

**MINUTES OF THE NOVEMBER MEETING OF DONEGAL COUNTY COUNCIL
HELD ON MONDAY 29TH NOVEMBER, 2021 (ONLINE)**

C/247/21 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 C Mac Giolla Easbuig, F Mc Brearty Jnr, M Mc Bride, M Mc Clafferty, M McDermott, I McGarvey, N Mc Garvey, P Mc Gowan, G Mc Monagle, A Molloy, M Naughton, J O' Donnell, J S Ó Fearraigh and B Sweeny.

Apologies

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

C/248/21 OFFICIALS IN ATTENDANCE

John McLaughlin, Chief Executive, Patsy Lafferty A/Director of Housing, Corporate and Culture / Meetings Administrator, Liam Ward, Director Community Development & Planning Services, Richard Gibson, Head of Finance, Garry Martin, Director Economic Development, Information Systems and Emergency Services, Brendan O'Donnell, A/Director of Roads & Transportation, Michael Mc Garvey, A/Director Water & Environment, Eunan Quinn, Senior Executive Planner, Planning and Paul Christie, Senior Executive Planner, Planning, Sean O'Daimhin, Rannóg na Gaeilge, Frances Friel, Communications Officer, Anne Marie Crawford, Staff Officer, Corporate Services.

The Cathaoirleach opening the meeting noted that there was a full agenda and asked members to keep their contributions concise and to the point.

Cllr Mc Brearty on a point of order alluded to the previous meeting and the fact that he had been prevented from making a relevant contribution.

Responding the Cathaoirleach said that the item raised by Cllr Mc Brearty was not a point of order. Continual interruptions over the past number of meetings, he said, had left him with no option but to keep all members muted until requested to speak. This, he acknowledged, was not his preferred option but there was no other way if the business of the meeting was to proceed..

Cllr Nicholas Crossan at this juncture said that a number of allegations had been made at the Budget Meeting on the 25th November and that these had been purposefully recorded and put up on social media. He asked for further clarification on the matter.

Cllr Mc Brearty expressed dismay that Cllr Crossan had been allowed to get his points across when in fact he himself had been, he contended, unlawfully expelled from the Adjourned July Meeting on the 6th October. He said that he was also going to stand over the comments made at the

Budget Meeting on the 25th November and that the file referred to had been handed over to the Chief Executive.

The Cathaoirleach alluding to Cllr Mc Brearty's contention that he had been unlawfully expelled from the Adjourned July Meeting on the 6th October confirmed that he had not received one piece of correspondence from Cllr Mc Brearty's legal team.

Addressing concerns raised by Cllr Mc Garvey in relation to using the mute option, he said, that this was not his preference but rather the only way that there could be any order otherwise the meeting would have to be continually adjourned. He referred to Standing Order No 45 which states that the Chair is the sole judge of order in the Council and has the authority to maintain order and enforce prompt obedience to his ruling.

C/249/21 **CONFIRMATION OF THE MINUTES OF THE ADJOURNED JULY MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 27th SEPTEMBER, 2021.**

On the proposal of Cllr McMonagle, seconded by Cllr Sweeny, the minutes of the Meeting of Donegal County Council held on the 27th September, 2021 were adopted.

C/250/21 **CONFIRMATION OF THE MINUTES OF THE SEPTEMBER MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 27th SEPTEMBER, 2021.**

On the proposal of Cllr I Mc Garvey, seconded by Cllr Blaney the minutes of the Meeting of Donegal County Council held on the 27th September, 2021 were adopted.

C/251/21 **CONFIRMATION OF THE MINUTES OF THE ADJOURNED JULY MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 6th OCTOBER, 2021.**

On the proposal of Cllr Farren, seconded by Cllr McDermott the minutes of the Adjourned July Meeting of Donegal County Council held on the 6th October, 2021 were adopted.

C/252/21 **CONFIRMATION OF THE MINUTES OF THE ADJOURNED SEPTEMBER MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 6th OCTOBER, 2021.**

On the proposal of Cllr Gallagher, seconded by Cllr Farren the minutes of the Adjourned September Meeting of Donegal County Council held on the 6th October, 2021 were adopted.

C/253/21 **DISPOSAL OF PROPERTY BY WAY OF LEASE IN THE DONEGAL PSC TO EMPLOYMENT RESPONSE NORTH WEST LTD.**

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

On the proposal of Cllr Sweeny, seconded by Cllr Brogan, it was resolved to dispose of property by way of lease in the Donegal Public Service Centre, Drumlonagher, Donegal Town to Employment Response

Northwest Ltd 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/254/21 DISPOSAL OF LAND AT GLENCROW, MOVILLE TO VINDR VS LTD

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

On the proposal of Cllr Farren, seconded by Cllr McDermott, it was resolved to dispose of land at Glencrow, Moville to VINDR VS Ltd 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/255/21 DISPOSAL OF LAND AT CARN LOW, RAMELTON TO DANIEL AND MARTHA MCGAVIGAN

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

On the proposal of Cllr Blaney, seconded by Cllr McBride, it was resolved to dispose of land at Carn Low, Ramelton to Daniel & Martha McGavigan 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/256/21 DISPOSAL OF LAND AT GORTNABRADE, CARRIGART TO PEGGY DOHERTY, BRIDIE CANNING AND ANN BROGAN

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

On the proposal of Cllr I McGarvey, seconded by Cllr Blaney, it was resolved to dispose of land at Gortnabrade, Carrigart to Peggy Doherty, Bridie Canning and Ann Brogan 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/257/21 DISPOSAL OF SPECIFIC INSTANCE COTTAGE AT MULLAGHAFIN, CONVOY TO PATRICK JAMES DOHERTY AND SHANNON KELLY

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

On the proposal of Cllr Coyle, seconded by Cllr Bradley, it was resolved to dispose of specific instance cottage at Mullaghafin, Convoy to Patrick James Doherty and Shannon Kelly 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/258/21 DISPOSAL OF PROPERTY BY WAY OF LEASE AT NED'S POINT, BUNCRANA TO SWILLY SWIMMERS

Members considered the report circulated with the agenda in relation to

the above.

