

**MINUTES OF THE ADJOURNED JANUARY MEETING OF DONEGAL COUNTY
COUNCIL HELD ON 21st FEBRUARY 2022**

C/17/22

MEMBERS PRESENT

Cllrs J Murray, Cathaoirleach, L Blaney, K Bradley, C Brogan, P Canning, T Conaghan, D Coyle, G Crawford, N Crossan, T Crossan, A Doherty, G Doherty, L Doherty, R Donaghey, M Farren, M T Gallagher, M Harley, N Jordan, J Kavanagh, D M Kelly, N Kennedy, M Mc Bride, M Mc Clafferty, I Mc Garvey, N Mc Garvey, J Mc Guinness, P Mc Gowan, M Mc Mahon, G Mc Monagle, A Molloy, M Naughton, J O' Donnell, J S Ó'Fearraigh, and B Sweeny.
Online: M C Mac Giolla Easbuig & M McDermott,

C/18/22

OFFICIALS IN ATTENDANCE

John Mc Laughlin, Chief Executive, Patsy Lafferty, A/Director of Housing, Corporate and Cultural Services / Meetings Administrator, Richard Gibson, Head of Finance, Brendan O' Donnell, A/Director of Roads & Transportation, Liam Ward, Director of Community Development & Planning Services, Michael Mc Garvey, A/Director of Water & Environment, Anne Marie Conlon, A Director of Economic Development, Information Systems & Emergency Services, Eunan Quinn, Senior Planner, Paul Christy, Senior Executive Planner, Frances Friel, Communications Officer, William Colvin, Assistant Communications Officer, Seán O' Daimhin, Rannog na Gaeltachta, Róise Ní Laifearthaigh, Rannóg na Gaeilge, Anne Marie Crawford, Staff Officer.

C/19/22

COMMENCEMENT OF THE MEETING

The Cathaoirleach said that this was the third attempt at completing the January meeting and cited the importance of moving forward swiftly with the business on the agenda.

C/20/22

**MINUTES OF THE NOVEMBER MEETING OF DONEGAL COUNTY
COUNCIL HELD ON THE 29TH NOVEMBER 2021**

On the proposal of Cllr Harley, seconded by Cllr N Crossan it was resolved to adopt the minutes of the November meeting of Donegal County Council held on the 29th November 2021.

Cllr Gary Doherty at this juncture referring to the minutes of the Annual Budget meeting adopted on the 7th February 2022 noted that there had been reference in same to allegations of corruption and systemic corruption. He referred to a particular line in the minutes where commentary from a particular member had alluded to the fact that some staff and elected members had looked after their own needs.

Most members, he said, had been alarmed at these allegations and alluded to the fact that that there was an onus on members to ensure that Donegal County Council took the allegations seriously and that a proper investigation was launched. It had been requested previously, he stated, that any and all evidence relating to alleged corruption be presented and forwarded to An Garda Síochána. Members needed to

know, he said, if this had been submitted and a proper investigation carried out.

The Cathaoirleach said that he shared these concerns and was committed to assisting in every possible way. Correspondence had, he noted, issued on behalf of the Cathaoirleach and the Chief Executive asking the members concerned to submit evidence of any alleged corruption and to forward same by the 31st January 2022. No response had been received to date he confirmed. He said that a number of handwritten notes had been received from one Cllr in relation to a number of FOI responses. These were handwritten notes, he added, and had been submitted to An Garda Síochána. He said that the matter needed to be dealt with in an open and transparent manner.

He said that he had spoken to the Chief Executive and that it had been agreed take in an independent body to review the matter.

The Chief Executive said that the allegations were serious and warranted independent review of the file. He alluded also to the fact that the members in question had been written to on the 20th December 2021 outlining the background and due process for dealing with same and advising of the 31st January deadline. He said that an external review of the file would be carried out by an external company in relation to the five houses in Buncrana. This would, he said, provide additional clarity on the matter and that an update would then be brought to members. Corruption was, he stated a very serious word to use.

Cllr Ian Mc Garvey said that there was a duty of protection to the public interest and that this was paramount, but that he could not condone some of the behaviour at previous meetings.

Members welcomed the commitment to proceed with an external review of the matter.

C/21/22

**MINUTES OF THE ADJOURNED NOVEMBER MEETING OF
DONEGAL COUNTY COUNCIL HELD ON THE 6TH DECEMBER
2021**

On the proposal of Cllr Crawford, seconded by Cllr Jordan it was resolved to adopt the minutes of the Adjourned November Meeting of Donegal County Council held on the 6th December 2021.

C/22/22

**MINUTES OF THE ADJOURNED NOVEMBER MEETING OF
DONEGAL COUNTY COUNCIL HELD ON THE 13TH DECEMBER
2021**

On the proposal of Cllr Farren, seconded by Cllr Mc Gowan it was resolved to adopt the minutes of the Adjourned November Meeting of Donegal County Council held on the 13th December 2021.

C/23/22

FILLING OF CASUAL VACANCY IN THER MEMBERSHIP OF DONEGAL COUNTY COUNCIL OCCASIONED BY THE DEATH OF CLLR BERNARD MC GUINNESS

Cllr Harley informed members that Johnny Mc Guinness would be a most welcome addition to Donegal County Council and was an excellent candidate to represent Donegal County Council on the North West Regional Development Group. Cllr Kavanagh concurred with this and said that his co-option was a great honour for the Mc Guinness family.

On the proposal of Cllr Harley, seconded by Cllr Kavanagh, it was resolved that Cllr Johnny Mc Guinness, fill the casual vacancy on Donegal County Council occasioned by the death of the late Cllr Bernard Mc Guinness.

Cllr Mc Guinness taking his seat said that it was an honour and privilege to take the seat and that he would endeavour to equal the work rate and commitment shown by his late father.

Members from the various groupings and the members of the Inishowen Municipal District welcomed him to the Council and assured him of their co-operation and support.

C/24/22

MOTION UNDER URGENT BUSINESS

A request signed by Cllrs A. Doherty, G. Doherty, T. Crossan, G. Mc Monagle, M. Mc Mahon, N. Jordan, J. S. O' Fearraigh, M. Mc Dermott, M. T. Gallagher, P. Mc Gowan, G. Crawford and P. Canning to have the following motion discussed as urgent business in accordance with Standing Order No. 27 was submitted to the Meetings Administrator:-

"That this Council hold a special meeting/ workshop to examine the "Enhanced Mica Scheme" and allow elected members to ask questions which need to be answered on behalf of Mica homeowners. In addition, that Donegal County Council establish a Mica helpline to enable constituents to call and have their questions directly answered, and that Mica Clinics be established in the three Municipal Districts most affected which would allow homeowners to schedule an in-person meeting to discuss issues and questions with the scheme. "

It was unanimously agreed to consider same prior to the close of business

C/25/22

FILLING OF CASUAL VACANCIES OCCASIONED BY THE DEATH OF CLLR BERNARD MC GUINNESS

On the proposal of Cllr Mc Dermott, seconded by Cllr Farren it was resolved that Cllr Johnny Mc Guinness fill the casual vacancies on the following committees and external bodies:

- Inishowen Municipal District Committee
- Donegal County Council Mica Redress Committee

- Donegal County Council Brexit Committee
- Donegal County Council Fisheries Committee
- Donegal County Council Agricultural Committee
- Donegal Health Committee
- Donegal County Council Cultural Committee
- Economic Development Enterprise & Emergency Strategic Policy Committee
- Roads & Transportation Strategic Policy Committee
- Housing & Corporate Strategic Policy Committee

Representation on other Bodies

- North West Regional Development Group
- Inishowen Development Partnership
- A5/N2 Cross-Border Committee

C/26/22

APPOINTMENT OF CHAIR – HOUSING AND CORPORATE STRATEGIC POLICY COMMITTEE

On the proposal of Cllr Harley, seconded by Cllr Kennedy it was resolved to defer the matter to a future meeting of Council.

Cllr Coyle was informed that an update would be provided in relation to his query on the Donegal County Council Health Committee.

C/27/22

DISPOSAL OF LANDS AT FINNER, BUNDORAN TO MR LIAM CLANCY

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

On the proposal of Cllr Mc Mahon, seconded by Cllr Sweeny, it was resolved to dispose of lands at Finner, Bundoran to Mr Liam Clancy, 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/28/22

DISPOSAL OF PLOT OF LAND AT KERRYKEEL TO IRISH WATER

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

On the proposal of Cllr Blaney, seconded by Cllr O' Donnell, it was resolved to dispose of plot of land at Kerrykeel, to Irish Water, 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/29/22

DISPOSAL OF PLOT OF LAND AT RATHMULLAN PIER TO RATHMULLAN & DISTRICT RESOURCE CENTRE

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

On the proposal of Cllr Blaney, seconded by Cllr O' Donnell , it was

resolved to dispose of plot of land at Rathmullan Pier to Rathmullan & District Resource Centre, 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/30/22

DISPOSAL OF PROPERTY AT THE BIM ICE PLANT AT GREENCASTLE PIER BY WAY OF LEASE TO FOYLE FISHERMAN'S CO-OP

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

On the proposal of Cllr A Doherty, seconded by Cllr Farren it was resolved to dispose of property at the BIM Ice Plant at Greencastle Pier, by way of lease to Foyle Fisherman's Co-Op 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/31/22

DISPOSAL OF PLOT OF LAND AT MAGHERACAR, BUNDORAN TO MR PADRAIG FEELEY

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

On the proposal of Cllr Sweeny , seconded by Cllr Sweeny, it was resolved to dispose of a plot of land (Plot DB1-D1) at Magheracar, Bundoran to Mr Pádraig Feeley 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/32/22

DISPOSAL OF PLOT OF LAND AT MAGHERACAR, BUNDORAN TO MR JOHN EDWARD GALLAGHER

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

On the proposal of Cllr Mc Mahon, seconded by Cllr Sweeny, it was resolved to dispose of a plot of land (DB1-D2) at Magheracar, Bundoran to Mr John Edward Gallagher 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/33/22

DISPOSAL OF PLOT OF LAND AT SMINVER, BALLYSHANNON TO MR DECLAN MC HUGH, MS ANNE MC HUGH AND MR BARRY MC HUGH

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

On the proposal of Cllr Sweeny, seconded by Cllr Mc Mahon, it was resolved to dispose of a plot of land (DB1-D6) at Sminver,

Ballyshannon to Mr Declan Mc Hugh, Ms Anne Mc Hugh and Mr Barry Mc Hugh 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/34/22

DISPOSAL OF PLOT OF LAND AT SMINVER, BALLYSHANNON TO MS BERNIE FINAN

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

On the proposal of Cllr Sweeny, seconded by Cllr Mc Mahon, it was resolved to dispose of a plot of land at Sminver, Ballyshannon to Ms Bernie Finan 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/35/22

TO APPROVE THE CARRYING OUT OF WORKS WITH REGARD TO THE CONSTRUCTION OF 45 SOCIAL HOUSING UNITS AT CHAPEL ROAD, DUNGLOE

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

On the proposal of Cllr Gallagher , seconded by Cllr Mac Giolla Easbuig the carrying out of works with regard to the construction of 45 Social Housing units at Chapel Road, Dungloe under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) was approved.

Cllr Gallagher highlighted a number of concerns that had been raised in relation to sewerage treatment and traffic issues. Cllr M. C. Mac Giolla Easbuig & Cllr N. Mc Garvey concurred. Cllr Gallagher added that contact with two neighbouring residents would also be helpful.

