairt ar líon na ngearán atá faighte ag an Chomhairle maidir le foirgnimh/tithe ar cíós agus sin a léiriú maidir le gach Ceantar Bardais?"

"Can the Council please provide me with a breakdown per Municipal District of house inspections carried out by the housing section of those in receipt of HAP payment and inspection carried out per MD of rented properties that are not in receipt of HAP Payment. Also can the Council provide me with a breakdown per MD of complaints received in relation to rental properties?"

INISHOWEN MUNICIPAL DISTRICT

Roads and Transportation

31. Cllr Jack Murray

"Can this Council establish a system by which all councillors are emailed in advance of all road closures in their Municipal District?"

32. Cllr Paul Canning

"Have we secured funding for energy saving replacement lamps throughout the County?"

33. Cllr Rena Donaghey

"What progress has been made regarding the purchase of a Council owned dredger for the County?"

Housing

34. Cllr Jack Murray

"How many properties in each Municipal District have been vacant for more than six months, and of these, how many require further renovation?"

35. Cllr Martin McDermott

"To ask the Council how many SI council houses have been built in the county over the last 5 years broken down per MD?"

Water and Environment

36. Cllr Albert Doherty

"Does Donegal County Council note the concerns and reservations nationally reported regarding the use of the " Roundup " brand produced by Monsanto and its harmful consequences for the environment and its handlers?

Will Donegal County Council explore alternatives to the council's use (if the practice) of toxic substances in the authority's control and / or removal of unwanted vegetation?"

37. Cllr Albert Doherty

"What briefing information has Irish Water give to Donegal County Council regarding all Sewerage and Water Projects planned to commence/recommence in County Donegal in years 2018 and 2019? Does Irish Water's planned projects for 2018/19 respond adequately to the Environmental Protection Agency's required Remedial Action List (RAL) for County Donegal including projects previously awarded to

the Lagan Construction Group, commenced, now suspended and due to complete by 2018 years end?"

Planning

38. **Cllr Paul Canning**

"How many planning enforcement letters have been sent out to businesses in relation to signs?"

LETTERKENNY MUNICIPAL DISTRICT

Housing

39. **Cllr Gerry McMonagle**

"Can I have a breakdown in tabular form per Municipal District of the number of houses that the council own, and how many maintenance staff we have per Municipal District servicing those houses?"

Water and Environment

40. **Cllr Gerry McMonagle**

"Has this Council engaged with Irish Water with a view to adopting a Joint Strategy to address the ongoing problems being experienced across this County by residents without a proper and fit Water and Sewage Treatment Plants?"

Finance

41. **Cllr Ciaran Brogan**

"What steps have been taken by this Council with a view to identifying the best use of all our Council assets in each Municipal District, together with the identification of relevant funding opportunities so as to utilise these assets in a manner beneficial to all."

Roads and Transportation

42. **Cllr Ciaran Brogan**

"Can we have an updated report on the Ten-T projects and a timeframe for same?"

43. **Cllr Adrian Glackin**

"What are the procedures currently in place if a traffic accident occurs in an area where road works are taking place? Incidents of emergency services being held back have been reported

DONEGAL MUNICIPAL DISTRICT

Roads and Transportation

44. Cllr Micheál Naughton

“Has Donegal County Council requested more funding from the Minister for LIS schemes, due to the huge number of roads that require immediate work?”

STRANORLAR MUNICIPAL DISTRICT

Roads and Transportation

45. Cllr Gary Doherty

"How many new public lights have been commissioned outside town boundaries by Donegal County Council since 2014?"

46. Cllr Gerry Crawford

"What progress has been made in efforts to enable some extension of the winter gritting programme for 2018/2019?"

47. Cllr Patrick McGowan

"Please give a report on claims made against the roads section over the term of the present Council with details on the number of claims, payments made, and the criteria used to settle claims, outlining what action the Council is taking to safeguard drivers, pedestrians and others from being exposed to personal injury or vehicle damage which can be life changing, and can a breakdown be given on the annual roads maintenance funding received over this last ten years and how funding levels affect public safety and wear and tear on vehicles”?

48. Cllr Frank Mc Brearty

"Can I have a break down of funding from DCC, Gov and OPW for flooding which has been given to each MD over the Past 10 years?."

Corporate

49. Cllr Gerry Crawford

"What is the amount of money collected in road tax by this Council for years:-

2015

2016

2017."

Housing

50. Cllr Patrick McGowan

Has there been any response from Minister Damien English following his meeting last year with this Council in Lifford in relation to the

restrictions around the Tenant Purchase Scheme, Affordable Housing, Council Housing Loan Criteria, and the SI housing Scheme etc” ?."

Economic Development & Tourism

51. Cllr Frank Mc Brearty

Can I have a break down of funding given to each Municipal District for historical and tourism over the past 10 years?

52. Motions from Other Councils/Bodies

CLARE COUNTY COUNCIL - MUNICIPAL DISTRICT OF WEST CLARE

“We the West Clare Municipal District Councillors Ian Lynch, Gabriel Keating, Christy Curtin, Richard Nagle, Bill Slattery, Bill Chambers, PJ Kelly and Michael Hillery unanimously agreed at a Special Meeting of the Municipal District Council held on 27th August 2018 to call on the Government to enact the Dáil motion passed in November 2016 in support of protecting and developing the Post Office network and its services.