On the proposal of Cllr Murray, seconded by Cllr I McGarvey, it was resolved to dispose of property by way of lease at Ned's Point, Buncrana to Swilly Swimmers 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/259/21 **DISPOSAL OF PROPERTY BY WAY OF LEASE AT GREENCASTLE PIER TO MALIN HEAD FISHERMAN'S CO-OPERATIVE**

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 by way of lease at Greencastle Pier to Malin Head Fisherman's Co-Operative 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/260/21 **TO APPROVE THE CONSTRUCTION OF AN EMERGENCY SANDBAG DEPOT AT LURGANBOY, DONEGAL TOWN**

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

On the proposal of Cllr Sweeny, seconded by Cllr I McGarvey, the approval of the construction of an emergency sandbag depot at Lurganboy, Donegal Town including all associated site development works) under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) was approved.

C/261/21 **TO APPROVE THE SCHEDULE OF COUNCIL MEETINGS FOR 2022**

On the proposal of Cllr Gallagher, seconded by Cllr O'Fearraigh the Schedule of Council Meetings for 2022 was approved.

C/262/21 **TO CONSIDER THE THREE-YEAR CAPITAL PROGRAMME FOR DONEGAL COUNTY COUNCIL FOR THE PERIOD 2022-2024 INCLUSIVE**

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

Mr Richard Gibson, Head of Finance provided an overview of the Report, which he said had been prepared in accordance with Section 135(3) of the Local Government Act, 2001 (as amended) It was noted that the total estimated capital expenditure for 2022 was €192,109,943 conditional on a range of factors including the level of grant allocations, the level of DCS collectable, loan sanction approval and the availability of co-financing. He said that despite ongoing challenges the level of ambition had not diminished and that every option would be explored to expand the Council's co-funding capacity. He informed

members that whilst the report was for noting the convention is to request that the elected members formally adopt the capital plan.

Members at this juncture raised the following issues:-

- Details requested in relation to the budget allocation for the Heritage Office. Further enhancement of this budget required together with the employment of an Assistant Heritage Officer
- Concern in relation to the lack of funding for Greenways in South Donegal. Projects in this area need to be moved on. Regional balance needed.
- Lack of Community Development Officer an issue in the Donegal MD.
- Query in relation to the lack of funding for a non-denominational burial ground.
- Briefing needed with regard to the status and progression of Turnkey acquisitions county-wide.
- Cllrs and tenants need to be informed in relation to houses marked for prioritisation under the Defective Concrete Blocks Scheme.
- No mention in the Capital Programme of collaboration with the Approved Housing Bodies Sector.
- Clarity needed with regard to the Housing Capital Programme.
- Provision of Affordable Housing needs to be kept on the agenda.
- Social Housing investment is meagre, and Housing should be a Directorate on its own. Wider housing crisis needs to be addressed.
- Additional funding needed for Unfinished Estates and the Takeover Programme. Detail and further clarification needed with regard to the figure for housing voids.
- Combined effort needed to ensure the Community Stadium is delivered and completed
- Update requested in relation to the list of Strategic Projects that had been submitted for funding to the Department a number of years ago
- Why no reference to the Flood Relief Programme in the south of the County?
- Towns and Villages a priority and additional funding needs to be sourced to assist smaller towns and villages.
- TEN-T – Clarification needed in relation to the routes earmarked and the timescales involved together with the appropriate commencement date.

Members were in agreement that further discussion was needed and that every effort should be made to explore all relevant funding opportunities.

Cllr Mc Brearty said that he was not in a position to support the Capital Budget due to systematic corruption in the Local Government in Donegal.

On the proposal of Cllr Brogan, seconded by Cllr Mc Gowan it was resolved that further discussion on the Three-Year Capital programme

take place at a dedicated plenary workshop and that a date be confirmed prior to the close of the meeting.

C/263/21 **DONEGAL COUNTY DEVELOPMENT PLAN 2018-2024 (AS VARIED) FOUR YEAR REVIEW AND PREPARATION OF THE COUNTY DEVELOPMENT PLAN 2024-2030**

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

Mr Liam Ward, Director Community Development & Planning Services said that he was seeking the agreement of the members to hold a series of workshops in 2022 in respect of the Four Year Review of the County Development Plan 2018-2024 (as Varied) and the preparations for the 2024-2030 County Development Plan. He suggested that the first workshop be scheduled for 2pm on Monday 17th January 2022 and that dates for additional workshops in 2022 be agreed at that meeting.

Cllr Murray proposed, seconded by Cllr Sweeny that the initial workshop take place on the 17th January 2022 at 2pm. This was unanimously agreed.

C/264/21 **PROPOSED VARIATION NO. 2 TO THE COUNTY DEVELOPMENT PLAN 2018-2024 (AS VARIED) THE PURPOSE OF WHICH IS TO ENSURE ALIGNMENT WITH THE NATIONAL PLANNING FRAMEWORK AND REGIONAL SPATIAL AND ECONOMIC STRATEGY**

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

Mr Liam Ward, Director Community Development & Planning Services said that this variation had been moved a number of times and most recently discussed at the Planning SPC on the 10th November. He proceeded to advise members in relation to the contents of the report.

This was, he noted the commencement of the Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) processes requires the Executive to undertake screening exercises for both in line with relevant legislation to determine whether SEA and AA processes are required in relation to the Proposed Variation and to proceed thereafter in accordance with these screening exercises.