Mr Patsy Lafferty, A/Director Housing & Corporate Services noted that the Housing Department would be consulting with the residents and that the traffic and sewerage issues would be considered at detailed design stage.

Cllr Mc Giolla Easbuig queried the rationale for building single bed units which prevented people from having family members to stay.

Mr Patsy Lafferty, A/Director Housing & Corporate Services acknowledged the concerns but noted that in county wide terms 50% of the housing need was for single adults.

C/36/22

REPRESENTATION AT THE ST PATRICKS DAY EVENTS IN THE USA

On the proposal of Cllr A Doherty, seconded by Cllr O' Donnell it was resolved that the Cathaoirleach, the Leas Chathaoirleach and a

representative designated by the Chief Executive attend the St Patrick's Day events in the USA arising from a number of invitations received from the Donegal Associations in Philadelphia and New York and Boston.

C/37/22 TO NOTE OBLIGATIONS ON MEMBERS UNDER THE LOCAL ELECTIONS (DISCLOSURE OF DONATIONS & EXPENDITURE) ACT, 1999 AS AMENDED, TO SUBMIT A DONATION STATEMENT BY 31ST JANUARY 2022

Members noted the obligation to submit a Donation Statement by the 31st January 2022.

C/38/22 TO NOTE OBLIGATIONS ON MEMBERS UNDER PART 15 LOCAL GOVERNMENT ACT, 2001 ETHICS FRAMEWORK TO SUBMIT A DECLARATION OF INTEREST BY THE 28TH FEBRUAR, 2022

The Cathaoirleach reminded members of their obligation to submit an Ethics Declaration by the 28th February 2022 in accordance with Part 15 of Local Government Act, 2001.

C/39/22 ESTABLISHMENT OF A WORKING GROUP ON LOCAL GOVERNMENT AND CONSTITUTIONAL CHANGE

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

On the proposal of Cllr A Doherty, seconded by Cllr Mc Mahon it was resolved to establish a Working group on Local Government & Constitutional Change with a membership of ten elected members.

Cllr A Doherty noted that there had been unanimous support at the May 2021 meeting for his motion calling for the establishment of a working group on constitutional change. This newly established sub-committee, he said, should begin engaging with civic, business and other stakeholders including the Shared Island Unit so as to bring about constitutional change. There was room for collaboration, he said in relation to the Brexit protocol and the assessment of economic boom figures pertaining to activities on both sides of the border. It was noted that Derry City and Strabane District Council had already a functioning working group on Irish unity. He said he was hopeful that a date for a meeting could be agreed shortly and called on any member who had an interest in same to declare an interest. It was important, he added, that the relevant staff support and working arrangements were now put in place.

Cllr I. Mc Garvey welcomed the development and cited the need to the need to recognise the wellbeing and will of the people going forward. He called on our national representatives to engage in a positive manner on the subject.

Cllr Mc Mahon referred to the LAMA booklet which had been given to members and expressed disappointment that the 6 counties in

Northern Ireland had been blocked out in the mapping detail. Whilst there was much valuable information in the booklet, he said, it was totally unacceptable that no formal recognition had been given to the "All Ireland situation" and that it was an insult to the people of the six counties.

Cllr Blaney as LAMA representative said that he would have no problem taking Cllr Mc Mahon's concerns to the LAMA board.

C/40/22 **TO AGREE DATE FOR A WORKSHOP ON THE COMMERCIAL RATES REVALUATION PROGRAMME FOR DONEGAL WITH A PRESENTATION FROM THE VALUATION OFFICE**

Members were informed that the workshop was not now required as the Revaluation of rateable properties in Donegal was being deferred until 2023.

C/41/22 **THREE - YEAR CAPITAL PROGRAMME FOR DONEGAL COUNTY COUNCIL 2022-2024**

On the proposal of Cllr Mc Dermott, seconded by Cllr Kennedy and in accordance with Section 135 of the Local Government Act 2001 (as amended), members considered and approved the Three - Year Capital Programme for 2022-2024

C/42/22 **PROPOSED VARIATION TO THE COUNTY DEVELOPMENT PLAN 2018-2024 (AS VARIED) IN RESPECT OF A WIND ENERGY POLICY FRAMEWORK**

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

Cllr M T Gallagher on behalf of the Glenties MD Members proposed a further amendment to the Proposed Variation at Amendment Item 13 by the addition of the following to Policy EP23 (1) so that it would read as follows (proposed additions shown in red):

Policy E-P-23: It is a policy of the Council that wind farm developments must not be located within:

- (a) the zone of visual influence of Glenveagh National Park.
- (b) the Gweebarra River Basin;
- (c) areas contained within 'Especially High Scenic Amenity' on Map 7.1.2 'Scenic Amenity'
- (d) Freshwater Pearl Mussel Catchments; and
- (e) St. John's Point.

This she said was in the interest of clarity for the people and communities in West Donegal living in areas of high scenic amenity. If the EHSA was added to EP23 it would ensure that there was no ambiguity or possibility of wind farms being submitted in these areas.

Cllr G Doherty alluded to the proposals that he had made at the November meeting namely the re-instatement of 10 times the tip height and specific consideration for areas at risk from landslides. The proposal which had initially deemed that areas in the Lifford/ Stranorlar MD at risk from landslides should be deemed "Not Normally Permissible" for wind farm development was, he advised, subsequently extended to county-wide. This proposal made in November, he stated, must also be included.

Members supported the recommendation made by Cllr Gallagher and cited the need for ongoing engagement with the communities concerned. They alluded to the following:

- That the concerns and issues raised by local communities must be taken on board.
- Careful planning is required so that any windfarm development is suitable for the area in question and for future generations.
- Concern expressed that the recommendation to include 10 times the tip height had been rejected in the past and would result again in Donegal County Council being told that national guidelines had precedence over local policy.
- Environmental considerations and carbon challenges must be taken into consideration.
- All renewable energy options must be considered.
- Query as to the amount of energy being generated from windfarms in the county.
- Need to be careful in relation to the protection afforded the Fresh Water Pearl Mussel and where it is located as this may impact on future road development etc.
- Hydro power options should be explored.
- Scenic areas must be protected to ensure the protection of the tourism aspect.
- Need to know what the demand is and who is looking for windfarms and a map of where they are being located.
- Concern that there is a deficit in terms of the capability of members to speak out against specific proposals and make representations prior to the grant of permission.

Cllr M Mc Bride proposed, seconded by Cllr Blaney that the matter be deferred until members had a chance to assess the implications of same at local level.

To facilitate such considerations it was further agreed that a map of the whole county outlining the proposed amendments be made available to enable Members examine the impact of the above noted proposed amendments at MD level.

Cllr Kennedy confirmed her earlier request that St Johns Point be designated as "Not Normally Permissible" for wind-farm development.

Mr Paul Christy, Senior Executive Planner noted that back in November members had made amendments to the original proposed variation thus changing the setback distance to 10 times the tip height; and making two mapping amendments in relation to: the area east of Meenbog; and the subsequent proposal by Cllr Gallagher that areas at risk county-wide from landslides were designated as "Not Normally Permissible" for wind-farm development. This, he said, had been incorporated into the variation that was now before members for consideration.

Mr Eunan Quinn, A/ Director Community Development and Planning Services confirmed that what was being proposed in relation to the Freshwater Pearl Mussel were considerations specific to the wind energy context. There was, he said, a degree of protection already afforded to the Freshwater Pearl Mussel at European and national level and in the County Development Plan to the extent that other projects would not be impacted. The amendments proposed today were, he advised specific to wind energy.

With regard to the proposal in relation to ten times the tip height, he said that as it currently stands and as referred to in a number of previous discussions, this is at variance with national guidelines and was something that was a matter for the members themselves. Where there are proposals, that exceed the environmental impact report thresholds they are treated as strategic infrastructure applications and such applications are forwarded directly to An Board Pleanála who will have regard to both the County Development Plan and national guidelines. He said the majority of applications received by the Council did exceed the threshold except those seeking upgrades or a reconfiguration of the existing development. It was acknowledged that further steps were required before the variation could go out to public consultation.

Responding to queries from Cllr Blaney and Cllr Gallagher, he confirmed that the mapping amendments agreed earlier in the meeting would have to come back to members most likely at the May meeting. The Cathaoirleach noted that there was now a proposal from Cllr Gallagher, seconded by Cllr G. Doherty to amend the text and a subsequent proposal from Cllr M. McBride, seconded by Cllr L. Blaney to defer the matter pending further discussion.

Cllr N. Kennedy proposed, seconded by Cllr N. Jordan that St John's Point be included in EP23 as not suitable for windfarm development.

In light of the clarification provided by Mr Eunan Quinn, A/Director Community Development & Planning Services that the proposal to go out to public consultation would not be considered until the May meeting, he said it was prudent at this juncture to defer the matter for further consideration.

C/43/22

APPROVAL OF THE PROPOSED DRAFT LETTERKENNY PLAN AND LOCAL TRANSPORT PLAN

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

Cllr Canning queried what was actually going out to public consultation and whether it was jumping the gun by approving the formal commencement. He noted that only members of the Letterkenny/Milford Municipal District had been in attendance at the relevant workshops. He said that he had no issue in relation to the zoning but had some concerns regarding the planning and land use policy. It would be more appropriate, he said, to put it out to public consultation and then do the assessment when the submissions came in.

Mr Paul Christie said that the process had come about as a result of strong senior legal advice obtained during the TEN-T Variation process, which indicated that members should approve the draft document in the first instance. This, he said, would allow the Council to take forward a robust environmental assessment of the Draft Plan. He said that the decision was in the hands of the members. It was noted that there had been considerable work carried out to date in consultation with the Letterkenny/Milford MD members who with some reservations had agreed to move to this stage in the process.

At the Cathaoirleach's request, Mr Christie outlined the process involved to date in moving the Letterkenny Draft and Local Transport Plan to public consultation stage.

C/44/22

ADJOURNMENT OF THE MEETING

On the proposal of Cllr Mc Gowan, seconded by Cllr Crawford it was resolved to adjourn the meeting for lunch.

C/45/22

APPROVAL OF THE PROPOSED DRAFT LETTERKENNY PLAN AND LOCAL TRANSPORT PLAN

Whilst members were supportive of the Plan and welcomed the fact that considerable effort had gone into the process to date, a number of Cllrs said they were clearly of the opinion that further clarity was needed in relation to a number of issues. These included,

- The rationale for developing the Leck area in two stages as recommended by the planners. This, it was noted, required additional clarification as it effectively put on hold the development of lands to the south of the Leck Road.
- The issue of town centre flooding and in particular those lands identified in the CFRAMs report as liable to flooding. It was noted that there was to be no housing or retail in the lands identified. This it was acknowledged created a serious problem in that development was hindered in some areas of the town centre and allowed to proceed in others. A clear rationale was

needed, they advised to back up this decision and careful consideration given to the anomaly that now existed.