In doing so we ask that they,
Postpone the closures of post offices for a 3 year period, to facilitate a restructure of the post office services.”

LIMERICK CITY AND COUNTY COUNCIL

That, this Council would call on the Taoiseach and his Government to legislate to ensure that employees who have a recognised degree would be legally entitled to be paid a liveable wage and that their employers would not obstruct these graduates from being in pensionable and unionised jobs and this resolution would be circulated to each Local Authority ain the country and to the Local Authority Members’ Association (LAMA) and the Association of Irish Local Government (AILG).”

LIMERICK CITY AND COUNTY COUNCIL

“That the Minister for Health, Mr. Simon Harris, TD, and the Minister of State with Special Responsibility for Disabilities, Mr. Finian McGrath, TD, bring forward legislation that all Government Grants, Social Welfare Payments and all other State Supports be categorised as non-means tested Universal Payments for people with Disabilities.”

MONAGHAN COUNTY COUNCIL

In light of what has been one of the worst droughts ever, this MD now calls on the Minister for Agriculture to immediately make hardship

funding available to assist the farming community given the severe shortage of fodder quantified by some as up to 5 million tonnes. This will not or cannot be made up now with at least 60% of the growing season already passed.”

LEITRIM COUNTY COUNCIL

“That Leitrim county Council call on the Department of Education and Skills and/or Department of Health to introduce a scheme to provide all teachers and Special Needs Assistants with Occupational First Aid Training, encompassing CPR.”

KILDARE COUNTY COUNCIL

“That the Council write to the insurance regulator and all home insurance providers who offer policies within County Kildare, voicing our concern, disappointment and opposition to the apparent misinterpretation of the current Catchment Flood Risk Assessment and Management Studies (CFRAMS) maps by the insurance industry and the fact that this misinterpretation is now affecting house sales within County Kildare.

It was agreed to refer this motion to the Financial Ombudsman and to all Local Authorities for their attention and consideration.”

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MINUTES OF SEPTEMBER MEETING OF DONEGAL COUNTY
COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON 24TH
SEPTEMBER, 2018

C/284/18 MEMBERS PRESENT

Cllrs S Ó'Domhnaill (Cathaoirleach), L Blaney, E Bonner, C Brogan, J Campbell, P Canning, T Conaghan, G Crawford, N. Crossan, A Doherty, G Doherty, L Doherty, M Doherty, R Donaghey, M Farren, M. T. Gallagher, A Glackin, M Harley, N Jordan, J Kavanagh, N Kennedy, M C Mac Giolla Easbuig, M Mc Bride, M McDermott, I Mc Garvey, P McGowan, B McGuinness, G McMonagle, J Murray, M Naughton, J O' Donnell, J S O'Fearraigh, and T Slowey.

C/285/18 OFFICIALS IN ATTENDANCE

Seamus Neely, Chief Executive, Joe Peoples, Director of Housing, Corporate and Cultural Services / Meetings Administrator, John McLaughlin, Director of Roads & Transportation, Liam Ward, Director of Community & Planning Services, Michael Mc Garvey, A/Director of Water & Environment, Garry Martin, Director of Economic Development, Emergency Services and Information Systems, Richard Gibson, A/Head of Finance, Eunan Quinn, Senior Planner, Paul Christie, Senior Executive Planner, Graham Diamond, Executive Planner, Anne Marie Conlon, Communications Officer, Sean O'Daimhin, Oifigeach na Gaeilge, Rosemary Mc Clafferty, Staff Officer, Anne Marie Crawford, Staff Officer.

C/286/18 MOBILE PHONES

The Cathaoirleach asked that all mobile phones be switched off or put on silent.

C/287/18 CONFIRMATION OF THE MINUTES OF THE COUNCIL
MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE
23rd JULY, 2018

On the proposal of Cllr Crossan, seconded by, Cllr McDermott the minutes of the Meeting of Donegal County Council held on the 23rd July, 2018 were adopted.

C/288/18 DISPOSAL OF PROPERTY AT MAGHERA, ARDARA TO MR
LIAM DOLAN.

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

On the proposal of Cllr Slowey, seconded by Cllr Gallagher it was resolved to dispose of property at Maghera, Ardara to Mr Liam Dolan in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and under Section 183 of the Local Government Act 2001, (as amended).

C/289/18 DISPOSAL OF LAND AT THE ARD CHROINE ESTATE, QUAY ROAD, DUNGLOE TO JULIA AND MARTIN FLANAGAN.

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

On the proposal of Cllr Gallagher, seconded by Cllr O’Fearraigh it was resolved to dispose of land at the Ard Chroine Estate, Quay Road, Dungloe to Julia and Martin Flanagan in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and under Section 183 of the Local Government Act 2001, (as amended).

C/290/18 DISPOSAL BY WAY OF LEASE, PROPERTY IN CARDONAGH PUBLIC SERVICES CENTRE, MALIN ROAD, CARNDONAGH TO TEAGASC.

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

On the proposal of Cllr A Doherty, seconded by Cllr M Doherty it was resolved to dispose by way of lease property in Carndonagh Public Services Centre, Malin Road, Carndonagh to Teagasc in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and under Section 183 of the Local Government Act 2001, (as amended).