It was intended, he added, to come back to the January meeting and update members in relation to these processes.

Cllr Brogan said that his party had concerns in relation to variation and the fact that it did not reflect the challenges facing Donegal at present. He alluded to the fact that working groups involving members had been set up within planning to facilitate discussion on a range of issues from TP4, settlement boundary framework, modular homes etc. He said that the workshops had not closed out on these issues and that further discussion

was needed at this level and following that the issues could be discussed by the respective Municipal District committees. He asked that a commitment be given by the planning team to address issues at local level. It was evident, he said, that there was considerable emphasis on national and regional guidelines and that local issues were being neglected.

Cllr Mc Garvey cited a number of examples which, he contended, had not been satisfactorily addressed. The aim of planning, he said, was to protect people and the environment and not serve the interests of large scale commercial interests. He said that he was reluctant to support the request at this juncture.

Cllr Naughton said that the workshops to date had not provided any successful resolution and that issues such as economic development in smaller towns and villages, the provision of housing and the protection of indigenous industries had not been given sufficient priority. It was imperative, he added, that rural Ireland was protected and that decisions in relation to Donegal were not made by civil servants in Dublin. Cllr Crawford concurred with this and the fact that rural Ireland was disappearing with more and more legislation effectively making it impossible to live and work in rural communities.

Mr Liam Ward, Director Community Development & Planning Services acknowledged that there had been a commitment to facilitate discussion at MD level on Settlement Boundary Framework and that a series of MD workshops will be scheduled in early January 2022. Responding to an earlier query he confirmed that there was support within the National Planning Framework and the Regional Spatial and Economic Strategy for the ongoing links that had been established with Derry City and Strabane District Council in the context of the North West City Region. It was acknowledged that a case had been made to look at the implications for rural businesses and whether or not there was room for any further relaxation within the provisions of the County Development Plan.

The report before members, he stated, was seeking approval to commence the process and align our current Plan to the National and Regional documents. He suggested that the workshops on the Settlement Framework could proceed in parallel with this process. Members, he confirmed, were not being asked to adopt any policy amendments at this juncture.

Cllr Mc Brearty noted that this region was classed by the EU as a Region in Transition effectively designating it as one of the poorest regions in Europe. He said that the Council needed to liaise more closely with the Northern Western Regional Assembly in relation to sourcing relevant assistance and funding.

On the proposal of Cllr Brogan, seconded by Cllr Naughton it was resolved to defer the matter pending further consideration at MD Workshop level.

C/265/21 **ADJOURNMENT OF THE MEETING**

It was unanimously agreed to adjourn the meeting until 1.45pm

C/266/21 **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 Mc Brearty said that he had been asked to make a submission on behalf of those community groups opposed to the erection of turbines at the expense of the environment and local communities. This included, he said, groups from the Finn Valley, Inishowen, Glenties, Ardara, Gweebarra and the National Fish Anglers Association (FISSTA).

These bodies, he said, were looking for six specific protections namely,

1. No turbines on peat soils, forests and uplands.
2. To retain the existing policy on the protection of the six fresh water pearl rivers.
3. No turbines in the Gweebarra as it is an unique geographical rift valley.
4. Restore the Cashelnavern LCA as unsuitable for turbines.
5. Restoration of 10 times the tip height.
6. Focus on turbine replacement as a key policy going forward given that dozens of turbines are reaching end of life.

He queried as to why there was no mention of the National Peatlands Strategy 2015 as it clearly protected carbon rich bogs. A recent Teagasc report, he said, confirmed that a policy of deforestation was still being pursued and wind farms were being built on peatlands which are carbon sinks thus leading to increased carbon emissions over the next number of years. The lessons from Meenbog, he contended, had not been learned and would continue to haunt the Council for years to come. It was outrageous, he said, that under Policy E-P-25 and with the submission of a Peat Stability Risk Assessment Report that permission for turbines in peat lands could still be sought.

The people of Donegal, he said, must be listened to and cognisance taken of community interests. Community benefit was often alluded to, he noted, but the reality was that these developers often coaxed their way into communities with cash incentives. This, he added, was not conducive to proper planning.

He said it was imperative that the views of the community groups alluded to were taken into consideration and that the location of wind farms was

determined in conjunction with their input and considerations. The overall emphasis, he contended, should be on repowering old existing turbines with higher output turbines thus controlling in a more efficient way and environmentally friendly way wind energy development in Donegal.

Mr Liam Ward, Director Community Development & Planning Services said that members were aware that after the adoption of the 2018-2024 Plan there had been challenges to the wind energy policy resulting it having to be set aside. It was hoped, he said, to have a new wind energy policy in place as it is not sustainable going forward to have a plan with the wind energy element missing. He noted that there had been ongoing discussion at MD and SPC level. This, he advised, was the commencement of the process and members were being asked to

1. Approve the document entitled 'Introduction and Explanation of the Scope of the Proposed Variation to the County Donegal Development Plan, 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework' submitted with this report;
2. Approve the Proposed Variation as contained in the document submitted with this report.
3. Approve the formal commencement of SEA and AA processes in respect of the "Proposed Variation" as per no. 2 above.
4. Approve, subject to the outcome of the screening processes for SEA (Strategic Environmental Assessment) and AA (Appropriate Assessment), the preparation of an Environmental Report (for SEA), and Natura Impact Report (for AA).

He acknowledged the contribution from Cllr Mc Brearty and said that there would be an opportunity to make submissions when the draft variation was published. There was currently, he said, a gap in the policy formulation with no wind energy framework in place.

Attention was drawn to the fact that the Preferred Draft Approach 2017 and the Draft Guidelines, 2019 had specified a set-back distance of 4 times tip height or 500m (whichever is greater) for visual amenity purposes and that the Planning Authority and An Bord Pleanála should not approve setback distances beyond this recommendation.