- Engagement needed with the OPW regarding flood defence issues.
- Cognisance needs to be taken of the ongoing engagement with HISCO regarding infrastructural support in the Leck area in terms of water supply, water treatment and the building of a bridge over the Swilly.
- Call for all lands in the town centre be treated the same
- The fact that Flood Zone A incorporating lands along the Neil T Blaney Road, Railway Road and the Port Road would effectively remove the areas in question from the Plan and that this was something that members could not support going out to public consultation at this juncture. Whilst much support for the green agenda there is a need in this area to adequately address the issue of housing and retail development and to ensure that a sufficient amount of land is available for these activities.
- Disappointment expressed that there had been little engagement with individual landowners and consultants.
- Development had been lopsided in the past and this was something that needed to be sorted if the town was to achieve city status in the future.
- Previous commitment by the Minister to meet with the Letterkenny/ Milford MD members re flood mitigation measures must be progressed.
- Why was there no reference in the Plan to the Disability Inclusion Strategy when this had been clearly agreed by the members.
- Given that the discussion is now around turning the town centre into a wetland and the bearing that this would have on an environmental report, a decision to go out now to public consultation would result in submissions coming back in on an assessment that had already started.
- Query as to the rationale for the development of a wetland in the Town Centre when the CFRAMS map indicates that the area in question could be protected from flooding with adequate defence measures in place. It was noted that there was no particular evidence of flooding in this area in the past. No consideration given as to what legislation might come in with the wetland designation.
- Clarification required as to what happens if the matter goes out to public consultation and whether the Appropriate Assessment would be allowed to progress in tandem.
- Whether or not it would be possible to remove the wetland designation at a later date.
- Cllr Brogan contended that it should go out to public consultation but that clarity was needed with regard to the role of the elected members and their input and ability to change the plan going forward.

- A traffic light system in terms of roads, water and sewerage infrastructure availability needs to be drawn up as a marker for future development.
- What is the statutory role of the Regeneration Plan as opposed to the Development Plan and whether or not the two plans will be running hand in hand?
- Clarity requested in relation to the ability of members to make changes after the plan goes out to public consultation.

Mr Eunan Quinn, A/Director Community Development & Planning Services responding acknowledged the potential of HISCO in assisting development in terms of site-specific infrastructure and infrastructure that connects to the wider network. Material amendments, he noted, could come forward for consideration and part of that was obviously related to the status of the Regeneration Plan.

The Letterkenny plan, he stated, was a statutory document and would be informed through the consultation process. He reaffirmed that any changes that came forward would be presented as material alterations and would go out to public consultation and environmental assessment. It was acknowledged that some of the contributions from the Masterplan particularly around the wetland's proposal were not too far away from coming back to members. The legal opinion in relation to the steps associated with environmentally assessing the document arose, it was noted, from a previous body of work and would serve to ensure that any subsequent decisions made were suitably robust.

Submissions had been received and acknowledged, he said, from individuals and the formal statutory process of going out to public consultation would ensure that the democratic process was followed through. All relevant submissions, together with observations and responses from the Executive would be presented in the Chief Executive's report well in advance of making any fundamental decisions.

He noted the following:

- That lands had not been identified on a piece meal basis for development and that a traffic light system or matrix of issues on individual issues had been discussed on a number of occasions and could be reviewed on basis of submissions that might come forward.
- Town centre flooding issues had been based on the CFRAMS information and on the specific risks identified in the report.
- There was an intricate boundary line in terms of the mapping in Flood Zone A and that the policies presented to members reflected that. It could be looked at again, he advised, in the context of any submissions/land use proposals that came forward.

- Amendments were being worked on in relation to the Disability Strategy and would come back to members in terms of non-material changes to the plan.
- That it would be possible to look at the Arterial Drainage Programme for Letterkenny as requested by Cllr Mc Garvey.

Concluding, and in relation to the development at Leck, he said, that the level of infrastructure required to serve development between the river and Leck Road included the proposed bridge crossing South of the road, further up the hill, he noted, was much more complex and connections to the infrastructure in this location would be in depth and wide ranging. The structure of the phases, he said, were realistic and identified the reality of how infrastructural development could take place provided the correct policy decisions were in place to chase the relevant funding.

Cllr Mc Monagle at this juncture said that the crux of the matter was that members were not getting definitive answers in relation to the matters highlighted. Members, he said, had been asking that the development of the land at the Leck Road and the Neil T Blaney Road be allowed to go out to public consultation thus letting the public submissions dictate the level of development. He could, he added, accept CFRAMS but not the part of the report that tabled the need for mitigation works to be carried out.

Cllr J. O' Donnell said it was imperative that members did not adopt a plan that was not fit for purpose and proposed that the matter be deferred to the March meeting. This was seconded by Cllr Mc Bride who said that in his opinion there was a serious problem with Flood Zone A as presented to the public and that flood mitigation works needed to be looked at as soon as possible.

Mr Paul Christy, Senior Executive Planner, advised of the following:

- Leck Road: Lands south of the road could accommodate up to 1500 units which would be great for the town if all the infrastructure was in place. In terms of the north of the road the main infrastructural need is the bridge and delivering this would be a lot less onerous than delivering the Southern Network Project (Southern Relief Road). He expressed concern that releasing lands south of the road without any great deal of confidence as to when the Southern Relief Project would be delivered was a bit of a risk for the Council. He advised holding off on this till further clarity was received. He alluded also to the risks involved if the Council aimed too high in terms of the overall land supply position and found itself in the position of not being able to meet the relevant infrastructural needs.
- Town Centre Flooding: The best evidence available, it was noted, was the CFRAMS report and the question that needed to

be asked was whether it was advisable to develop in potential flood risk areas when there were alternatives to accommodate that type of development.

The ongoing Regeneration work, he added, highlighted strongly the huge potential in the Core Town Centre to develop out all of the houses and commercial units that the town needed in non-flooding zoned lands.

- LYIT: The potential strategic benefits of the LYIT had to be factored into considerations. Expansion of the existing lands could only happen in proximity to the existing site. The university it was confirmed would not have a free pass to develop on potential flood risk areas and would have to go through a flood risk assessment at project level and it was highly likely that serious mitigation would have to be built into such development.

It was thus unanimously agreed to defer the matter to the March meeting on the basis that a meeting was sought with the OPW to address the flooding issues and also to afford the Planning Department an opportunity to consider the issues raised by members today.

C/46/22

ENDORSEMENT OF MINUTES OF THE MEETING OF THE CORPORATE POLICY GROUP HELD ON THE 12TH NOVEMBER 2021

On the proposal of Cllr G Doherty, seconded by Cllr Sweeny the minutes of the meeting of the Corporate Policy Group held on the 12th November 2021 were endorsed.

C/47/22

ATTENDANCE AT CONFERENCE, SEMINARS AND 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 2006-2022 as amended and directives issued by the Minister in that regard, on the proposal of Cllr O' Donnell seconded by Cllr Crawford, it was resolved to authorise any member, if he/she so wished, to attend the following conferences/ events, 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

- Module 1 of the 2022 AILG Elected Members Training Programme – “Elected Members Personal Security and Risk Assessment” to be held on Thursday 17th February in Mullingar.
- Webinar: Training on Planning scheduled for Friday 25th February 2022.

Conferences

- Celtic Conferences – “Social Media use in Political Campaigns” to be held from the 4th- 6th February 2022 in Clonakilty, Co Cork.

C/48/22

REPORTS FROM OTHER BODIES

Members noted the Association of Irish Local Government Activity Report 2020-2021 which had been circulated with the agenda.

C/49/22

PUBLIC LIGHTING VILLAGE & TOWN AUDIT REPORT

On the proposal of Cllr A. Doherty, seconded by Cllr T. Crossan it was resolved to adopt the following motion:

" Public Lighting Village & Town Audit report and necessary infilling works commitment. In the interest of Health and Safety provision, that Donegal County Council initiate an immediate audit on public street lights provision and commits to commence follow on works that ensures and provides adequate street lighting and the early provision of required infilling lights in vital locations."

He received a response from the A/Director of Roads & Transportation in relation to the above.

Cllr Doherty alluded to a number of locations in the Carndonagh and Clonmany areas where there were issues with public lighting and ongoing delays with the repair of same. He asked that the specific response times for dealing with members queries on public lighting issues be reviewed.

Cllr Crossan supporting the motion concurred with the above. There was no opposition to the motion.

C/50/22

USE OF DESIGNATED PARKING AREAS AT TOURIST FACILITIES IN THE COUNTY

On the proposal of Cllr P. Canning, seconded by Cllr R. Donaghey it was resolved to adopt the following motion:

"That this Council erect signage and liaise with the Gardaí to ensure that all car users visiting tourist facilities in the county use designated parking areas and do not park on footpaths causing an obstruction for visitors and locals alike"

He received a response from the Director of Community Development & Planning Services in relation to the above.

Cllr Canning said that there were lot of issues and instances where people pull up and park on footpaths. He noted that there were particular problems at the Inch Wildfowl Reserve on the road into Inch Island. He said that he was happy with the response received.

There was no opposition to the motion.

C/51/22

ADDITIONAL FUNDING FOR DRAINAGE AND THE CLEANING OF WATER TABLES ALONG OUR ROADS

On the proposal of Cllr D. Coyle, seconded by Cllr L. Blaney it was resolved to adopt the following motion:

"That this Council seek extra funding for its Roads Budget to make provision for drainage and cleaning of water tables along our roads and that the Council would also liaise with Transport Infrastructure Ireland on this matter regarding the roads under the remit of TII".

He received a response from the A/Director of Roads & Transportation in relation to the above.

Cllr Coyle paid tribute to the Billy Kinsella, a roads worker with Wexford County Council who had been tragically killed in the line of duty during Storm Eunice.

He acknowledged the work carried out over the last few weeks by the Roads division particularly during the recent storms.

Flash flooding, he said, occurred where drains and gullies were blocked and, he noted, that there were particular problems also on national roads.

Cllr Coyle cited the importance of cleaning water tables and drains and alluded to ongoing problems on the road from the roundabout at Manor to Lifford especially along the section at the Galdonagh Crossroads to Mondooney.

There was no opposition to the motion.

C/52/22

HARRASSMENT, INTIMIDATION AND BULLYING IN THE WORKPLACE

On the proposal of Cllr C. Brogan, seconded by Cllr N. Crossan it was resolved to adopt the following motion:

"I propose that this Council immediately set up a review of the harassment, intimidation and bullying taking place in the workplace of Donegal County Council and ensure that proper supports are in place to support the victims from HR and possibly invite the HSE to provide support and information".

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

Cllr Brogan said that that the general nature of politics was that there was continual debate and robust exchange, but this was something that was always done with respect and courtesy. People, he said, had been badly hurt and reduced to tears because of ongoing harassment and bullying He called on the Chief Executive to review current policies and put dedicated people in place to monitor same. A strong message, he said, needed to go out that this type of activity would not be

tolerated. No-one, he advised, should be in a position whereby they were afraid to come to their workplace.

Cllr N. Crossan supporting the motion said that Donegal County Council was a leading light among Local Authorities in Ireland but was now in the limelight for different reasons.

Mr Patsy Lafferty, A/Director Housing Corporate, Cultural Services alluded to his response and said that the rationale for dealing with same could be summarised under four specific headings namely,

- The Dignity at Work Policy & Procedure.
- Investigation Process
- Potential Disciplinary Action
- Provision of Support Services

An overview of the various stages involved was provided and it was noted that where an elected member was concerned there were separate applicable provisions in the "Code of Conduct for Councillors"

He noted that the services of the Council's Staff Welfare Officer was available to staff and councillors and that the "Employee Assistance Counselling Service" was available to all staff, members and their families.

The Cathaoirleach said that the behaviour exhibited at a number of recent meetings was not acceptable and that personal commentary would not be condoned.

There was no opposition to the motion.

C/53/22

DEDICATED PLANNING AND DEVELOPMENT TEAM FOR LETTERKENNY

On the proposal of Cllr G. Mc Monagle, seconded by Cllr C. Brogan it was resolved to adopt the following motion:

"That this Council recognising the strategic position of Letterkenny in relation to the development of the economic growth of Donegal, its selection as one of the six centre's for Regional Development in the Governments 2040 Plan which advocated for the growth of Letterkenny over the next twenty years to a city of 35,000 and the centre for employment within the County going forward that we now put in place a Dedicated Planning and Development team for Letterkenny with the sole responsibility of facilitating and implementing the growth of Letterkenny into a City in conjunction with the businesses, residents and elected representatives of the Letterkenny/Milford Municipal District".