C/291/18 DISPOSAL OF LAND AND GRANTING OF RIGHT OF WAY AT MEENAGOLAND, CLOGHAN TO THE DONEGAL EDUCATION AND TRAINING BOARD.

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

On the proposal of Cllr L Doherty, seconded by Cllr McGowan it was resolved to dispose of land and granting of right of way at Meenagoland, Cloghan to the Donegal Education and Training Board in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and under

Section 183 of the Local Government Act 2001, (as amended).

C/292/18 TO APPROVE THE CARRYING OUT OF IMPROVEMENT WORKS – LETTERKENNY DESIGNATED URBAN GATEWAY SCHEME PHASE 1

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

On the proposal of Cllr McMonagle, seconded by Cllr McBride the approval of the carrying out of improvement works in Letterkenny Designated Urban Gateway Scheme Phase 1, under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) was approved.

C/293/18 TO AGREE DATE FOR STATUTORY BUDGET MEETING

Members unanimously agreed to hold the Statutory Budget Meeting on Wednesday 21st November, 2018 at 10.00a.m. in the County House, Lifford.

C/294/18 TO VARY THE LOCAL PROPERTY TAX IN COUNTY DONEGAL IN RESPECT OF 2019

On the proposal of Cllr McGarvey, seconded by Cllr Canning it was resolved not to vary the Local Property Tax in County Donegal for the 2019 financial year.

C/295/18 JUDICIAL REVIEW PROCEEDINGS – PLANREE LTD V DONEGAL COUNTY COUNCIL- WIND ENERGY PROVISIONS IN THE COUNTY DEVELOPMENT PLAN 2018-2024

On the proposal of Cllr Mc Monagle, seconded by Cllr Blaney it was resolved in accordance with Section 45 of the Local Government Act, 2001 to proceed with the consideration of the above item in committee. The Cathaoirleach asked members of the public and the media present to vacate the chamber at this juncture.

The Council considered a report from the Chief Executive which was circulated at the meeting.

Cllr Campbell proposed, seconded by Cllr Mc Monagle that the Council put forward a defence in respect of the judicial review proceedings initiated by Planree Ltd regarding the wind energy provisions as included in the Donegal County Development plan

2018-2024.

Cllr Brogan proposed, seconded by Cllr Mc Gowan that legal opinion be sought as to what the implications might be if a decision was taken not to defend the plan. He asked that the Council Solicitor attend the meeting in person so that members could obtain further guidance in relation to the matter.

The Cathaoirleach in the interest of confidentiality asked all present to return copies of the report circulated by the Meetings Administrator, as the matter in hand was the subject of legal proceedings and the details outlined therein were not for public release at this point in time.

Members were informed that arrangements would be put in place to have the Council Solicitor attend the meeting in the afternoon.

C/296/18 TO NOTE CHANGE IN MEMBERSHIP OF THE LOCAL COMMUNITY DEVELOPMENT COMMITTEE

Members noted the nomination of Mr Padraic Fingleton, Donegal Local Development CLG, to fill the casual vacancy arising on the Donegal Local Development Committee in accordance with Part 6 of the Local Government Reform Act, 2014 and Section 128C (3)(b) of the Local Government Act, 2001.

C/297/18 TO NOTE MINUTES OF THE MEETING OF THE CORPORATE POLICY GROUP HELD ON THE 16th JULY, 2018.

Members noted the minutes of the meeting of the Corporate Policy Group held on 16th July, 2018.

C/298/18 ATTENDANCE AT CONFERENCES/SEMINARS/EVENTS

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 2006-2018 as amended and directives issued by the Minister in that regard, on the proposal of Cllr Brogan, seconded by Cllr Mc Gowan, 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.

Training

- AILG “In Service Elected Members Module 4 Training September – December 2018.
- AILG Autumn Training Seminar to be held Thursday 25th to Friday 26th October in the Hillgrove Hotel, Monaghan.
- LAMA – Autumn Training Seminar “Tourism – It’s Economic Benefits – Role of Local Authorities to be held Friday 28th and Saturday 29th September, 2018 in the River Island Hotel, Lower Main Street, Castleisland, Co Kerry.

Conferences

- Leitrim County Council – “Smart Towns and Villages – An opportunity to Revitalise Rural Ireland” to be held Monday 22nd October, 2018 in Lough Rynn Castle, Mohill, Co Leitrim.
- Celtic Conferences – Towards a Hard Brexit and Its Consequences to be held from Friday 26th to Sunday 27th October, 2018 in the Clonakilty Hotel, Clonakilty, Co Cork.
- “Connecting for Life Conference” to be held on Friday 5th October, 2018 in the Radisson Hotel, Letterkenny.
Members were informed that this event was being held jointly by Donegal County Council and the HSE. It was agreed that a conference brochure would be circulated to all members for their information.

Travel Abroad

Attendance of the Cathaoirleach at the following:

- Eurovelo – “Atlantic on Bike” Third Project Steering Meeting to be held between the 16th and 18th of October, 2018 in Faro, Portugal.
- Joint Trade and Investment Mission led by Donegal County Council and Derry City and Strabane District Council with other parties to the USA in November 2018.

C/299/18

PRESIDENTIAL NOMINATIONS

The Cathaoirleach reminded members that he had at the July Council Meeting outlined his intention to facilitate a Special Meeting of Council if and when there was a need to consider potential presidential nominations.