Cllr Gary Doherty noted that his resolution calling for the initiation of the wind energy variation had been approved on the basis that there was a gap in the County Development Plan with regard to wind energy and wind farm development in the county.

This Council, he advised, had voted to vary the 2012-2018 County Development Plan and to impose a setback distance of ten times the tip height from any wind turbine to an area of human habitation. This decision, he said, had been taken in accordance with the national

guidelines that were in place at the time and had also taken cognisance of the views of the people of Donegal and the need to protect the environmental and ecological integrity of the county.

This decision, it was noted, had been challenged by the Minister at the time and an independent inspector appointed to review same.

His findings subsequently found that:-

- Donegal County Council did not ignore or take insufficient account of the submissions made by the Minister in May 2014.
- Variation No 2 did not significantly impact on the internal coherence of the County Development Plan.
- Did not make the plan inconsistent with national policy.

The variation, he noted, had been subsequently challenged by developers and in the ensuing judicial proceedings the Council was not in a position to defend the Judicial Review taken thus setting aside the Wind Energy provisions in the 2018-2024 County Development Plan.

This, he advised, had the effect of bringing things back to square one and now members were being again asked to make a decision on the wind energy policy.

His own views, he said, had not changed and ten times the tip height is a fair set back distance for modern turbines which are significantly larger than those that were in existence when the original wind energy guidelines were published in 2006. Turbines, it was acknowledged, were now approximately 160m in height and the potential was there for even greater heights.

Ten times the tip height as a setback policy is favoured by the vast majority of people in the county affected by wind farms and this was a view that had been constantly reinforced by the members of this Council, he added. He proposed that the variation be amended and a policy of ten times the tip height inserted.

He alluded to the serious bog slide that had taken place in Meenbog back in 2020 and the fact that this development had been opposed by the members of this Council and residents in the area but subsequently approved by An Bord Pleanála even though expert analysis had warned that slippage of this kind was a probability. This was further compounded by the fact that the developer in question had contacted residents in the area a short while later advising of a second wind farm development in the area.

It was imperative, he advised that the County Development Plan was updated to ensure that a situation like this did not happen again.

Mapping carried out by Geological Survey Ireland had generated maps identifying areas that were susceptible to landslides and had deemed the area around Meenbog Wind Farm as being of moderate risk.

Other options for sustainable renewable energy sources needed to be explored, he added.

He noted that the industrial development associated with the construction of the Wind Farm had contributed to the landslide at Meenbog.

He further proposed that areas in the Lifford/Stranorlar MD that are currently deemed as “At Risk” to landslides, whether that is low, moderate or high are deemed “ Not Normally Permissible” for wind farm development and that the geographical mapping of same be looked at again in light of susceptibility to landslides.

He confirmed that a map had been submitted to the Planning Authority highlighting the area to be marked “Not Open to Consideration’ to the south and the west of the black line on the map.

Cllr Gallagher said that she was happy to second the proposals and proceeded to propose an additional policy provision that would require a ten times tip height setback from residential dwellings for reasons of noise and shadow flicker together with a further amendment to Cllr Doherty’s mapping amendment so as to ensure that all medium and low landslide susceptibility areas as identified on the Geological Survey of Ireland’s Landslide Susceptibility mapping are included within the “ Not Normally Permissible” layer. Cllr Doherty outlined his support for same.

A lengthy debate ensued during which members raised the following;-

- That no more wind farms should be approved in Donegal without the consent of local communities.
- Concerns that developers were muscling in on these communities.
- Haphazard development was inconsistent with the Council’s tourism policy.
- Families are unable to build homes near the N56 yet a developer can get approval for wind farm construction.
- Face to face consultation with local communities is needed.
- Upgrading of existing wind farms a more viable option going forward.
- Noted 38 objections submitted in relation to Craghy Wind Farm and that a decision was imminent. Concern expressed in relation to the impact on the environment and the tourism aspect. Community consultation deemed a necessity here.
- Adequate protection needed for the freshwater pearl mussel rivers.
- Hydro power options must be explored.
- Why there was no mention of Shadow Flicker.
- Visual impact needs to be considered for every site

- St John's Point – query as to why some of this area was labelled as “Not Permissible” and the remainder “As Open to Consideration” a designation not suitable for an area dependent on tourism.
- Ten times the tip height for noise and shadow flicker needs to be included as a policy for the Council.
- No need for anymore onshore wind farms in Donegal. Offshore options need to be explored and an Energy Strategy needs to be developed for the county.
- Community based Wind Farms could be utilised as a means of supplying electricity to the national grid and as a means of reducing the cost of electricity to households.
- Noted that there were three lakes in the vicinity of Meenbog with Lough Mourne being the main reservoir for half of Donegal. Concern expressed that there were environmental issues here if further development and slippage occurred.
- Essential that the area around Meenbog is designated as “Not permissible for Wind Farm Development”.
- Planning regulation at Gweebarra a disgrace and spoiling some of the best fishing waters in the county.
- Query as to why there was no reference to the offshore Islands.
- Wind farms a necessary evil if they help reduce emissions and are in the correct location.
- Noted that Wind Farm applications over €5million go to An Bord Plenála for approval. Contended that a condition of this planning should some monetary provision for the communities concerned.

Cllr Mc Brearty alluded to his submission earlier in the meeting and the fact that the 6 freshwater pearl mussel rivers had been ignored.

He said that there need to be a public enquiry into Meenbog and serious questions needed to be asked in relation to the role of the Department and the Wind Farm companies. The Council, he said, was doing the bidding of the Department. The Mulcahy Report, would, he said, lead back to the people who had worked on these variations. Planning enforcement, he said, had not been there and the Council had not listened to the community groups in question despite the fact that they had a responsibility to protect such communities. He thus rejected the proposals as outlined in the report.