He received a response from the Director of Community Development & Planning Services in relation to the above.

Cllr Mc Monagle said that the citizens of Letterkenny would argue that the town had lost out when the Town Council was abolished and that the focus that existed now was nowhere near the same level. Thus, he said, a renewed drive was needed to facilitate growth and ensure that city status was secured going forward.

He noted under the Town Council's stewardship, Letterkenny had a dedicated team in place with sole responsibility for the development of the town. Presently, he said, that Planning, Roads, Environmental and IT services were spread throughout the county and that Letterkenny as the major urban centre in the county was too important for this neglect to continue.

Attention was drawn to the fact that there were many projects ongoing in and around the town and that Letterkenny has done substantially well in terms of urban regeneration monies, all of which substantiated the fact that it was an area of key economic development.

He welcomed the fact that a Senior Executive Planner had been appointed to lead the URDF interventions for Letterkenny, but contended, that the best possible solution was to have a dedicated team in place.

Cllr Brogan supporting the motion said that Donegal and the North West needed the Letterkenny region to develop and that ongoing investment was the key to success. Solid foundations had been built, he contended, and these now needed to be supported. He advocated the need for greater roads infrastructure.

There was no opposition to the motion.

Mr Eunan Quinn, A/ Director Community Development & Planning Services said that the content of the motion had been acknowledged and that it was essentially about the wider development of the town going forward. It generally acknowledged that considerable work had taken place to date. He noted that a direct submission had been made to the Department for funding to support the team for the planning, design and management of the Letterkenny 2040 projects. This he said was something that needed to be balanced and considered within the overall work programme until adequate resources were received.

C/54/22

ESTABLISHMENT OF A FULL INDEPENDENT ENQUIRY INTO THE DEATH OF EDDIE FULLERTON

The following motion submitted by Cllr Frank Mc Brearty was not moved.

"That our Government establish a full Independent Public Inquiry/Tribunal into the Murder of Eddie Fullerton, which will include the Garda investigations into this murder and that they include all unsolved Murders/Deaths/ Disappearances/RTA Hit and Runs in

Donegal, which includes the Garda investigations into those cases. That they set a term of ref for each unsolved Murders/Deaths/Disappearances/RTA Hit and Runs and investigations into all unsolved cases and that these cases should include the disappearance of Mary Boyle, Shaun Duffy murder, Denis Donaldson murder, Arlene Arkinson Disappearance, Jim McDonagh Hit & Run, Andrew Burns murder and that the tribunal investigate the failures of the state to ensure justice was served in each case and the alleged political interference, involvement and failures to hold people to account must be included in these terms of reference. That the state ensures that the victims' families are fully funded with legal aid and that their constitutional rights be upheld in the same way that An Garda Siochana, Dept of Justice or any other section of the state would be afforded and when this motion is passed, a tribunal will be established by Government, which will eventually give these families some closure and this will expose further systemic corruption and corruption within the Irish free state, as did the Morris tribunal in its findings. This will lead to some accountability for the victims and their families".

C/55/22

ORTHOPAEDIC INTERVENTION FOR CHILDREN DIAGNOSED WITH SPINA BIFIDA AND HYDROCEPHALUS

The following motion was submitted by Cllr N. Kennedy

"I am calling on Donegal County Council to write to the Minister for Health, Stephen Donnelly to urgently fast track the children of this Country who are diagnosed with Spina Bifida and/or Hydrocephalus. These children are currently requiring urgent orthopaedic intervention. To call on the Minister to please ensure that the provision of services is made to Disabled Children within elective hospital settings as well as acute hospital settings to avoid a repeat of this situation in the future".

She acknowledged that the delay in dealing with the motions had resulted in an intervention in the meantime and acknowledged the fact that an extra €19m had been made available to assist children in need of orthopaedic surgery.

Over 20 families in Donegal she noted had been waiting 18 months or more for an appointment.

On the proposal of Cllr Kennedy, seconded by Cllr N. Crossan it was resolved to write to the Minister for Health, Stephen Donnelly, TD acknowledging his commitment to provide an additional €19m in funding and also to ensure that the relevant orthopaedic interventions were carried out within the designated timeframes.

C/56/22

APPLICATION OF THE HYBRID MODEL LEAVING CERTIFICATE

The following motion submitted by Cllr Naughton was withdrawn as a decision had been made by the Department of Education in the interim.

"That this Council calls on the Minister for Education Ms Norma Foley TD, to apply the hybrid - model Leaving Certificate for the class of 2022"

C/57/22

RE-EMPLOYMENT OF BEACH WARDENS

On the proposal of Cllr B. Sweeny, seconded by Cllr J. Kavanagh it was resolved to adopt the following motion:

"That DCC consider the re-employment of beach warden at various blue flag beaches within the county".

He received a response from the A/Director of Water & Environment in relation to the above.

Cllr Sweeny said he was disappointed with the reply. He alluded to the fact that there were a number of activities carried out on a daily basis ranging from dog control measures, dealing with litter pollution, anti-social behaviour and traffic management etc all of which could be ably carried out by a beach warden. This, he contended, would allow the Beach Lifeguards to concentrate on the safety aspect. He asked that the matter be reconsidered before the opening of bathing season.

Cllr Kavanagh outlined his support for the motion.
There was no opposition to the motion.

Mr Michael Mc Garvey, A./ Director Water and Environment said that he would be happy to discuss the matter further at the next Climate Action & Emergency SPC. He noted that additional support was available when necessary and was provided by the Mobile Litter Unit, the Litter Warden and An Garda Síochána as required.

C/58/22

COUNTY-WIDE GIFT CARD THAT COULD BE REDEEMED AT VARIOUS LOCATIONS IN THE COUNTY

On the proposal of Cllr M. Mc Clafferty, seconded by Cllr M. T. Gallagher it was resolved to adopt the following motion:

"That Donegal County Council get behind the idea of a county-wide gift card which can be redeemed at numerous locations throughout the county and which would be of benefit to the many small businesses struggling to survive in our smaller towns and villages".

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

Cllr Mc Clafferty acknowledged the success of the Shop LK card in Letterkenny and said that a county-wide card would be of great benefit to many of the county's smaller businesses and enterprises.

Cllr M. T. Gallagher outlined her support for the motion.
There was no opposition to the motion.

Mr Garry Martin, Director Economic Development, Information Systems and Emergency Services advised that there were specific supports in place for businesses in the county, but that the administration of a county-wide gift card was not something that the Council was set up for as there were specific challenges involved.

C/59/22

MOTION UNDER URGENT BUSINESS – MICA

On the proposal of Cllr G Doherty, seconded by Cllr P. Mc Gowan it was resolved to adopt the following motion submitted under urgent business earlier in the meeting:

"That this Council hold a special meeting/ workshop to examine the "Enhanced Mica Scheme" and allow elected members to ask questions which need to be answered on behalf of Mica homeowners. In addition, that Donegal County Council establish a Mica helpline to enable constituents to call and have their questions directly answered, and that Mica Clinics be established in the three Municipal Districts most affected which would allow homeowners to schedule an in-person meeting to discuss issues and questions with the scheme. "

Cllr Doherty noted that the recent storms had highlighted once again the seriousness of the situation and that as more and more homes were affected there was a need for clarity in terms of moving forward so that clarity could be sought on a range of issues.

It was unanimously agreed to hold the meeting at 1pm on Thursday 24th February 2022 in the Aura Leisure Centre.

C/60/22

CATHAOIRLEACH'S BUSINESS

Votes of Sympathy

A vote of sympathy was extended to the following:

- Anna Brogan, Cultural Services on the death of her mother, Ellen Doherty.
- Rita Conway, Housing & Corporate, Letterkenny PSC, on the death of her brother, Patsy Devlin.
- Trevor Gordon, Roads, Greenways Project on the death of his father Josie Gordon.
- The family of the late James Craig, formerly Buncrana Roads Section.
- Leona Curran, Parking Section on the death of her brother, Bobby Fullerton.
- Hugh Fox formerly Roads & Transportation on the death of his wife Ethna.
- Sean Doherty, Water Services, Inishowen on the death of his father, John.

Recent Storms

The Cathaoirleach paid tribute to staff from all services who had responded swiftly to a range of incidents arising from recent storms

Attendance at the Irish American Business Chamber Network Ambassadors Awards in Philadelphia

On the proposal of Cllr Gallagher, seconded by Cllr Canning it was resolved that the Cathaoirleach attend the Irish American Business Chamber Network Awards in Philadelphia on the 4th March 2022 on foot of the invitation received through the Economic Development section. This was unanimously agreed.

Conference Peripheral Maritime Regions Political Bureau Meeting in Barcelona from the 24th - 25th March 2022

On the proposal of Cllr Gallagher, seconded by Cllr Canning it was resolved that the CPMR representative, Cllr John O' Fearraigh attend the CPMR Political Bureau meeting in Barcelona from the 24th - 25th March 2022.

C/61/22

CHIEF EXECUTIVE'S MANAGEMENT REPORT

Members received an update in relation to the following:

1. Finance

- A. Targeted Commercial Rates Waiver Scheme First Quarter 2022

2. Community Development & Planning Services

- A. Regeneration & Development Team Update

3. Economic Development, Emergency Services and Information Systems

- A. Fire Services

- (i) Operations
 - (ii) Training
 - (iii) Fire Prevention

- B. Local Enterprise Office Update
- C. #BuyDonegal 2022 Campaign Review
- D. Outdoor Public Spaces Scheme 2021

Housing, Corporate & Cultural Services

- A. Housing

- (i) Local Authority Home Loan Scheme

- (ii) *The Housing First National Implementation Plan 2022-2026*
- (iii) *Change to the Tenant (Incremental) Purchase Scheme 2016*
- (iv) *Arrangements for Social Housing Acquisitions 2022*

B. Cultural Services

- (i) *Creative Ireland Programme*
- (ii) *Regional Cultural Centre*
- (iii) *County Donegal Heritage Office*
- (iv) *Colmcille 1500*

C. Corporate

- (i) *Further Upgrade Works at Former Army Barracks, Lifford*

4. Roads & Transportation

A. Roads General Update

B. Central Technical Services Division Update

5. Water and Environment

A. Litter and Waste Management

- (i) *Recycling Over the Festive Period*
- (ii) *'My Waste' – Food Waste Roadshow*
- (iii) *Recycling of End-of-Life Electrical Gifts and Toys*
- (iv) *School Bikes Africa – Donations Still Accepted*
- (v) *Tidy Towns Awards 2021*

B. Public Conveniences

- (i) *Narin 'Changing Places' Facilities*

C. Coastal Management

- (i) *Blue Flag Applications*
- (ii) *Personal Water Craft*
- (iii) *End of Season Maintenance*
- (iv) *Christmas/New Year Swims*
- (v) *Beach Wheelchairs*
- (vi) *Ring buoy Inspections*
- (vii) *Rossnowlagh Lifeguard Station*

D. Air Quality Monitoring

- (i) *'ABC' to Cleaner Air this Winter*

E. Flood Relief Schemes - Updates

6. Corporate (Addendums)

A. Bullying and Harassment Measures

- B. High Court proceedings against Cllr. Frank Mc Brearty related to enforcement of suspension imposed on him by resolution of the members (in accordance with paragraph 13(5)(a)(ii) of Schedule 10 of the Local Government Act 2001) at the Council meeting on the 31st January 2022.