A number of Councillors, he said, had been contacted by the various candidates, and he had, he confirmed, received a request to hold a Special Meeting. The need for such a meeting, he advised, had now subsided as the candidate in question was now in receipt of the necessary support from four other Local Authorities.

C/300/18 CALL ON AN POST AND THE DUBLIN GOVERNMENT TO REVERSE THEIR DECISION TO CLOSE 17 POST OFFICES IN DONEGAL

On the proposal of Cllr Micheal Cholm MacGiolla Eabuig , seconded by Cllr Campbell the following Motion was adopted:-

"Iarrann Comhairle Contae Dhún na nGall ar An Post agus ar Rialtas Átha Cliath an cinneadh a rinne siad maidir le druidim seacht gcinn deag d'Oifigí Poist i nDún na nGall a tharraingt siar, chomh maith leis an chinneadh atá déanta acu oifigí poist eile ar fud an stáit a dhruim. Má tá an Ghaeltacht le maireachtáil tá gá leis na seirbhísí seo i measc an phobail. Tá an Rialtas seo ag caint ar "an Ghaeltacht" agus ar shaol na "tuaithe in Éirinn" a shábháil ar láimh amháin, ach ar an láimh eile tá siad ag tabhairt ar shiúl seirbhísí fíorthábhachtacha ón phobal. D'iarrfainn go seolfaí an rún seo chuig na comhairlí contae eile fosta".

"Donegal County Council calls on An Post and the Dublin Government to reverse their decision to close 17 Post Offices in Donegal and also to reverse their decision to close all the other Post Offices across the State. If the Gaeltacht is to survive it needs these services in the community. This Government is on one hand talking about the importance of saving "An Gaeltacht" and "Rural Ireland", but on the other hand it is taking away vital services from our community. I would ask that this motion is also circulated to other County Councils."

Cllr MacGiolla Easbuig received a response from the Director of Housing, Corporate & Cultural Services in relation to the above.

He outlined the fact that this was not only an issue in Donegal but across the country also. The Government on the one hand, he noted were saying that they wanted to invest and promote Gaeltacht areas yet the rural way of life was in danger of being further decimated by the proposed Post Office closures. He called on An Post to review the decision to shut down many of these rural services.

Cllr Campbell supporting the motion said that this decision would effectively erode rural communities and thus needed to be reversed.

There was no opposition to the motion.

Cllr Mc Garvey asked that the motion be circulated also to Local Oireachtas Members. Cllr Mac Giolla Easbuig agreed to amend his motion accordingly and said that it was essential for the future of the Gaeltacht that these Post Offices remained open.

Cllr Bonner queried the brief nature of the reply and was informed by Mr Joe Peoples, Meetings Administrator that the role of the Executive was to make the relevant authorities aware of the decisions of Council and that in matters such as this the Council had no formal role to play.

It was unanimously agreed to take Motion 19 at this juncture as it also related to Postal Services.

C/301/18

THE COUNCIL CALL ON THE GOVERNMENT TO INTERVENE NOW TO PREVENT AN POST USING A VERY RESTRICTIVE ANTI RURAL DEFINITION OF A SETTLEMENT AS PART OF THE CRITERIA FOR ESTABLISHING A POST OFFICE IN THE AREA.

On the proposal of Cllr Jordan, seconded by Cllr O' Fearraigh the following Motion was adopted:-

“That Council calls on the Government to intervene now to prevent An Post using a very restrictive anti rural definition of a Settlement taken from the Central Statistics Office 2016 census report, as part of the criteria for establishing a post office in an area. An Post has stated that no settlement of over 500 people will be left without a Post Office. A settlement is defined as “having a minimum of 50 occupied dwellings; with a maximum distance between any dwelling and the building closest to it of 100 metres; and where there is evidence of an urban centre” This is too restrictive and rules out vast areas of rural Ireland including may medium size towns”.

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

He called on the Government to intervene and prevent An Post from using anti-rural criteria for the establishment of Post Offices. The rules, he added, were too restrictive and effectively ruled out the vast majority of rural settlements. It was imperative, he said, that there was direct dialogue between the communities concerned and An Post. He outlined the difficulties currently being experienced in Dunkineely, and acknowledged the fact that the criteria outlined by An Post did not stack up in terms of the situation on the ground. The result was, he said, that members of the local community were being adversely affected both economically and socially.

He asked that clarification be sought from the An Post Review Body in relation to the definition of a "Settlement".

Cllr O' Fearraigh concurred with this assessment and said it was clear that An Post was not investing in rural areas, and that once again the most vulnerable in society were affected. Cognisance, he advised, had not been taken of the geography of the areas concerned.

There was no opposition to the motion.

Cllr Jordan asked that correspondence be forwarded to the relevant bodies as soon as possible.

C/302/18 ADJOURNMENT OF THE MEETING

It was unanimously agreed to adjourn the meeting until 2.10pm. The Cathaoirleach informed members that there would be an opportunity over the lunch break to meet with Mr Peter Casey, one of the candidates in the forthcoming presidential election.

C/303/18 ABSENCE OF THE CATHAOIRLEACH

Cllr Harley took the chair at this juncture as the Cathaoirleach had to leave to attend another engagement.