Cllr Crossan at this juncture called on Cllr Mc Brearty to stop talking about corruption and to name those concerned. He called on the Cathaoirleach to intervene. He queried whether or not it was permissible to record and broadcast on social media specific extracts from meetings and asked as to whom Cllr Mac Giolla Easbuig was referring at the last meeting when he talked about possible corruption.

Cllr Mc Brearty at this juncture called for a recorded vote.

Responding to a request from Cllr Harley for further clarification, Mr Liam Ward, Director Community Development & Planning Services said that the item before members today was a stage away from going out to public consultation. Members, he advised, were being asked to approve the proposed variation and the commencement of the S.E.A and A.A reports so as to commence the Environmental Assessment. At the next stage, he said, that they would be required to approve the publication of the Draft Variation and the seeking of submissions from the general public. It was intended, he said, to present this to members at the January meeting on the basis that the reports before members today were approved.

It was clear, he said that members were now seeking to amend the proposed variation and include the following amendments:--

To amend the set back distance for noise and shadow flicker from any turbine from 4 times the tip height as recommended by the executive to ten times the tip height.

And

To amend the mapping as requested by Cllr G Doherty, including the amendment by Cllr Gallagher that all medium and low landslide susceptibility areas as identified on the Geological Survey of Ireland's "Landslide Susceptibility Mapping" be included within the "Not Normally Permissible" layer.

He said that if members wished to proceed in this vein then they would need to ensure that there was sufficient planning reasoning and back up information to substantiate the basis for same. He was, he advised, conscious that members wanted to move on, but highlighted the fact that the Council needed to be in a position to defend any future actions that might arise. Members were reminded that it was not appropriate to comment on live planning applications.

He noted that reference had been made to the Mulcahy Report by one particular member who had suggested that planners working on the wind energy variation may have questions to answer on foot of the Mulcahy report.

He said that he found this most objectionable and that planners in Donegal County Council deserved to be respected. Such allegations should not be made, he stated, without the necessary evidence to support same.

The Cathaoirleach said that these were serious allegations and should be put in writing if there was any substance to support same. He advised of his intention to put Cllr Doherty's proposal to the floor.

Cllr Donaghey said it was not advisable to go for ten times the tip height when this had not been accepted before. She noted that there was room

for wind farm development in the right place and suggested that in areas of low income and poor land, the communities in question could possibly benefit from a 20% contribution from those seeking to develop wind farms. It was acknowledged also that the Council received considerable monies in rates from these large wind farm developments.

A recorded vote was then taken by the Meetings Administrator.

This resulted in 24 voting for with 8 voting against.

Those voting in favour included;-

Cllrs Brogan, Canning, Conaghan, Crawford, T Crossan, A Doherty, G Doherty, Farren, Gallagher, Harley, Jordan, Kelly, Kennedy, Mac Giolla Easabuig, Mc Brearty, Mc Clafferty, Mc Dermott, N Mc Garvey, Mc Gowan, Mc Monagle, Molloy, Murray, O' Fearraigh, and Sweeny. (24)

The following voted against included;-

Cllrs Blaney, Bradley, Coyle, N Crossan, Donaghey, Kavanagh, Mc Bride, and I Mc Garvey. (8)

It was thus resolved to amend policy E-P-23 as follows ([amendments in blue](#)):-

E-P-23 It is a policy of the Council that wind farm developments:

- (1) Must not be located within the zone of visual influence of Glenveagh National Park.
- (2) Must:
 - a. Meet the requirements and standards set out in the DEHLG Wind Energy Development Guidelines 2021, or any subsequent related Guidelines; and
 - b. Ensure a setback distance for visual amenity purposes of *ten* times the tip height of proposed turbines from the nearest part of the curtilage of residential properties and other centres of human habitation for noise and shadow flicker purposes. An exception may be considered for a lower setback requirement from existing or permitted dwellings or other sensitive properties to new turbines where the owner(s) and occupier(s) of the relevant property or properties are agreeable to same and where the noise requirements of the relevant Wind Energy Guidelines are capable of being complied with in all cases. In such exceptional reduced setback situations, the relevant parties must provide written confirmation to the satisfaction of the Planning Authority that they have agreed to a reduced setback and have no objection to the proposed wind energy development.

- (3) Shall, subject to compliance with sub-paragraphs (1) and (2) above and other relevant policies of this Plan, be acceptable where a setback distance for visual amenity purposes of *ten* times the tip height of proposed turbines from the nearest part of the curtilage of residential properties and other centres of human habitation has been achieved.

In all cases, whether in 'Acceptable in Principle', 'Open to Consideration' or 'Not Normally Permissible' areas, compliance with the setback distances required under Policy E-P-23 will be required. For re-powering or augmentation projects, the required setback distance shall be the required multiple of the new turbine height and no allowance shall be made in this regard for the established development.

Definitions

Glenveagh National Park: Zone of Visual Influence:- *The environmental and visual character of Glenveagh National Park consists of the geographic extent of the park and its immediate environs. The implementation of the relevant policy should not be interpreted as relating to lands with limited physical or visual connection to the park. The onus is on the applicant to demonstrate the extent of the potential impact a proposed wind energy development has on the National Park.*

Centre of Human Habitation:- *'Centre of human habitation' includes schools, hospitals, churches, residential buildings or buildings used for public assembly.'*

Curtilage: *An area immediately surrounding or adjacent to the property which is used in conjunction with the property, other than any part of that area that is a public place. (From Criminal Law (Defence and the Dwelling) Act, 2011).*

And to amend Map 8.2.1 so as to extend the area identified as "Not Normally Permissible" to include the area identified in the map submitted by Cllr Mc Gowan and also to accommodate the proposal by Cllr Gallagher that all medium and low landslide susceptibility areas as identified on the Geological Survey of Ireland's Landslide Susceptibility mapping are included within the "Not Normally Permissible" layer.