Cllr Albert Doherty asked that the Minister for Transport be contacted with regard to the need for progress and investment in the A5/N2 Road Project given the implications for Donegal especially in relation to the Brexit scenario.

Members also queried whether under staffing issues in Letterkenny Fire Station had been addressed.

The following questions were noted.

C/62/22

GEO DIRECTORY REPORTS 2651 CLASSIFIED "DERELICT DWELLINGS" IN DONEGAL.

Cllr Albert Doherty submitted the following question:

Geo Directory reports 2651 classified "Derelict Dwellings" in Donegal. Geo Directory further reports a residential vacancy report for Donegal of 10% and a national average of 4.4%.

Donegal County Council confirms 130 own houses empty.

Will DCC act and engage action and interest from Government to ensure that the maximum number of properties are identified, refurbished and restored to enable their use, reuse as family homes?

He received a response from the Director of Community Development & Planning Services in relation to the above.

C/63/22

DISABILITY ACCESS PROVISION TO DONEGAL BEACHES

Cllr Albert Doherty submitted the following question:

Disability Access provision support to Donegal Beaches.

What supports presently exist to enable access and use of beaches for people with additional needs? and will DCC ensure the provision for people with additional needs of mobility assistance and additional supports for access to Donegal beaches in 2022?

He received a response from the A/Director of Water & Environment in relation to the above.

C/64/22

CAN I HAVE AN UPDATE ON FLOOD PREVENTION PLANS IN THE COUNTY AND THE TIME FRAME FOR THE PROGRAMME OF WORKS?

Cllr Paul Canning submitted the following question:

Can I have an update on Flood Prevention Plans in the county and the timeframe for the programme of works?

He received a response from the A/Director of Water & Environment in relation to the above.

C/65/22

DOES PLANNING PUT A LIMIT ON THE NUMBER OF SATELLITE DISHES THAT CAN BE INSTALLED ON THE MASTS?

Cllr Donal Coyle submitted the following question:

When Donegal County Council grant planning permission for the erection of masts and does it put a limit on the number of satellite dishes that can be installed on these masts?

He received a response from the Director of Community Development & Planning Services in relation to the above.

C/66/22

UPDATED REPORT ON WHAT STEPS HAVE BEEN TAKEN TO CPO DERELICT BUILDINGS

Cllr Ciaran Brogan submitted the following question:

Can we have an updated report on what steps have been taken to CPO derelict buildings and can we have an updated report on same?

He received a response from the Director of Community Development & Planning Services in relation to the above.

C/67/22

UPDATED REPORT ON THE CURRENT STATUS OF THE TEN-T PROJECT

Cllr Ciaran Brogan submitted the following question:

Can we have an updated report on the current status of the Ten-T project?

He received a response from the A/Director of Roads & Transportation in relation to the above.

C/68/22

HOW MANY REGENERATION PROJECTS HAVE BEEN AWARDED AND ARE AWAITING FUNDING IN EACH MD

Cllr Gerry McMonagle submitted the following question:

How many regeneration projects have been awarded and are awaiting funding in each of the Municipal Districts?

He received a response from the Director of Community Development & Planning Services in relation to the above.

C/69/22

INVESTIGATIONS/REVIEW INTO ALLEGED PLANNING IRREGULARITIES

Cllr Frank Mc Brearty submitted the following question:

Can I have the names of all the DCC staff and elected members that were interviewed by Rory Mulcahy SC in his investigations/review into alleged planning irregularities and were these members of staff represented by VP McMullin solicitors on the instructions of the Chief Executive and were they legally represented during interviews or were they advised in any way by the council solicitors in this investigation/review and what was the cost of this legal representation to the council and can you supply a copy of the bill of costs for my question?

He received a response from the Director of Community Development & Planning Services in relation to the above.

C/70/22

NAMES OF ALL THE COUNCIL HOUSING ESTATES THAT HAVE BEEN CORED AND THE NUMBER OF COUNCIL HOMES THAT HAVE HAD SAMPLES TAKEN FROM THEM FOR TESTING

Cllr Frank Mc Brearty submitted the following question:

Can I have the names of all the Council housing estates that have been cored and the number of council homes that have had samples taken from them to date and what Laboratory or Laboratories have these samples been sent to and will a test suite A, test suite B and test suite C be conducted on these samples and when are the first results of test suite A due back and when are test suite B and C expected?

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

C/71/22

WHAT ARE DCC'S PLANS TO REOPEN OUR LIBRARY SERVICES

Cllr Barry Sweeny submitted the following question:

What are DCC's plans in relation to the reopening of our full library service at all previous pre-covid locations?

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

C/72/22

WHAT STEPS HAVE DCC TAKEN TO ENGAGE WITH OUR FIRE SERVICE PERSONNEL WITH REGARD TO THEIR UTILISATION AS FIRST RESPONDERS IN EMERGENCY SITUATIONS.

Cllr Michael Mc Clafferty submitted the following question:

Following the adoption of my motion as submitted to the November 2021 plenary meeting, what steps have Donegal County Council taken to engage with our Fire Service personnel with regard to their utilisation as first responders in emergency situations?

He received a response from the Director of Economic Development, Information Systems & Emergency Services in relation to the above.

C/73/22

FAST CHARGING EV CAR POINTS IN TOWNS & VILLAGES ACROSS DONEGAL.

Cllr Michael Mc Clafferty submitted the following question:

What steps are Donegal County Council taking to roll out fast charging EV car points in towns and villages and across Donegal?

He received a response from the A/Director of Water & Environment in relation to the above.

C/74/22

MOTIONS FROM OTHER COUNCILS/BODIES

Members noted the following motions from other Councils.

GALWAY CITY COUNCIL

"Galway City Council call on the Minister for Finance to extend the Help to Buy Incentive Scheme for at least five more years after he has carried out his review in 2022. That this motion be circulated to all local authorities."

LEITRIM COUNTY COUNCIL

"That Leitrim County Council call on the Minister for Health, Mr Stephen Donnelly TD, as a matter of urgency, to put measures in place to deal with children who are on long waiting lists and are suffering from Spina Bifida and/or Hydrocephalus. These children are in urgent need of Orthopaedic intervention."

LEITRIM COUNTY COUNCIL

"That Leitrim County Council call on the Department of Housing, Local Government & Heritage to significantly increase the grant limits for Community Wastewater Connection Networks in the new Multi Annual Rural Water Programme 2022-2024, to allow some of these schemes to go ahead in County Leitrim. The current level of maximum available grants in the Programme 2019 – 2021 for Group Sewerage Schemes is fixed at €6,250 per house is insufficient and makes it impossible for such schemes to progress in County Leitrim and that a meeting be requested with Minister O'Brien in this regard."

MONAGHAN COUNTY COUNCIL

That Monaghan County Council calls on the Department of Justice to:

- (a) Take full responsibility for the policy and governance of the States Coroner Service including the payment of fees and expenses

associated with the service provided by Coroners thereby removing the cost and responsibilities associated with the service from Local Authorities.

- (b) Ensure that in the event of a sudden unexpected death, death by suicide, car accident, drowning etc that a full weekend Post-Mortem service be provided.

SLIGO COUNTY COUNCIL

To call on Sligo County Council to write to the local authorities in Longford, Roscommon and in Leitrim asking them to each make a submission to the All-Ireland Strategic Rail Review. This submission should promote the Dublin to Sligo route specifying the need for faster train speed and also the suggestion of a daily commuter service from Longford to Sligo. To call on Sligo County Council to write to the local authorities in Longford, Leitrim, Roscommon, Galway, Mayo and Donegal asking them to make a joint submission on the Western Rail Corridor promoting the importance of this infrastructure and the need to reopen this line for both freight and rail service. This submission should emphasise the economic, environmental and social benefits to these counties in linking the Dublin rail line to the western seaboard."

SLIGO COUNTY COUNCIL

"Sligo County Council calls upon Minister Eamon Ryan to refuse to grant a prospecting license to Flintridge Resources (Galantas) for almost 50 townlands in North Leitrim. We stand with communities in Leitrim who have voiced their clear opposition to this carbon heavy, energy intensive gold mining industry. We also stand with our colleagues in Leitrim County Council who unanimously voiced their opposition to the granting of this license. Companies like the one to which the Minister intends to grant a license have no role to play in helping create a sustainable future for this and future generations in the region. The industry is long associated with negative impacts on the landscape, air and water quality, carbon emissions, and the displacement of and/or negative impacts on existing industries like tourism and agriculture. We ask the Minister to listen to the thousands of people who have made objections to this proposal. We also encourage other local authorities around the country to voice their opposition. It was also agreed to circulate this motion to all other local authorities for their support."

SLIGO COUNTY COUNCIL

"Ask the Minister for Rural and Community Development to increase funding under RRDF Fund from 75 to 90 percent for the local authorities in the Northern Western Regional Assembly area now identified as a Region in Transition so as to ensure that projects can be funded at local level."

This concluded the business of the meeting.



Full Council - 31st January 2022 Motions

Agenda Item No.11

Office Ref:FC-2022-01006

Submitted By: Cllr. Albert Doherty**Assigned To:** Roads and Transportation

Motion "Public Lighting Village & Town Audit report and necessary infilling works commitment. In the interest of Health and Safety provision, "That Donegal County Council initiate an immediate audit on public street lights provision and commits to commence follow on works that ensures and provides adequate street lighting and the early provision of required infilling lights in vital locations."

Signed Off By: BRENDAN O'DONNELL

Response: There are 18,500 lights in Donegal and all are recorded on the Council's asset management database and provided in accordance with design standards in place at the time of installation. The LED upgrade project currently underway in the County will pick up where there is an overall under provision of lighting and either seek infill or provide a higher level of light bulb to compensate. In addition the 3 Year Footpath and Public Lighting fund which was put in place in 2017 was intended to assist with infill of public lighting. As part of the 2020 AFS exercise it was possible to add a further €1m to this fund bringing the total to €5.2m allocated over the lifetime of the programme. MD roads staff will look to take stock of this again early in 2022 so that Members in each MD will know what funds are remaining and can target these funds where they are most needed. The Council do not have resources available to take on a full audit as requested however where there are concerns around specific locations Members are advised to raise this in the first instance with MD Roads engineering staff who will seek to address through one or other of the two approaches outlined.

Agenda Item No.12

Office Ref:FC-2022-01018

Submitted By: Cllr. Paul Canning**Assigned To:** Community and Enterprise

Motion "That this Council erect signage and liaise with the Gardaí to ensure that all car users visiting tourist facilities in the county use designated parking areas and do not park on footpaths causing an obstruction for visitors and locals alike"

Signed Off By: Liam Ward

Response: The Council is aware of a number of popular tourist locations across the County, some of which are in remote locations, where the car parking facilities are inadequate to meet demand on occasions. The Council can review the signage in such locations. That said, where cars are parked in a manner that obstruct the public road or footpath, this is a matter for the Gardaí and where there are reports and evidence of this occurring on a regular basis, the Council will liaise with the Gardaí in relation to same.

Agenda Item No.13

Office Ref:FC-2022-01011

Submitted By: Cllr. Donal Coyle**Assigned To:** Roads and Transportation

Motion "That this Council seek extra funding for its Roads Budget to make provision for drainage and cleaning of water tables along our roads and that the Council would also liaise with Transport Infrastructure Ireland on this matter regarding the roads under the remit of TII."