C/304/18 ADDITION OF A GAELTACHT TOURISM OFFICER

On the proposal of Cllr Gallagher, seconded by Cllr O' Fearraigh the following Motion was adopted:-

"That this Council welcome the addition of a Gaeltacht Tourism Officer, and ensures a budget to enable projects to progress in the Gaeltacht is ring fenced in the upcoming budget process."

Cllr Gallagher received a response from the Director of Economic Development, Information Systems and Emergency Services in relation to the above.

She welcomed the appointment of the Tourism Officer and this coupled with the fact that an excellent working relationship had been established with Udarás na Gaeltachta boded well, she said for the future of the Gaeltacht. She cited the need for ongoing consultation in relation to the preparation of a working document which, she contended, would act as a guide for the promotion and development of the Gaeltacht. This was essential, she said, if the current decline in the Gaeltacht way of life was to be halted and issues such as population decline and job creation were to be dealt with.

Co-operation between Donegal County Council, the Department and Udarás na Gaeltachta was identified as being key to any such initiative.

The Tourism Officer, she said, needed access to specific resources if areas such as Fintown and the Islands were to be marketed successfully.

Mr Garry Martin, Director Economic Development, Information Systems and Emergency Services, said that the official in question would serve to act as an enabler with the aim of marketing specific areas under existing opportunities. Discussion, he said, had taken place with Udarás na Gaeltachta in relation to the rebranding of the Gaeltacht and the creation of an overarching brand. There would also be, he confirmed, further exploration in terms of the branding of Donegal's cultural heritage and this was to be pursued in conjunction with Failte Ireland.

There was no opposition to the motion.

Cllr Gallagher concluding the debate said that the initial requirement was to ensure that services were retained in Gaeltacht communities and that those initiatives were supported at national level. She asked that the relevant Government Departments be informed and put on notice that financial support and assistance would be required going forward.

C/305/18

PROGRESS AND STATEMENTS FROM THE TAOISEACH
ASSURING MICA AFFECTED OF REDRESS PROSPECT
SIMILAR TO PYRITE

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

"Donegal County Council, welcome latest progress and statements from an Taoiseach assuring MICA affected of redress prospect similar to Pyrite affected properties,

Acknowledge circa 450 council stock homes, council tenants affected by MICA/DEFECTIVE BLOCKS,
Prepare and plan for all / any need or order for families to vacate council homes,

Donegal County Council now demand from government,

- 1) A significant increase in the housing allocation, build, purchase budget for 2019 and future consecutive years
- 2) A significant increase in the housing maintenance budget for 2019 and future consecutive years,
- 3) A full recompense to Donegal County Council for all past and present financial spending incurred relating to the MICA investigation, repair and resettlement costings to date."

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

He said that up to 650 Council Tenants were affected by Mica and that provision needed to be made for those who might be forced to vacate their homes. When this was taken into consideration, he said, there would effectively be 3387 persons requiring housing in Donegal. Plans to build 441 houses would only; he confirmed, meet 11.5% of the need creating an undersupply of 88.5%. This it was acknowledged was the largest undersupply out of the 16 rural counties. Cllr Doherty said this should not be accepted and that the Government needed to step up and deliver for Donegal.

He called for an increased spend in housing maintenance and a substantial increase in the provision of housing stock.

He queried the role of the Land Development Agency and asked the Executive to engage with Housing Officials to address the housing supply issue.

Cllr G Doherty supporting the motion commended Cllr Doherty for his stance on the mica issue.

There was no opposition to the motion.

Mr Joe Peoples, Director Housing, Corporate & Cultural Services advised that Donegal County Council had been proactive over the last 18 months to two years in supporting both the Expert Panel and the National Standards Authority with regard to the development of the draft testing and categorisation protocol. He welcomed recent comments by An Taoiseach Leo Varadkar in relation to a potential redress scheme.

There were, he confirmed, in excess of 600 properties affected based on visual inspections and that when the testing protocol was finalised properties would be tested. At all stages, the Department had been informed, he added, that monies would be required in terms of remediation costs and that going forward any remedial works required would be determined by the testing protocol when finalised.

The Council, he confirmed, was not resting on its laurels and was continually looking at options to deliver social housing with the objective of increasing the annual output in the coming years. There was also ongoing engagement with the Approved Housing Bodies. Significant funding, it was acknowledged, had been received from the Department to date in relation to the maintenance and improvement of the Council's Social Housing Stock.

Cllr Doherty welcomed the reply but noted that the Housing Programme had been underfunded for a long number of years and that many legacy issues now needed to be addressed. He cited the need to breathe life back again into many of our urban towns and advocated that this be actively pursued.

C/306/18 THAT THE COUNCIL RECOMMITS ITSELF TO ENSURING THAT ALL CITIZENS IN DONEGAL HAVE ACCESS TO LEISURE CENTRE AMENITIES

On the proposal of Cllr Murray, seconded by Cllr Gallagher the following Motion was adopted:-

“That this Council recommits itself to ensuring that all citizens in Donegal have access to leisure centre amenities as a matter of

priority and, as such, will take all measures necessary to support leisure centre committees working to that end."

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

He alluded in particular to the fact that the Inishowen Peninsula had been without Leisure Centre facilities since April 2015. He cited the urgency of addressing same within the Three Year Capital Programme and asked that the matter be progressed as a matter of urgency.