Cllr Molloy proposed, seconded by Cllr Mc Brearty that adequate policy provision and protection be provided for the freshwater pearl mussel rivers and that a vote be taken in relation to same.

Mr Liam Ward, Director of Community Development & Planning Services responding confirmed that this issue had been adequately addressed in the documentation and that there was protection in the policy going forward.

Mr Eunan Quinn, Senior Planner confirmed that the FWPM catchment areas formed a significant part of the draft mapping, and that actual

populations of freshwater pearl mussels are protected under the EU Habitats Directive and the different policies under the County Development Plan.

Cllr Molloy said that this was acceptable and asked that he be provided with the relevant clarification.

Cllr Mc Brearty said that he was not convinced that the protection for freshwater pearl mussel rivers alluded to was adequate and asked that a vote be taken. This was seconded by Cllr Mac Giolla Easbuig.

Cllr G Doherty said that this proposal would simply have the effect of including something that was already enshrined in the policy documentation. This was further reiterated by the Cathaoirleach.

A recorded vote was then taken by the Meetings Administrator.

This resulted in 18 voting with 1 voting against and 11 members registering a no vote.

Those voting in favour included;-

Cllrs A Doherty, G Doherty, Farren, Gallagher, Jordan, Kelly, Kennedy, Mac Giolla Easbuig, Mc Brearty, Mc Bride, Mc Clafferty, I Mc Garvey, N Mc Garvey, Mc Monagle , Molloy, Murray , O' Fearraigh and Sweeny.(18)

Cllr Blaney voted against.

Those registering a no vote included:-

Cllrs Brogan, Canning, Conaghan, Coyle, Crawford, N Crossan, T Crossan, Donaghey, Harley, Kavanagh, McDermott and Mc Gowan. (12)

It was thus resolved that protection be afforded to the Freshwater Pearl Mussel Rivers.

Members resolved to approve the Proposed Variation to the County Development Plan 2018-2024 (as varied) in respect of the Wind Energy Policy Framework to include items 1-4 below and subject to the amendments outlined above:-

1. The document entitled 'Introduction and Explanation of the Scope of the Proposed Variation to the County Donegal Development Plan, 2018-2024 (As Varied) in respect of a Wind Energy Policy Framework'.
2. The Proposed Variation as contained in the document submitted with this report.
3. The formal commencement of SEA and AA processes in respect of the "Proposed Variation" as per no. 2 above.

4. Approve, subject to the outcome of the screening processes for SEA (Strategic Environmental Assessment) and AA (Appropriate Assessment), the preparation of an Environmental Report (for SEA), and Natura Impact Report (for AA).

C/267/21 **TO AUTHORISE THE BORROWING OF A LOAN IN THE SUM OF €2,000,000 FROM THE HOUSING FINANCE AGENCY FOR THE PURPOSE OF PAYMENT OF HOUSING LOANS TO APPROVED APPLICANTS.**

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

Mr Patsy Lafferty, A/Director Housing, Corporate & Cultural Services confirmed that the Council had in 2019 approved the raising of a loan of €2 million to meet commitments in relation to the approval of housing loans for first time buyers and those who wished to build their own homes but were unable to obtain a loan from private lending agencies. This money, he confirmed, had been almost fully drawn down and that in order to meet the Council's commitments an additional loan of €2 million was required. This, he advised was a contra loan and was drawn down as payments were made.

Cllr Mc Brearty queried the following:-

- Were structural engineers reports carried out on the properties involved?
- What tests if any were carried out regarding the presence of mica and other sulphite materials?

He asked for a response in relation to the issues raised and was informed that the loans in question were of significant benefit to people who might not otherwise be able to get on the housing ladder. It was noted that due diligence was taken in relation to the loans process.

There was general acknowledgement that the provision of such loans was a valuable service for the many young families who had difficulty in getting the necessary finance from other lending institutions.

On the proposal of Cllr Kennedy, seconded by Cllr Harley and in accordance with the provisions of the Local Government Act 2001, Section 106, the members of Donegal County Council approved the borrowing of a loan in the sum of €2,000,000 from the Housing Finance Agency for the purpose of payment of Rebuilding Ireland Housing Loans (RIHL)

Cllr Mc Garvey enquired about the interest rates, and received clarification from the Head of Finance.

C/268/21 **TO AGREE DATE FOR WORKSHOP ON HOUSING FOR ALL (HOUSING DELIVERY ACTION PLAN)**

It was unanimously agreed to hold an online workshop on the “Housing for All – Housing Delivery Action Plan” on Monday 6th December at 2pm

C/269/21 **TO ADOPT POLICY IN RELATION TO THE PROVISION OF SALT BINS AND GRIT PILES**

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

Mr Brendan O’ Donnell, A/Director Roads & Transportation said that this policy had emanated from discussion at the winter maintenance workshops where the need for a community self-help option was identified. It was noted that the provision of salt bins in urban areas had been successful and thus it was agreed to expand the Letterkenny model across the county.

He said that if community groups wished to purchase salt bins then Donegal County Council would fill and maintain them. It was envisaged, he said, that these would be within the speed limits and that grit piles would be available outside such limits. In exceptional circumstances, he said, bins would be placed outside of urban areas in locations where there was public benefit to be had.

On the proposal of Cllr Gallagher, seconded by Cllr Sweeny it was resolved to adopt the policy on the provision of salt bins and grit piles.

Cllr Sweeny said that this was an excellent initiative and one which should be adequately monitored.

Cllr Mc Monagle said that he was concerned that the policy was somewhat restrictive in that the Council would decide where the bins would go and what they would fill. He said that there were issues also for those estates where there was no active community group, but rather a number of concerned citizens who were willing to assist in any way that they could. He queried whether the Council would continue to work with residents in these estates.