Signed Off By: BRENDAN O'DONNELL

Response: There are significant monies allocated to road drainage annually as follows: DoT Drainage Grant: €1.32m in 2021 from the DoT specifically for the improvement of drainage on Non-National roads. DoT Discretionary Maintenance Grant: €5.106m in 2021. The annual revenue budget book provides that 40% – 50% of this grant will be spent on road drainage. Council Own Resources General Road Maintenance: €2.406m in 2021. This supplements the DoT Discretionary Grant. Drainage on the National Road is carried out under the Ordinary Maintenance programmes, for which the TII have already announced their funding allocation for 2022 late last year of €0.496m. Throughout the year the Council continually seek additional funding for specific improvements to drainage and other works on the National Road network via the Geo APP application system. The Council can engage with DoT and TII to seek additional funding should the motion be adopted.

Agenda Item No.14

Office Ref:FC-2022-01013

Submitted By: Cllr. Ciaran Brogan

Assigned To: Corporate

Motion "I propose that this Council immediately set up a review of the harassment, intimidation and bullying taking place in the workplace of Donegal County Council and ensure that proper supports are in place to support the victims from HR and possibly invite the HSE to provide support and information".

Signed Off By: Patsy Lafferty

Response: Response attached.

Agenda Item No.15

Office Ref:FC-2022-01016

Submitted By: Cllr. Gerry McMonagle

Assigned To: Planning Control

Motion "That this Council recognising the strategic position of Letterkenny in relation to the development of the economic growth of Donegal, its selection as one of the six centre's for Regional Development in the Governments 2040 Plan which advocated for the growth of Letterkenny over the next twenty years to a city of 35,000 and the centre for employment within the County going forward that we now put in place a Dedicated Planning and Development team for Letterkenny with the sole responsibility of facilitating and implementing the growth of Letterkenny into a City in conjunction with the businesses, residents and elected representatives of the Letterkenny/Milford Municipal District".

Signed Off By: Liam Ward

Response: The designation of Letterkenny as a Regional Growth Centre in the National Planning Framework and its' subsequent recognition in the Regional Economic and Spatial Plan within the Northern & Western Regional Assembly area are hugely positive and welcomed developments. This recognition in tandem with the ongoing work with Derry City & Strabane District Council in promoting and developing the North West City Region concept revolving around Letterkenny, Derry City and Strabane axis, brings further focus on the important and significant role that Letterkenny will play into the future. This policy framework is further supported in the County Development Plan 2018 - 2024 and will be strongly reinforced in the Letterkenny Local Area Plan which is currently being developed in consultation with Elected Members. The above policy framework supports the vital role that Letterkenny will play as a Regional Growth Centre in the areas of Economic Development, Job Creation, Education, Health Care, Residential opportunity and Social and Leisure activities. In line with the above and as members are aware, the Council has targeted the Urban Regeneration and Development Fund to secure the necessary investment to develop Letterkenny to small City status over the coming years with very ambitious population growth targets. The Council has been very successful in this regard, with funding in excess of € 20 M secured, which includes a significant co-funding obligation on the Council. The initial funding secured was for three elements as follows; 1. Development of Regeneration Strategy (Letterkenny 2040) for the Town Centre - Targeted for completion in Q2 2022 2. Acquisition of key Regeneration Site (ESB Site and adjacent land and property) - CPO Published and Part VIII Planning for Alpha and Beta Buildings in process 3. Commencement of Letterkenny Green Connect - Linear Park. - Part VIII Planning in place and project has been tendered. As members will note, all of the above elements are being progressed in a timely manner and the Letterkenny - Milford MD members are provided with regular updates and opportunities for input. The second tranche of funding is targeted in the following 5 areas; 1. Enabling Regeneration of the old Courthouse 2. Making a Cathedral Quarter to include Market Square, Church Lane and development of Creative Hub 3. Enabling Renewal at Lower Main Street 4. Identification and Enabling of Regional Transport Hub 5. Continuation of LK Green Connect - Linear Park The necessary resources to drive each of the above 5 elements, in addition to other related work in Letterkenny and also to have capacity to prepare a robust and informed application for the next call under the URDF programme is a major challenge for the organisation. This has to be considered in the context of the Regeneration and Development work currently being progressed in a significant number of other towns (7 towns at present) across the County. The challenges facing the Council in terms of the co-funding finance and staffing costs of the team has been raised with the Department of Housing, Local Government & Heritage. In these discussions it was evident that the Department recognized the challenges faced by some Local Authorities in meeting the staffing costs associated with the planning and delivery of the URDF projects and confirmed their willingness to provide assistance in this regard. A submission was made seeking funding to support the team for the Planning, Design, and Management of Letterkenny 2040 projects, to be led by a dedicated Senior Executive Planner. While a decision is awaited from the Department in relation to the funding support for the above Team, the Council has progressed the appointment of an acting Senior Executive Planner to Project Lead the URDF interventions for Letterkenny on a full time basis. The Council is proposing a similar approach to the Department of Rural and Community Development for the RRDF team on the same basis as outlined above.

Agenda Item No.16

Office Ref:FC-2022-01021

Submitted By: Cllr. Frank McBrearty

Assigned To: Corporate

Motion "That our Government establish a full Independent Public Inquiry/Tribunal into the Murder of Eddie Fullerton, which will include the Garda investigations into this murder and that they include all unsolved Murders/Deaths/ Disappearances/RTA Hit and Runs in Donegal, which includes the Garda investigations into those cases. That they set a term of ref for each unsolved Murders/Deaths/Disappearances/RTA Hit and Runs and investigations into all unsolved cases and that these cases should include the disappearance of Mary Boyle, Shaun Duffy murder, Denis Donaldson murder, Arlene Arkinson

Disappearance, Jim McDonagh Hit & Run, Andrew Burns murder and that the tribunal investigate the failures of the state to ensure justice was served in each case and the alleged political interference, involvement and failures to hold people to account must be included in these terms of reference. That the state ensures that the victims' families are fully funded with legal aid and that their constitutional rights be upheld in the same way that An Garda Síochána, Dept of Justice or any other section of the state would be afforded and when this motion is passed, a tribunal will be established by Government, which will eventually give these families some closure and this will expose further systemic corruption and corruption within the Irish free state, as did the Morris tribunal in its findings. This will lead to some accountability for the victims and their families".

Signed Off By: Patsy Lafferty

Response: The Council will to the Minister for Justice, if the motion is passed.

Agenda Item No.17

Office Ref:FC-2022-01001

Submitted By: Cllr. Niamh Kennedy

Assigned To: Corporate

Motion "I am calling on Donegal County Council to write to the Minister for Health, Stephen Donnelly to urgently fast track the children of this Country who are diagnosed with Spina Bifida and/or Hydrocephalus. These children are currently requiring urgent orthopaedic intervention. To call on the Minister to please ensure that the provision of services is made to Disabled Children within elective hospital settings as well as acute hospital settings to avoid a repeat of this situation in the future".

Signed Off By: Patsy Lafferty

Response: The Council will write to the Minister if the motion is adopted.

Agenda Item No.18

Office Ref:FC-2022-01002

Submitted By: Cllr. Michael Naughton

Assigned To: Corporate

Motion "That this Council calls on the Minister for Education Ms Norma Foley TD, to apply the hybrid - model Leaving Certificate for the class of 2022"

Signed Off By: Patsy Lafferty

Response: The Council will write to the Minister if the motion is adopted.

Agenda Item No.19

Office Ref:FC-2022-01010

Submitted By: Cllr. Barry Sweeney

Assigned To: Water and Environment

Motion "That DCC consider the re-employment of beach warden at various blue flag beaches within the county".

Signed Off By: MICHAEL McGARVEY

Response: Forty five candidates were assigned to positions as Beach Lifeguard at thirteen Donegal Beaches beaches for the 2021 Bathing Season . Lifeguards in Rossowlagh and Bundoran were on duty seven days a week from 1st June 2021. Lifeguards at the beaches were on duty for the weekends in June, seven days a week in July and August, and for the weekends only in September (until 12th September). The Lifeguards primarily address water safety concerns but also monitor and provide support with beach access, Public Convenience service provision, parking, administering first aid, providing general advice, litter disposal and recycling, etc. Additional support, where necessary, is provided by the Mobile Litter Unit, Litter Warden, An Garda Síochána, etc. The Adopted Revenue Budget 2022 provides for a similar level of service as described above. Currently there is no budgetary provision for beach wardens in Donegal.

Agenda Item No.20

Office Ref:FC-2022-01003

Submitted By: Cllr Michael McClafferty

Assigned To: Economic Development

Motion ""That Donegal County Council get behind the idea of a county-wide gift card which can be redeemed at numerous locations throughout the county and which would be of benefit to the many small businesses struggling to survive in our smaller towns and villages".

Signed Off By: BRIAN BOYLE

Response: The Economic Development Division of Donegal County Council acknowledges the ongoing challenges facing businesses across Donegal and not only from the recent Covid restrictions but also as a result of

changing consumer behaviour and the increase in online shopping etc. Various supports are available for businesses including the Trading Online Voucher scheme available from both the Donegal Local Enterprise Office and Údaras na nGaeltachta and the recent Buy Donegal campaign which provided businesses with an opportunity to amplify their offering through this dedicated campaign. 298 businesses from across Donegal and operating in a range of sectors participated in this campaign which ran from November 5th – December 31st. The campaign involved an extensive marketing and PR campaign including social media, web, press and radio campaign to create awareness and entice consumers to go out and #BuyDonegal. Following this years campaign 97% of participating businesses said that they would take part in another #BuyDonegal campaign and 63% of businesses said that #BuyDonegal was successful for them, with 54% noticing an increase of 10% + on sales vs. last year as a result. There are voucher/gift cards currently operating in Donegal including the successful ShopLK card administered by Letterkenny Chamber of Commerce.

AGENDA ITEM 14 – PLENARY COUNCIL MEETING (31st January 2022).

MOTION:

I propose that this Council immediately set up a review of the harassment, intimidation and bullying taking place in the workplace of Donegal County Council and ensure that proper supports are in place to support the victims from HR and possibly invite the HSE to provide support and information.

RESPONSE:

DIGNITY AT WORK POLICY AND PROCEDURE.

The Council has a Dignity at Work Policy & Procedure, which outlines in practical terms what is meant by harassment and bullying in the workplace, and what steps to follow if it does occur. The Policy is based on a national policy framework developed for the Local Government Sector, and all local authorities are required to apply and follow the framework.

People have the right to be treated with dignity and respect in their working life. This policy extends to all employees of the Council, Councillors, clients, customers, contractors, volunteers and other business contacts. The policy guarantees that all complaints received will be taken seriously and agreed procedures will be followed. All parties involved will be treated with respect, and counselling may be availed of by both or all parties at any stage in the procedure.

INVESTIGATION.

There are a number of options available when a complaint is made, and these include resolving the problem by mediation, or via other means which can involve formal investigation. The purpose of an investigation is to determine the facts and credibility or otherwise of a complaint made under the Policy. The investigation should be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the person complained of. The outcome of an investigation may eventually lead to a disciplinary process being initiated.

POTENTIAL DISCIPLINARY ACTION.

Potential disciplinary action on foot of the outcome of an investigation, depends on a number of factors, and particularly whether the person in question is an employee or otherwise.

Employee.

A decision on any appropriate disciplinary action would be made, having regard to the seriousness of the matter, and may range from verbal warnings or written warnings, to actual dismissal in accordance with the Disciplinary Procedure. Such disciplinary action can generally only be applied by the executive where the person who is deemed to have engaged in such inappropriate behaviour is an employee.