Cllr Gallagher noted that there were no swimming pool or leisure centre facilities in the Glenties Municipal District. She outlined the need to set up a dedicated focus group to progress same and queried whether this could also be considered further by the Water & Environment SPC.

There was no objection to the motion.

Mr Michael Mc Garvey, Director Water & Environment noted that there had been active engagement with the Buncrana Leisure Centre Committee, and that the offer existed to go back and revisit the proposals on the table. The Council, he said, was committed to working with the group on this matter. He would, he said, engage with the Glenties MD members, but that there was nothing specific on the table at the minute in relation to the Glenties area.

Cllr Murray welcomed the response but said that the lack of funding in the last three to five years had been part of the problem and needed to be addressed urgently.

C/307/18 TO MAKE IRISH WATER AWARE THAT WE ARE NOT IN A POSITION TO FACILITATE A SUPPLY OF WATER TO LETTERKENNY FROM THE EDDIE FULLERTON DAM UNTIL THE PIPEWORK IN SOUTH INISHOWEN HAS BEEN UPGRADED.

On the proposal of Cllr Canning, seconded by Cllr Brogan the following Motion was adopted:-

"I would ask that the members of this Council Chamber row in behind the Inishowen Municipal District councillors insofar as making Irish Water aware that we are not in a position to facilitate

a supply of water to Letterkenny from the Eddie Fullerton Dam, until the pipework in South Inishowen has been upgraded.”

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

He informed the meeting that there had been numerous bursts in the line from Burt Chapel to the North West Golf Club and that this aging and faulty network would not support the supply of water to Letterkenny. South Inishowen, he advised, was not being treated fairly. Irish Water, he contended, were not addressing the concerns raised by members on behalf of the general public. There were also serious concerns, he said, with regards the siting of reservoirs at the Motorway Stores and at Manor Motors.

Cllr Brogan said that concerns had been raised on numerous occasions and he enquired as to what had become of the previous proposal to supply Letterkenny with water from Lough Mourne, a project on which considerable monies had been spent. Acknowledging that there were huge concerns, he called, for a smaller engineering solution to be considered. The Council, he contended, was working hand in hand with Irish Water and needed to be honest with members in relation to the decisions being taken.

There was no opposition to the motion.

Mr Michael Mc Garvey, Director Water & Environment said that he would pass on the concerns raised to Irish Water with a view to getting clear commitment and support.

Cllr Canning concluding said that there needed to be a review of how Irish Water conducted business with the Elected Members and expressed concern that the Executive were working hand in hand with Irish Water when up to two thirds of the Inishowen Peninsula were without a proper water infrastructure network.

C/308/18

TO AVAIL OF EUROPEAN FUNDING TO DO A PILOT PROGRAMME IN DONEGAL TO GIVE ALL FISHERMEN LIFE JACKETS FITTED WITH EPIRB

Cllr Mc Dermott advised that he wished to amend the motion to include reference to people using leisure boats. Thus on the

proposal of Cllr McDermott, seconded by Cllr Canning the following Motion was adopted:-

"To call on this Council to make contact with the European Maritime and Fisheries Fund and to avail of European funding to do a pilot programme in Donegal to give all fishermen, and people out in leisure boats life jackets fitted with EPIRB (Emergency Position Indicating Radio Beacon)."

Cllr McDermott received a response from the Director of Community & Planning Services.

The lifejackets in question, he said, were available through Bord Iascaigh Mhara and were essential for anyone who ventured out in a boat. This pilot project, he said, needed to be pushed forward in the interest of fishermen and leisure craft operators and would hopefully save lives in the long run.

Cllr Canning supporting the motion said that he had been of the opinion that these life jackets were available normally and had been shocked to find that this was not the case. He called for all funding options to be explored particularly ERDF and Interreg options.

There was no opposition to the motion.

Mr Liam Ward, Director Community & Planning Services said that it would be possible to engage with all fishermen's representatives, but that ultimately it would be a matter for the fishermen's representative groups to make the necessary application. Options could be explored, he advised, through the Irish Water Safety Organisation.

Cllr Mc Dermott said that it was important that the initiative was promoted amongst all who sailed in our waters and along the coast with the ethos of wearing a lifejacket becoming the key priority for all concerned.

C/309/18 REVIEW THE CURRENT SCHOOL TRANSPORT MODEL FOR RURAL IRELAND

On the proposal of Cllr McBride, seconded by Cllr Blaney the following Motion was adopted:-

"That Donegal County Council asks Minister John Halligan to conduct a root and branch review of the current school transport model as the current model has failed miserably for rural Ireland".

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

He cited numerous examples of instances where children had been denied access to school transport for a variety of reasons. The crux of the matter, he contended, was that the system itself was archaic and in need of review. Three years ago the Department, he advised, had amalgamated aspects of the School Transport System. It was clear, he added, that regulations were unsatisfactory given that students often did not know until a few days before the start of the school term whether they were getting a concessionary ticket or not. In rural areas this mode of transport was essential given the deficit of public transport. Where there were students, he said it was imperative that buses were laid on.

Cllr Blaney alluded to particular issues that had arisen in the Termon and Kilmacrennan areas, advising that year after year the same problems arose.

There was no objection to the motion.