The A/ Director of Roads & Transportation said that the policy was not meant to be in any way restrictive and that he would inform all parties in the Roads Directorate that it was to operate in a co-operative manner. He said that it was envisaged that communities would have ownership of the salt bins and that the roads service would be as flexible as it could.

Responding to Cllr Mc Gowan’s query on the liability issue regarding good Samaritan interventions, he said, that clarity had been sought in the past. He confirmed that further clarification could be sought on this issue. He said that he was of the opinion that there was no liability attached to any private individual involved but that this would need to be investigated further. He advised that it would be possible to amend the eligibility to include community groups etc.

On the proposal of Cllr Mc Monagle, seconded by Cllr Gallagher it was resolved to amend the eligibility clause to include Community Groups etc.

C/270/21 **TO ADOPT THE POLICY ON THE TAKEOVER OF NON COUNTY ROADS ON ISLANDS IN THE COUNTY**

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

Mr Brendan O' Donnell, A/Director noted that Roinn na Gaeltachta had provided annual funding to Donegal County Council for works to public roads on offshore islands, and allocated on the basis that the Council provided match funding of 25%. He said that the majority of public roads on islands have now been strengthened and only non-public roads are in need of strengthening now.

Roinn na Gaeltachta had indicated, he said, that if the Council were in a position to take over a non-public road then they would be willing to fund works prior to the road being taken over.

The policy amendment, he noted, had been considered by the Roads and Transportation SPC and a designated working group had been involved in the finalisation of the policy.

Thus on the proposal of Cllr Gallagher, seconded By Cllr O' Fearraigh it was resolved to adopt the policy on the take-over of non-county roads on Islands in the County thus amending the adopted policy on the creation of Public Roads (Islands Roads Policy)

C/271/21 **TO NOTE REPORT ON BLACK AND MINORITY ETHNIC INCLUSION: A STRATEGY FOR COUNTY DONEGAL**

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

Mr Liam Ward, Director Community Development & Planning Services said that this was about seeking the approval of the members in relation to the inclusion and integration of Black and Ethnic Minority members of our community in local communities. It had been, he noted, an inclusive process and had been led out by the Donegal Local Community Development Committee and had been considered by the Community & Cultural SPC. It was, he added, promoting an integration strategy for the inclusion of new communities in Donegal.

On the proposal of Cllr N Crossan, seconded by Cllr Kennedy it was resolved to adopt the report on Black and Ethnic Inclusion-A strategy for County Donegal.

Members acknowledged the work that had gone in to preparing the strategy. They said that it was an important document and that every effort must be made to ensure that the strategies alluded to were successfully implemented going forward.

There was reference to the need for a non-denominational graveyard in the county accessible to the community at large.

There was recognition of the need to have the necessary budgetary arrangements in place and of the onus on the Council to step up to the mark and implement the recommendations outlined in the report.

C/272/21 **TO NOTE DONEGAL CARAVAN, CAMPING VAN STUDY**

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

Mr Garry Martin, Director Economic Development, Information Systems and Emergency Services said that over 3000 responses had been received from all relevant stakeholders and that the report had been considered and recommended by the Economic Development, Enterprise & Emergency SPC. He called on members to adopt the report which he said provided a balanced and bespoke range of initiatives. He alluded to a number of recommended actions outlined on page 65 of the report and said that it was hoped to progress and role these out in 2022.

Cllr Mc Gowan said that there were a number of bona fide organisations in the county which had contributed to the report and who had been expecting feedback prior to the report being issued. He said that he was of the opinion that the report had overlooked the needs of those who lived further away from the coast. He welcomed the report but asked that the Council liaise with a number of Camping Van organisations whose opinions were also vital to the process. He suggested that consideration be deferred and the organisations in question given a chance to comment on the findings in the report.

Cllr Mc Bride noted that Donegal was not geared up to accommodate camper vans and that there should be facilities provided every 30kms along the Wild Atlantic Way.

Members said that there was an onus on the Council to develop this sector and to provide facilities at strategic locations. They acknowledged the fact that there was an opportunity here to develop routes for camper vans and that Donegal could become a leading destination for this type of activity.

A number of members were of the opinion that further consultation was needed. They said it was imperative that additional services were provided to boost and promote local campsites.

Cllr Brogan asked for clarification in relation to the consultation process and the fact that a number of representative bodies did not have the opportunity to contribute to the findings.

Cllr I Mc Garvey said that he hoped that some of those whose initiatives to develop this sector a number of years ago and thwarted by the prevailing

planning legislation could now be given the opportunity to get back into the marketplace.

Cllr N Crossan said that a decision needed to be made as the report was an excellent one and that time was of the essence if Donegal was to promote itself as a prime location for Caravan and Camper Van owners.

Cllr Bradley said that he did not think a deferral would make any difference at this juncture.

The Director of Economic Development, Information Systems and Emergency Services noted that there had been a significant response to the survey and that the objective was to give the private sector a base to develop proposals and make a living from the various initiatives. There was a strong proposal, he noted for the community sector to deal with this at local level. He said that he had no problem with deferring the matter to the next meeting as there was no need for any material change to the report. It was, he advised, an agile living document and had the capability to deal with any concerns that might arise.

On the proposal of Cllr Mc Gowan, seconded by Cllr Kennedy it was resolved to defer consideration to the Adjourned Meeting on the 6th December.

C/273/21 TO NOTE AND ENDORSE CHANGE IN THE MEMBERSHIP OF THE EMERGENCY RESPONSE COMMITTEE

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

On the proposal of Cllr Gallagher, seconded by Cllr A Doherty it was resolved to adopt the following changes in respect of the Emergency response Committee:-

- To maintain membership of the committee for a full five year term in line with the serving plenary Council to facilitate continuity and consistency of oversight.
- An increase in the frequency of standing meetings from two to four times per year with authority to arrange ad hoc meetings should the need arise.

