

# COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na  
gCruinnithe  
Aras an Chontae  
Leifear  
12 Iúil 2022

## FÓGRA CRUINNITHE

### DO GACH BHALL DEN CHOMHAIRLE

#### A Chara

Beidh Cruinniú de Chomhairle Contae Dhún na nGall ar siúl **Dé Luain 18 Iúil 2022** ag **11.00am in in Ionad Fóillíochta an Aura, Salach an Ghráin, Leitir Ceanainn.** Tá Clár an chruinnithe leis seo. Seolfar nasc leictreonach chuig an chruinniú i gcomhfhreagras eile.

Beidh Clár Orduithe an Phríomh-Fheidhmeannaigh le feiceáil ag an chruinniú

Mise, le meas



Pádraig Ó Laifearaigh  
Riarthóir Cruinnithe

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## DONEGAL COUNTY COUNCIL

Office of Meetings Administrator  
County House  
Lifford  
12<sup>th</sup> July 2022

### NOTICE OF MEETING

### TO EACH MEMBER OF DONEGAL COUNTY COUNCIL

Dear Councillor

A Meeting of Donegal County Council will be held on Monday 18<sup>th</sup> July 2022, at **11.00am in the Aura Leisure Centre, Sallaghgrane, Letterkenny.** The agenda for the meeting is attached. An online link to join the meeting will issue separately.

The Register of Chief Executive Orders will be available for inspection at the meeting.

Yours sincerely



Patsy Lafferty  
Meetings Administrator

## **AGENDA**

1. **Confirmation of Minutes**
  - a) Confirmation of the Minutes of the Meeting of Donegal County Council held on the 30<sup>th</sup> May 2022.
  - b) Confirmation of the Minutes of the Special Meeting of Donegal County Council held on the 27<sup>th</sup> June 2022.
  - c) Confirmation of the Minutes of the Annual General Meeting of Donegal County Council held on the 27<sup>th</sup> June 2022.
  
2. **Disposal of Land – Section 211 of the Planning and Development Act, 2000**
  - a) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose by way of exchange land at Kill, Dunfanaghy to James Mc Corkrell, Joseph Langan and Neil Mc Ginley of Dunfanaghy Golf Club (hereinafter called the “Golf Club”).
  - b) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose of plot of land by way of lease at Greencastle Harbour, Greencastle to Michael Kavanagh Fishing
  - c) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose of plot of land by way of lease at The Bath Green, Moville to Inish Adventures Limited.
  
3. **Taking of decision pursuant to the Planning and Development Act, 2000 (Part XI), and the Planning and Development Regulations, 2001**

To approve the construction of a shared use pedestrian and cyclist facility (Greenway), including all associated drainage, earthworks, lining, signing, accommodation works and utility diversions so as to provide segregated cycling, and walking facilities for the proposed Lifford- Castlefin Greenway in the townlands of Coneyburrow, Curraghlane, Leggandorragh, Portinure, Wood, Haw, Unshinnagh Lower, Churchtown, Ballybogan, Ballylast, Cloughfin, Magherareagh, Tawnacrom, Stranamuck, Knockrawer, Castlefin located between Lifford and Castlefin,
  
4. **Corporate**
  - a) To approve the taking of legal proceedings on behalf of the Council.  
(Report to be circulated at the meeting)
  - b) To note the renaming of the Mica Redress Committee to the “Defective Concrete Blocks Committee”.
  - c) To nominate members to the Working Group on Constitutional Change.  
(10 No. Elected Members)

- d) To fill vacancy on the Climate Action & Environment Strategic Policy Committee.
5. **Cultural Services**  
To approve Cultúr le Chéile: Strategic Plan for Culture Division 2022 to 2026.
6. **Roads & Transportation**  
a) That Donegal County Council resolves to enter into an agreement with Leitrim County Council under Section 85 of the Local Government Act, 2001 (as amended) concerning the design, construction, and completion of the R280 Lennox Bridge Project.  
b) Approval to proceed to Statutory Public Consultation with the Draft “Road Traffic (Special Speed Limits) (County of Donegal) (Amendment) Bye-laws 2017” with respect to the proposed changes on the N56 between the Pole Star and Dry Arch Roundabouts.
7. **Economic Development**  
a) To approve the enhancement of the membership of Donegal 2040. Strategic Development Designated Activity Company.  
b) To agree date for presentation by National Broadband Ireland (September Council Meeting).
8. **Planning**  
a) County Development Plan, 2018-2024 (As Varied); Proposed Variation in respect of a Wind Energy Policy Framework.  
b) To note update in relation to the respect of the County Development Plan, 2018-2024 (As Varied) Four-Year Review process.  
c) To note update in respect of the Draft Letterkenny Plan and Local Transport Plan.
9. **Community Development**  
a) Donegal Community Stadium - Report and recommendation to Donegal County Council in relation to completion of Donegal Community Stadium at Stranorlar, County Donegal.  
b) To note the nomination of Máire Uí Mhaoláin to fill the vacancy on the Donegal on the Donegal Local Community Development Committee.
10. **Finance**  
a) To consider and note the Audited Financial Statement 2021.  
b) To consider and note the Local Government Audit Report on the AFS for 2021.  
c) To note the report from the Donegal County Council Audit Committee on its consideration of the 2021 Audited Financial Statement and Audit Report for 2021 of Donegal County Council as required by Section 121(3) of the Local Government Act, 2001 (as amended).