Cllr Mc Bride thanked members for supporting the motion and said that he would look forward to receiving a reply from the Department particularly in relation to the area of concessionary ticketing.

C/310/18 ACKNOWLEDGE THE COMMITMENTS MADE IN THE BREXIT NEGOTIATIONS

Cllr McMonagle proposed, seconded by Cllr A Doherty that the following Motion be adopted:-

"That this Council acknowledges the commitments made in the Brexit negotiations (both the Joint Report and the Draft Agreement) where Irish/EU citizens in the north of Ireland 'will continue to enjoy, exercise and have access to rights, opportunities and benefits as EU citizens; recognises that this body of rights includes democratic rights i.e. the right to vote and stand as candidates in EU elections; calls on the Irish Government to facilitate this right given that Ireland has been allocated two

additional MEP seats; calls on the Irish Government to amend the legislation, allocate those seats to the north of Ireland and allow citizens in the north to vote for candidates for these seats in order that they may be represented in the EU Parliament; calls on the Chief Executive to write to the Minister for Housing, Planning and Local Government requesting this."

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

He confirmed that the motion had been submitted on the basis that Brexit was very much a real and immediate threat and that the repercussions would be felt most acutely in Donegal given the longstanding cross border linkages in terms of industry, education, social and cultural interaction etc. It was essential, he said, that the Government showed effective leadership so that Irish/EU Citizens in Northern Ireland had access to representation in Europe. Given that the majority in Northern Ireland had voted against Brexit it was imperative, he said, that their rights were protected and that every effort was made to ensure that all aspects of the peace and reconciliation agenda were protected and enhanced.

Cllr A Doherty concurred with this and called on the Taoiseach to honour his promise that nationalists in Northern Ireland would not be abandoned. He alluded to the excellent work and collaboration between Donegal and Derry City and Strabane District Councils and the many every day linkages that bound the two regions together. It was important also, he said, that this solidarity was retained and actively pursued in terms of co-operation in cross border projects.

Cllr Nicholas Crossan said that he could not agree with the motion as in his opinion the Republic of Ireland was underrepresented at EU level and he thus advocated that the two seats in question be retained.

He said that he believed that a hard border scenario would not occur and that there had been too much scaremongering to date. He proposed, seconded by Cllr Mc Garvey not to adopt the motion as outlined above.

A heated debate ensued with Cllr Mc Monagle expressing grave concern that a number of members could not at this juncture see that a hard border was on the cards together with the associated

customs checks. It would be an affront to democracy, he said, if the two seats were not allocated to Northern Ireland. It was essential, he said, that the structures and mechanisms were put in place now as failure to do so would be catastrophic for the border counties. Irish citizens in the Six Counties, he insisted, must not be abandoned and he thus called on the Government to honour its promise to not to stand idly by.

Cllr Brogan said that all concerned needed to be open and honest with regard to the implications and that the seriousness of the matter was not to be underestimated. Donegal, he added, would be more seriously impacted than any other county. It was clear also, he advised, that Donegal did not have adequate representation in Europe and the challenges facing the county were not being adequately addressed.

Cllr Blaney queried whether the Government had the right to reallocate the two seats in question.

Cllr Ó Domhnaill returned to the Chair at this juncture

A recorded vote was then taken by the Meetings Administrator. This resulted in 18 voting for the motion as proposed by Cllr Mc Monagle with 5 voting against.

There were two abstentions.

Those voting for were:-

Cllrs Blaney, Brogan, Campbell, Canning, Crawford, A Doherty, G Doherty, M Doherty, Donaghey, Glackin, Jordan, Mc Bride, Mc Dermott, Mc Gowan, Mc Monagle, Murray, Naughton, and O' Fearraigh. (18)

Those voting against were:-

Cllrs Bonner, Conaghan, Crossan, Farren, and Mc Garvey. (5)

Cllrs Harley and Kennedy abstained.

Thus it was resolved to adopt the motion outlined above as proposed by Cllr Mc Monagle and seconded by Cllr A Doherty.

Cllr Mc Monagle said that the way things were going a hard Brexit was inevitable and would prove to be incompatible with the Good Friday Agreement. He welcomed the support shown by members and said that the Agreement needed to be protected at all costs.

C/311/18 THE COUNCIL RECOGNISES THE LONG STANDING CONTRIBUTION TO PUBLIC LIFE BY THE LATE CLLR SEAN MCENIFF IN BEAUTIFUL BUNDORAN

On the proposal of Cllr Brogan and seconded by Cllr Naughton the following Motion was adopted:-

"I propose that this Council recognises the long standing contribution to public life by the late Cllr Sean McEniff in beautiful Bundoran."

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

He informed members that the late Cllr Mc Eniff's service record as a member of Donegal County Council was exemplary and that he had over the years been associated with numerous infrastructural developments in the Donegal area. It was acknowledged that he had also played a pivotal role in the tourism sector in Donegal through his involvement with North West Tourism and Failte Ireland. It was time, he said, to acknowledge these achievements and the excellent contribution that he had made to public life in his 57 years as a public representative.

Cllr Naughton outlined his support for the motion and the need for a fitting tribute.