Councillor.

Where the person concerned is a Councillor there are separate applicable provisions in the "Code of Conduct for Councillors" as follows:-

- "2.2 Councillors should abide by this Code and: -
 - Treat their colleagues and local authority employees with courtesy, respect and dignity :
 - Courtesy and respect should also be observed when using social media channels, messaging applications and written communications.
- 3.5 – There is an onus on Councillors to be aware of the statutory obligation on Local Authorities to prevent any improper conduct or behaviour in the workplace that is likely to put the safety, health and welfare of others at risk, including bullying behaviour and harassment.
- 3.6 – Councillors should familiarise themselves with their local authority's Dignity at Work policy (or equivalent policy promoting respect, dignity, safety and equality in the workplace) and seek to conduct themselves in accordance with the principles of that policy."

Section 169(3)(a) of the Local Government Act 2001 then provides that:- "Each member shall have regard to and be guided by the relevant code of conduct in the exercise of his or her functions."

To do otherwise than above would therefore be a contravention(s) of those sections of the ethical framework. This could then result in a complaint to the Standards in Public Office Commission (SIPO) followed by an investigation by SIPO and potentially a hearing.

In addition to the above, there are clear provisions within paragraph 13 of Schedule 10 of the Local Government Act 2001 as amended, and the Councils Standing Orders 46 – 49, which deals with the issue of disorderly conduct at Council meetings, and how same can be addressed.

Non Employee / Non Councillor.

Where the person complained of is not an employee or Councillor, the disciplinary sanctions available to the executive are more limited. In such cases an alternative approach may be possible depending on the nature of the situation, the role of the person allegedly involved in the inappropriate behaviour, who their employer / parent organisation may be, and so forth.

SUPPORT SERVICES.

The services of the Council's Staff Welfare Office is available to all employees and Councillors as necessary. In addition, the Council offers a free and confidential Employee Assistance Counselling Service which is also available to all staff, Councillors and their families, and which can be arranged via the Council's Staff Welfare Officer.

CONCLUSION.

In summary, on receipt of a complaint made under the Dignity at Work Policy and Procedure, the Council would initiate the relevant process under the Policy. This could lead to a formal investigation, and could lead to disciplinary action being taken.

The nature of any such disciplinary action depends on whether the person who may be found to have acted inappropriately is an employee or a Councillor or an external party.

There are alternative options open in the case of disorderly conduct at Council meetings, in line with the provisions outlined within the Paragraph 13 of Schedule 10 of the Local Government Act 2001 and Council Standing Orders.

***P. Lafferty,
A/Director of Service.***



Full Council - 31st January 2022 Questions

Agenda Item No.23

Office Ref:FC-2022-01007

Submitted By: Cllr. Albert Doherty

Assigned To: Housing and Capital

Question "Geo Directory reports 2651 classified "Derelict Dwellings" in Donegal. Geo Directory further reports a residential vacancy report for Donegal of 10% and a national average of 4.4%. Donegal County Council confirms 130 own houses empty. Will DCC act and engage action and interest from Government to ensure that the maximum number of properties are identified, refurbished and restored to enable their use, reuse as family homes?"

Signed Off By: Patsy Lafferty

Response: The Council is continuing efforts to address the significant levels of dereliction and vacancy within the County. Previous surveys of derelict sites have been a valuable and informative exercise for the Council and identified a number of potential sites that subsequently informed successful funding applications to the Urban Regeneration and Development Fund, with the works now being progressed through the Regeneration Strategies. In other cases where sites were identified, constructive dialogue took place with property owners as to the potential assistance available to address dereliction and vacancy and to bring properties back into productive use. In this regard, there are a number of Schemes available, such as the Repair and Lease Scheme and the Buy and Renew Scheme, that provide financial assistance and encouragement to owners of derelict properties to bring these properties back into productive use. The purpose of the Repair and Lease Scheme is to bring vacant properties in need of repair, back into use for social housing. The Scheme is aimed at owners of vacant properties who cannot afford the repairs needed to bring their property up to the standard required to rent it out. The costs of the repairs are offset against the rent payable to the owner over a number of years. The funding available to refurbish each unit is currently €60,000. Under the Buy and Renew Scheme, funding is available to Local Authorities from the Department of Housing, Local Government and Heritage to purchase and renew housing units in need of repair to make them available for social housing use. The Council will continue to examine all potential sites for buy and renew construction particularly in town centre locations to deliver sustainable social housing whilst regenerating the fabric of our town centres. In relation to vacancies within the Council's own stock or casual vacancies as they are known, these can arise quite frequently as a result of the death of a tenant, tenants moving out and so forth. Casual vacancies are refurbished on an ongoing basis and total spend in 2021 to refurbish council properties to make them available for re-letting was €2.39m, which was funded from the Council's own resources and from the Department of Housing, Local Government and Heritage.

Agenda Item No.24

Office Ref:FC-2022-01008

Submitted By: Cllr. Albert Doherty

Assigned To: Water and Environment

Question "Disability Access provision support to Donegal Beaches. What supports presently exist to enable access and use of beaches for people with additional needs? and will DCC ensure the provision for people with additional needs of mobility assistance and additional supports for access to Donegal beaches in 2022?"

Signed Off By: MICHAEL MCGARVEY

Response: Maintaining beach access is a challenge in an environment in constant flux. Where possible, Donegal County Council provides and maintains access for visitors of all abilities to our twenty one Designated Bathing Areas (DBAs) which includes the twelve Blue Flag and four Green Coast beaches. Boardwalk and concrete paths are provided where appropriate. Two beaches have direct vehicular access; Downings and Rossnowlagh. Many of our twenty one DBAs have year long permanent public conveniences with accessible services and each of them has a seasonal service provided from June 1st to September 15th. Arrangements are being made to adapt the accessible public convenience at Narin Blue Flag beach as a 'Changing Place'. 'Changing Place' facilities are different from standard accessible toilets. They have many features and additional equipment that make them even more accessible than the standard accessible toilets we are all familiar with. 'Changing Places' facilities include a hoist, a height-adjustable adult sized changing bench and a screening curtain for privacy. 'Changing Places' facilities are designed to enhance the health, safety, comfort and dignity of someone who may need extra support and additional equipment during personal care tasks. 'Changing Places' facilities also offer added safety and support features for assistants. Seven locations have beach wheelchairs provided; Carrickfinn, Downings, Fintra, Marble Hill, Narin, Rathmullan and Rossnowlagh, with another pending deployment. Ahead of the Bathing Season, a service of each beach wheelchair is being arranged with necessary repairs to follow. Training of all supporting partners will also take place to ensure smooth and safe service provision. DCC has recently partnered with the Loughanure Anglers to supply a hoist to improve use of their fully accessible angling boat. DCC has arranged the running of an Irish Sailing Inclusion Training Course on Saturday 12th March for 10 participants from Loughanure Anglers in the Gartan Outdoor Education and Training Centre. This will certify these volunteers to fully and safely allow access

to and use of the angling boat for enthusiasts of all ability.

Agenda Item No.25

Office Ref:FC-2022-01020

Submitted By: Cllr. Paul Canning

Assigned To: Water and Environment

Question "Can I have an update on Flood Prevention Plans in the county and the time-frame for the programme of works?"

Signed Off By: MICHAEL MCGARVEY

Response: Donegal County Council's Flood Relief Scheme (DCC FRS) Unit leads a multidisciplinary team of consultants on the delivery of both Donegal Bundle 1 FRS (which includes schemes in Burnfoot, Castletinn, Na Dúnaibh and Glenties) and Donegal Bundle 2 FRS (which includes Ballybofey-Stranorlar, Buncrana-Luddan and Ramelton). The DCC FRS Unit also supports the OPW on the Lifford FRS, where the OPW lead a multidisciplinary team of consultants and the Kerrykeel FRS which OPW are partially designing in-house. Finally the OPW also lead a multidisciplinary team of consultants on the Raphoe FRS, with DCC support on this scheme being provided via the Roads and Transportation Directorate. The latest updates, including quarterly newsletters for all of the above schemes can be found on <https://countydonegalfrs.ie/>. Quarterly updates are also circulate with the relevant MD Reports to Elected Members. A summary of the scheme status is as follows: Donegal Bundle 1 FRS are currently at Stage I of a five stage process. Stage I is currently programmed for completion in Q4 2022 or Q1 2023 (Na Dúnaibh) and will culminate with a preferred option for each scheme to be taken through the Planning process. Progress to Planning will be subject to cost benefit analysis. Donegal Bundle 2 FRS are currently at Stage I of a five stage process. Stage I is currently programmed for completion in Q3/Q4 2023 and will culminate with a preferred option for each scheme to be taken through the Planning process. Progress to Planning will be subject to cost benefit analysis. Lifford FRS is currently at Stage I of a five stage process. Stage I is currently programmed for completion in Q1 2023 and will culminate with a preferred option to be taken to Public Exhibition in lieu of the traditional planning routes as it will be developed under the powers of the Arterial Drainage Act. Progress to Public Exhibition will be subject to cost benefit analysis. Kerrykeel FRS is at Stage I of a five stage process. Optioneering is scheduled to be completed in Q3 2022 with a view to progressing through Planning thereafter. For reference, there are a total of six remaining Flood Relief Schemes contained within the Flood Risk Management Plan for the County for which funding has yet to be released by the OPW. These schemes include Carndonagh, Donegal Town, Dunfanaghy, Killybegs, Letterkenny and Rathmullan. It has not yet been confirmed when these remaining schemes will be released.

Agenda Item No.26

Office Ref:FC-2022-01012

Submitted By: Cllr. Donal Coyle

Assigned To: Planning Control

Question "When Donegal County Council grant planning permission for the erection of masts does it put a limit on the number of satellite dishes that can be installed on these masts?"

Signed Off By: Liam Ward

Response: Applications for telecommunication support structures or masts are not generally limited to a specific number of antennae or dishes that can be erected as this is guided by the exempted development provisions of the legislation. The capacity of the range of individual types of structure varies considerably and this is recognised in the scope of the exemptions afforded to operators in relation to the number of antennae that can be attached to a structure without a formal planning permission. In broad terms Schedule 2, Part 1, class 31 of the Planning and Development Regulations provides exemptions for up to 12 antennae (max 8 dish-type) on structures under 15 meters high and, for structures over 15 meters, the total number rises to a total of 18 antennae (max 12 dish type). Operators are required to apply for planning permission to add further antennae over and above that identified in the relevant exempted development provisions.

Agenda Item No.27

Office Ref:FC-2022-01014

Submitted By: Cllr. Claran Brogan

Assigned To: Planning Control

Question "Can we have a updated report on what steps have been taken to CPO derelict buildings and can we have a updated report on same?"