C/274/21 TO NOTE DRAFT RIVER BASIN MANAGEMENT PLAN FOR IRELAND 2022-2027

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

Mr Michael Mc Garvey, A/Director Water & Environment advised that the Draft Plan was now in the public consultation phase and that submissions could be made between now and the end of March. He confirmed that the last page of the report contained details regarding the making of submissions.

C/275/21 **TO NOTE MINUTES OF THE MEETING OF THE CORPORATE POLICY GROUP HELD ON THE 20th SEPTEMBER, 2021.**

On the proposal of Cllr Gallagher, seconded by Cllr Brogan the minutes of the meeting of the Corporate Policy Group held on the 20th September, 2021 were endorsed.

C/276/21 **TO NOTE MINUTES OF THE MEETING OF THE DONEGAL HERITAGE FORUM HELD ON THE 6th MAY, 2021**

On the proposal of Cllr Sweeny, seconded by Cllr Coyle the minutes of the meeting of the Donegal Heritage Forum held on the 6th May, 2021 were noted.

C/277/21 **TO NOTE MINUTES OF THE MEETING OF THE DONEGAL HERITAGE FORUM HELD ON THE 15th JULY, 2021**

On the proposal of Cllr Sweeny, seconded by Cllr Coyle the minutes of the meeting of the Donegal Heritage Forum held on the 12th July, 2021 were noted.

C/278/21 **ATTENDANCE AT CONFERENCE, SEMINAR OR EVENT**

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 2006-2021 as amended and directives issued by the Minister in that regard, on the proposal of Cllr Brogan, seconded by Cllr N Crossan, 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 2 of the 2021 AILG Elected Members Training Programme – “Elected Members Mental Health & Well Being and Briefing on the National Office for Suicide Prevention” held on 6th November, 2021 in Clayton Hotel, Galway.
- Irish Planning Institute “Delivering Plan Led Development” Annual Conference held from 17th - 19th November, 2021 in Clayton Whites Hotel, Wexford.

Conferences

- Celtic Conferences – “Mental Health & Wellbeing” Conference to be held from the 3rd - 5th December, 2021 in the Four Season Hotel, Carlingford, Co Louth.

C/279/21 **TO NOTE THE CONFERENCE OF PERIPHERAL MARITIME REGIONS ACTIVITY REPORT 2020-2021**

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

C/280/21 **TO CONSIDER REQUEST FROM THE FORSA, SIPTU AND CONNECT TRADE UNIONS TO ADDRESS THE COUNCIL IN RELATION TO THE MORE POWER TO YOU CAMPAIGN**

On the proposal of Cllr Gallagher, seconded by Cllr Kennedy it was resolved that a deputation from the FORSA, SIPTU and Connect Trade Unions could address the Council in relation to the “ More Power to You” campaign.

C/281/21 **CATHAOIREACH'S BUSINESS**

Votes of Sympathy

A vote of sympathy was extended to the following:-

- Donna Rodgers, Human Resources on the death of her mother, Mary Rodgers.
- Sara Mc Gonigle, Buncrana Community Library on the death of her mother, Alice Lynch.
- Sean Flanagan, Water Services, Stranorlar on the death of his father Hugh Flanagan, retired Waterworks Caretaker, Meencrumlin.
- John Mc Carron, Environment, Letterkenny PSC on the death of his mother, Sally Mc Carron.
- Margaret Todd, Customer Service Centre on the death of her fiancé, John Mc Hugh.
- Máire Boyle, Roads, Letterkenny PSC on the death of her sister, Grace Boyle.
- The family of the late Tony O' Dowd, formerly Planning Section.
- Karen Mc Brearty, Housing, Letterkenny PSC on the death of her mother, Susan Mc Brearty.
- Christine Lynch, Stranorlar Regional Training Centre on the death of her sister, Margaret Gallen.
- Brendan Deeney, Machinery Yard on the death of his father, Pat Deeney retired Plant operator, Machinery Yard.
- Brendan O' Donnell, A/Director Roads & Transportation on the death of his mother, Madge O' Donnell.
- Kathleen Anderson, Housing, Donegal PSC on the death of her brother, Daire O' Gallagher.
- Angela Doherty, Milford PSC on the death of her father, James Toner.
- The family of the late Ann Harvey formerly Motor Tax Section.
- Niamh Brennan, Archive Office on the death of her father Pascal Brennan.
- Kathleen Phelan, Customer Service Centre on the death of her father, Paddy O' Donnell.

Protection of the Environment

The Cathaoirleach noted that correspondence from the Donegal Red Rebels Environmentalist Group had been presented to the Council on Tuesday 9th November. This, he confirmed, asked the Council to treat nature with the care and respect it deserved and to take their responsibilities towards nature and public health seriously whilst also adhering to transparency and accountability.

COP26- Glasgow – November 2021

The Cathaoirleach informed members that he had represented the Council at the COP26 Climate Change Conference in Glasgow as sanctioned by the members at their September meeting and on foot of the Council's representation on the Association of European Regions. This he said had allowed him to gain an overview of local and regional activities with regard to environmental preservation and the issues facing communities at large today.

Official Opening of Swan Park

The Cathaoirleach said that Swan Park had been reinstated bigger and better than before and was a wonderful asset for the people of Buncrana and Inishowen. It was intended health restrictions permitting to hold the official opening early in 2022 and he invited all members to take part in the official reopening.

C/282/21 **ADJOURNMENT OF THE MEETING**

It was unanimously agreed to adjourn the meeting until 2pm on Monday 6th December, 2021.