Cllr Campbell proposed that the motion be deferred on the basis that a motion had been agreed previously in relation to the need for an independent enquiry into the disappearance of Mary Boyle arising from allegations that a politician had interfered in the case. Plans to name a specific building or street, he noted, fell to the relevant Municipal District as provided for in the 2014 Local Government Reform Act and could be progressed only after a plebiscite had been taken at local level.

As there was no seconder for the motion, the Cathaoirleach deemed Cllr Brogan's motion to be adopted.

Cllr Brogan thanked members for their support noting that Cllr Mc Eniff had been a man of honour and integrity whose record in politics stood for itself. It was fitting, he said, that a suitable commemorative gesture was made.

C/312/18 THE COUNCIL SET ASIDE ADDITIONAL FUNDING FOR MAINTENANCE OF COUNCIL HOUSING

On the proposal of Cllr Glackin and seconded by Cllr Mc Monagle the following Motion was adopted:-

“That this Council in the upcoming budget for 2019, sets aside additional funding for maintenance of council housing.”

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

He contended that the current system was reactive rather than proactive and expressed concern in relation to the current state of disrepair in many older housing schemes. Planned maintenance, he said, was required and that council tenants deserved the same service as private tenants.

Welcoming the reply and monies spent to date, he said, it was essential that the prioritisation of housing maintenance was a priority in the 2019 budget considerations. He enquired as to why a dedicated survey of all housing stock had not been carried out as this would have highlighted the need for planned maintenance.

There were, he noted, specific health and safety issues arising from delays in carrying out repair works. He asked that this be addressed going forward.

Cllr Mc Monagle said that the introduction of the motion was timely and expressed concern also in relation to the length of time required to complete maintenance works. These houses were, he noted, council assets and it was important that they were maintained and protected working in partnership with the tenant. It was important, he acknowledged, that the issue was dealt with in the 2019 Budget. He also highlighted the need for additional resources and personnel so as to protect these valuable assets.

There was no opposition to the motion.

Mr Joe Peoples, Director Housing, Corporate & Cultural Services outlined the fact that there had been considerable underinvestment in housing for a number of years. There was, he advised, significant work to be done but the sector was engaging proactively with the Department to address the situation with the aim of moving towards a Multi Annual Programme of Planned Maintenance. He would, he confirmed, talk to the relevant management teams in relation to response times for dealing with requests from Tenants. Specific issues, highlighted by members could, he confirmed, be dealt with in the Municipal Districts.

He informed Cllr Glackin that it was hoped that progress would be made in relation to condition surveys in the 2nd quarter of 2019.

Concluding Cllr Glackin acknowledged the commitment shown by all housing staff but noted that their efforts were often hampered by a lack of dedicated funding.

C/313/18 JUDICIAL REVIEW PROCEEDINGS – PLANREE LTD V
DONEGAL COUNTY COUNCIL- WIND ENERGY
PROVISIONS IN THE DONEGAL COUNTY DEVELOPMENT
PLAN 2018-2024

On the proposal of Cllr Brogan, seconded by Cllr Mc Gowan it was resolved in accordance with Section 45 of the Local Government Act, 2001 to proceed with the consideration of the above item in committee. The Cathaoirleach asked members of the public and the media present to vacate the chamber.

Mr Paddy Mc Mullin, County Solicitor attended and responded to member's questions.

The following proposals were made:

Proposal 1- To defend the Judicial Review Proceedings in relation to the Wind Energy Provisions in the Donegal County Development Plan 2018 to 2024.

This was proposed by Cllr Campbell and seconded by Cllr Mc Monagle.

Proposal 2 – That the Council do not defend the Judicial Review Proceedings in the Wind Energy provision of the Donegal County Development Plan 2018 to 2024.

This was proposed by Cllr Brogan and seconded by Cllr Blaney.

The Meetings Administrator prior to taking a recorded vote informed members that those wishing to defend the Judicial Review proceedings in respect of Wind Energy provisions should now vote for, or if they were not in favour of defending same should vote against.

A roll call was taken and the following recorded as being in attendance:-

Cllrs Blaney, Bonner, Brogan, Campbell, Canning, Crawford, Crossan, A Doherty, G Doherty, M Doherty, Donaghey, Farren, Glackin, Jordan, Kennedy, Mc Bride, Mc Dermott, Mc Garvey, Mc Gowan, Mc Guinness, Mc Monagle, Naughton, Ó' Domhnaill, and O' Fearraigh (24)

The vote taken by the Meetings Administrator resulted in 11 voting to defend the Judicial Review proceedings with 12 voting against. There was one abstention.

Members voting for:-

Cllrs Campbell, Crossan, A Doherty, G Doherty, Farren, Glackin, Jordan, Kennedy, Mc Garvey, Mc Monagle, and O' Fearraigh. (11)

Members voting against:-

Cllrs Blaney, Bonner, Brogan, Canning, Crawford, M Doherty, Donaghey, Mc Bride, Mc Dermott, Mc Gowan, Mc Guinness, Naughton. (12)

Cllr Ó Domhnaill abstained.

Thus it was resolved that Donegal County Council would not defend Judicial Review Proceedings as initiated by Planree Ltd in relation to Wind Energy Provisions in the County Donegal Development Plan 2018 -2024.

C/314/18

DATE FOR THE ADJOURNED MEETING.

It was unanimously agreed to adjourn the meeting until 3.00pm on Wednesday 3rd October, 2018.

Cathaoirleach

Dated