Signed Off By: Liam Ward

Response: The level of vacancy and dereliction across the county is a shared issue nationally that is the subject of a renewed focus of attention under the Government's 'Housing for All' strategy. This strategy will require a review of vacancy/dereliction across the county and the identification of where priority interventions (including potential CPO actions) may lie within the overarching aims of regeneration and provision of housing options. It is also worth noting that a high level examination of vacancy in the region has been published by the Northern and Western Regional Assembly that will also inform the work of Council. The matter of the allocation of resources to deliver a programme of work in relation to vacancy and derelict sites is actively being examined with the view to identifying a dedicated Vacant Homes Officer to follow

through with identified priorities. Prior to the publication of the Housing for All Strategy and the national policies in relation to dereliction, the Council have focused resources on taking a targeted approach to regeneration of derelict and vacant properties in key towns and villages, elements of which have formed part of the consideration of and application processes for Rural Regeneration, Urban Regeneration and Heritage led funding opportunities where the Council have been successful in competing for significant regeneration and heritage funding since 2019. Resources have also been applied to the preparation of focused baseline studies using the Town Centre Health Check (TCHC) approach advocated and supported by the Heritage Council. This work over recent years has been undertaken by Donegal County Council in conjunction with Queens's University, Belfast. Taking the TCHC and the Regeneration Strategies approach into account, Action Plan / Regenerations Strategies / Health Checks have been prepared or in preparation for key towns such as Letterkenny, Ballyshannon, Bundoran, Donegal Town, Buncrana, Merville, Ramelton, Ballybofey/Stranorlar, Dungloe, Rathmullan and Carndonagh with further assessments planned during 2022. The provisions of the Government's 'Housing for All' strategy will further provide the basis for reviewing the existing derelict site and vacant sites register in a constructive manner to target the provision of housing and facilitate positive regeneration opportunities. This process will be facilitated through the dedicated vacant homes officer role identified through the Housing for All document.

Agenda Item No.28

Office Ref:FC-2022-01015

Submitted By: Cllr. Claran Brogan**Assigned To:** Roads and Transportation**Question** "Can we have a updated report on the current status of the Ten-T project?"**Signed Off By:** BRENDAN O'DONNELL**Response:** Update attached

Agenda Item No.29

Office Ref:FC-2022-01017

Submitted By: Cllr. Gerry McMonagle**Assigned To:** Planning Control**Question** "How many regeneration projects have been awarded and are awaiting funding in each of the Municipal Districts?"**Signed Off By:** Liam Ward

Response: The following projects have been awarded funding under the URDF and RRDF programmes since the initiation of these funds; Donegal Municipal District 1. Killybegs 2040 RRDF Category 1 € 4.84 M 2. Ballyshannon RRDF Category 2 € 249 K Stranorlar - Lifford Municipal District 1. Ballybofey / Stranorlar RRDF Category 1 € 9.75 M Glenties Municipal District 1. Burtonport / Arranmore RRDF Category 1 € 4.12 M 2. Burtonport Phase II RRDF Category 1 € 2.06 M Inishowen Municipal District 1. Buncrana - Swan Park RRDF Category 1 € 2.3 M 2. Buncrana - Repowering Buncrana RRDF Category 2 € 1.17 M 3. Carndonagh - Tus Nua RRDF Category 1 € 9.54 Letterkenny - Milford Municipal District 1. Letterkenny - Phase I URDF € 2.59 M 2. Letterkenny Phase II URDF € 18.1 M 3. Ramelton RRDF Category 2 € 249 K 4. Milford Town Masterplan € 100 K In addition to the above, the Regeneration Team is working on Regeneration Projects in Rathmullan with the Rathmullan - The Way Forward Group and in developing Category 1 applications for Ballyshannon and Ramelton. A further Category 1 RRDF Call is currently open and will close on 29th April, 2022. The process in relation to the draw down of the funds awarded is on the basis of reaching agreed project milestones in accordance with the project programme. The relevant government department gives its' approval at each stage and funding claims are submitted and paid on that basis.

Agenda Item No.30

Office Ref:FC-2022-01022

Submitted By: Cllr. Frank McBrearty**Assigned To:** Planning Control**Question** "Can I have the names of all the DCC staff and elected members that were interviewed by Rory Mulcahy SC in his investigations/review into alleged planning irregularities and were these members of staff represented by VP McMullin solicitors on the instructions of the Chief Executive and were they legally represented during interviews or were they advised in any way by the council solicitors in this investigation/review and what was the cost of this legal representation to the council and can you supply a copy of the bill of costs for my question."**Signed Off By:** Liam Ward

Response: The information requested under this question has recently been sought under the provisions of the Freedom of Information legislation. This FOI request was refused in accordance with certain provisions of the FOI Act. It is also noted that the decision is consistent with a decision of the Information Commissioner dated 27th February 2020 relating to the Review of Certain Planning Matters in Donegal as carried out by Mr. Rory Mulcahy SC. In light of the above, the information requested under this question is not being provided at this time. It is confirmed, however, that no bill of costs arise in dealing with this question.

Agenda Item No.31

Office Ref:FC-2022-01023

Submitted By: Cllr. Frank McBrearty**Assigned To:** Housing and Capital

Question "Can I have the names of all the Council housing estates that have been cored and the number of council homes that have had samples taken from them to date and what laboratory or laboratories have these samples been sent to and will a test suite A, test suite B and test suite C be conducted on these samples and when are the first results of test suite A due back and when are test suite B and C expected."

Signed Off By: Patsy Lafferty

Response: Core samples have been extracted and forwarded for testing in the following estates; Pairc Mór - Bunrana, Sliabh Sneachta - Bunrana, Abbots Wood - Carndonagh, Clos Phadraig - Carndonagh, Ard Na Gualla Duibhe - Moville, Fairgreen Hill - Letterkenny, Glendale Drive - Letterkenny, Windmill View - Letterkenny, Cruach Mor - Letterkenny, Mulroy View - Carrigart, Pairc Na Traenach - St. Johnston. The number of Council homes that have had samples taken to date is 42. Samples have been sent to; Fastnet Analytical, Petrolab and TestAll Laboratories. The Professional Geologist in each Laboratory determines the extent of testing required in sequence from Test Suite A which is reviewed first and additional testing recommended as necessary by the Professional Geologist as per I.S. 465:2018+A1:2020. Return periods for test results can vary from 3 weeks to 10 weeks depending on laboratory workload and extent of testing required.

Agenda Item No.32

Office Ref:FC-2022-01009

Submitted By: Cllr. Barry Sweeney**Assigned To:** Cultural Services

Question "What are DCC's plans in relation to the reopening of our full library service at all previous pre-Covid locations? "

Signed Off By: Patsy Lafferty

Response: The recent relaxation of public health measures, coupled with stability in terms of lower COVID-19 rates in the community, will enable the Council to review public opening hours and locations as soon as practicable as we emerge from hopefully the worst of the pandemic. The Council expects to fill several library vacancies over the coming months, which will assist in this regard. The Doorstep Delivery service continues to be available to any library member who cannot visit a library in person due to COVID-19. I can also advise that there is now no restriction on the length of time visitors can spend in the library. While restrictions are being lifted, it is important to note that the risks around Covid remain. In this regard, a measured, phased and staggered approach will be taken.

Agenda Item No.33

Office Ref:FC-2022-01004

Submitted By: Cllr Michael McCafferty**Assigned To:** Emergency Services

Question "Following the adoption of my motion as submitted to the November 2021 plenary meeting, what steps have Donegal County Council taken to engage with our Fire Service personnel with regard to their utilisation as first responders in emergency situations?"

Signed Off By: BRIAN BOYLE

Response: At the follow up Council meeting held on the 13th December 2021 it was decided to refer the matter to the Economic Development, Enterprise and Emergency SPC to consider the difficulties and challenges in relation to undertaking a role such as this. The matter will be an agenda item at the next meeting of the SPC which is scheduled for 10th March 2022.

Agenda Item No.34

Office Ref:FC-2022-01005

Submitted By: Cllr Michael McCafferty**Assigned To:** Roads and Transportation

Question "What steps are Donegal County Council taking to rollout fast charging EV car points in towns and villages and across Donegal?"

Signed Off By: BRENDAN O'DONNELL

Response: ESB (ESB ecars), are tasked nationally with the roll out of the public charging infrastructure for electric vehicles (EVs) across Ireland to support the introduction and demand for electric vehicles nationally. ESB operates and maintains over 1,350 public charge points across the island of Ireland. These are available for electric vehicle charging and are found nationwide in locations such as on-street, shopping centres, vehicle parks etc. ESB ecars is currently undertaking a €20m programme to expand and enhance the charging network across Ireland which is part funded by the Irish Government's Climate Action Fund, to help meet the expected growth of electric vehicles in the coming years. Independently Donegal County Council are an associate partner, together with other border counties, Northern Ireland and Scotland, in

an INTERREG funded project to provide a small number of fast chargers across the three jurisdictions. While this project is at the early stages of development, it is expected that two fast, double charging points will be installed in the county as part of this project. Public charging points have also been provided at Council offices in Lifford, Letterkenny, Milford, Carndonagh, Donegal Town and Dungloe. SEAI have a grant available for Local Authorities however the grant falls well short of the actual cost of providing charge points. The grant scheme is being reviewed by Government at present and the Council is awaiting developments in this area.

Update Ten-T

NRO January 2022



**ROADS AND TRANSPORTATION
NATIONAL ROADS OFFICE
JANUARY 2022**

UPDATE:

TEN-T Priority Route Improvement Project Donegal

The TEN-T Priority Route Improvement Project has commenced the closing stages of Phase 3 Design & Environmental Evaluation, with preparation of Project Appraisal, Environmental Reporting (EIAR) and CPO documents underway.

Various external factors have had significant impact on the 2021 programme and these impacts will be felt into 2022. The overall elements for this phase of the scheme such as Design and EIAR/NIS are substantively complete, i.e. up to 95%. The pulling together, review, edit and proofing of these very substantial documents will take some months yet.

As reported in our previous update in December, significant changes to government and national policy and procedures were introduced throughout 2021. These included the revised National Development Plan 2018-2021 (date), the National Investment Framework for Transport in Ireland (NIFTI, December-21) and the Climate Action Plan 2021. The Donegal Ten-T PRIP project team has been proactive in forecasting, disseminating and integrating the relevant elements of these new policies and requirements when and wherever feasible and /or practical to do so. As such all work to date acknowledges and where possible incorporates these new requirements within the project, aligning it closely and effectively with government policies and strategies.

Inevitably however these significant changes have had an ongoing effect on the program. Following our start of year review, we have revised our projected completion dates for Phase 3 deliverables.

Program for 2022

The 2022 allocation of €1.5m will allow, subject to the necessary approvals to proceed, completion of Phase 3 and publication of the CPO and EIAR. This signifies the commencement of the planning process for the project, including An Bord Pleanála Oral Hearing process. In a time where overall roads funding has been reduced or removed on major road projects nationally, this level of funding will allow works on the TEN-T Donegal to continue during this critical phase of the project development.

Project Appraisal documentation is well advanced, with initial elements currently under final review with TII. Given the scale and complexity of the project and the significant pressures on the cost estimate arising from increasing costs across the wider economy the review of these documents is taking longer than anticipated. Final submission of the project Business Case to Government is now expected in Q2/Q3 2022. This submission will also be subject to a new 'Assurance Process' by an Independent Advisory Group, recently introduced for all major capital projects at the end of 2021. Publication of the CPO/EIAR will take place immediately after the TII, Department of Transport and Government approvals have been confirmed.

The final closeout stages of on-site surveys and site investigations are nearing completion with further monitoring expected to take place up to and beyond publication of the EIAR. Final design refinements together with

environmental measures such as noise mitigation, flood assessment and alleviation, biodiversity rich wetlands / attenuation and landscaping are also nearing completion.

The completion of the design and environmental process will inform and establish the land-take requirements for the project. The land requirements will include all design, environmental and climate action initiatives proposed under the project. Initial preparation of the CPO documentation has commenced, and this is expected to continue right up to publication.

'Work-in-Progress' design drawings, as of Q3 2021, continue to be available to view at: <https://www.donegal-ten-t.ie/pages/documentsbrdoicimeid/draft-documents.php>.

The NRO Ten-T PRIP Donegal team are available at all times to answer any specific queries.