11. **Endorsement of Minutes.**

- a) To note minutes of the meeting of the Corporate Policy Group held on the 23<sup>rd</sup> May.
- b) To endorse the minutes of the meeting of the Donegal Heritage Forum held on the 14<sup>th</sup> October 2021.
- c) To endorse the minutes of the meeting of the Donegal Heritage Forum held on the 10<sup>th</sup> February 2022.

12. **Attendance at Conference, Seminar or Event**

Authorisation of representation at a seminar, meeting or event under Section 142 (5) of Local Government Act, 2001, S.I. No. 668 of 2006, Local Government (Expenses of Local Authority Members) Regulations 2006, S.I. No. 37 of 2010, Guidelines given by the Minister for the Environment, Heritage and Local Government in relation to the Local Government Act, 2001 (Section 142) Regulations 2010, and the Local Government (Expenses of Local Authority Members) Regulations, 2014(as amended)

**Training**

- ALLG Autumn Training Conference 2022 “Celebrating Local Government”, Knightsbrook Hotel, Trim, Co Meath from 14<sup>th</sup>-15<sup>th</sup> September, 2022.

**Conferences**

- Letterkenny Tidy Towns “Derelict in Donegal” Conference to be held in Dillon’s Hotel, Letterkenny on the 22<sup>nd</sup> July, 2022.

**Abroad**

- Attendance at the Red Hugh O’ Donnell 420<sup>th</sup> Anniversary Festival in Valladolid, Spain from the 10<sup>th</sup> to the 12<sup>th</sup> September, 2022.

13. **Report on attendance at Conference/Event**

**Cllr John S O’ Fearraigh**

CPMR- Politico Bureau Meeting in Barcelona, Spain on 24<sup>th</sup> and 25<sup>th</sup> March 2022.

**Cllr John S O’ Fearraigh**

CPMR- General Assembly of the Arc Division held from the 24<sup>th</sup>-25<sup>th</sup> May 2022 in San Sebastian, Spain.

## **MOTIONS**

### **DONEGAL MUNICIPAL DISTRICT**

**Cultural Services**

14. **Cllr Barry Sweeny**

"That this Council writes to the relevant Government departments requesting the creation of a National Insurance Policy for Thatched Structures in the interest of safeguarding a key element of our national

heritage and in light of the withdrawal of the last remaining insurance company that previously provided such cover"

## **GLENTIES MUNICIPAL DISTRICT**

### **Environment**

15. **Cllr Marie T Gallagher**

"That this Council request ESB Group who own and run the Cathleen Hydro Electrical Plant in Ballyshannon to attend a meeting of Council to discuss the potential of Hydro energy in County Donegal".

### **Corporate**

16. **Cllr Noreen Mc Garvey**

"That this Council seek to have extra staff resources sought for immediate start within the Heritage Dept of Donegal County Council, even on a temporary basis".

## **INISHOWEN MUNICIPAL DISTRICT**

### **Housing**

17. **Cllr Jack Murray**

"That this Council expresses its deep frustration at the rejection of the 80 amendments submitted by homeowners to the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Bill and reaffirms its support for affected homeowners who continue to campaign for a true 100% redress scheme which is accessible to all who need it".

### **Roads & Transportation**

18. **Cllr Albert Doherty**

*N2 & A5 National Road Scheme.*

"That Donegal County Council response to the suspension of Planning Works by TII (including N2 to the Border) of a number of major road schemes entails,

- 1) A comprehensive update and report by DCC on the strategic arterial route the N2/A5 is for the North West economy.
- 2) DCC seek Government assurances that the N2/A5 Clontibret to the Border will be included in the NDP funding plan for 2021-2025.
- 3) Confirmation from Minister Eamon Ryan that "Changes in Government assessment (Road Funding) priorities" will neither delay nor prevent N2/A5 progress.
- 4) That a cross party delegation meet with Minister Ryan on this matter".

### **Corporate**

19. **Cllr Terry Crossan**

"That Donegal County Council write to Garda Commissioner Drew Harris demanding that more resources are made available for Donegal particularly in Border villages ".

## **LETTERKENNY/MILFORD MUNICIPAL DISTRICT**

### **Housing**

#### **20. Cllr Gerry Mc Monagle**

"That this Council requests an emergency meeting with the Department to demand that this Council is allowed to proceed to buy homes that have negative Mica/Pyrite and any other deleterious Materials Test and that this Council put an aggressive plan in place to purchase and build much needed homes in Donegal".

### **Corporate**

#### **21. Cllr Donal Coyle**

"This Council notes that the Common Travel Area (CTA) enables free movement within the island of Ireland. However, it excludes people of other nationalities, in particular citizens of countries in Africa, Asia, and South America.

Council further notes that persons who lawfully resides and have made their homes on both sides of the Irish border are prevented from fully living their lives here.

Council recognises that there is effectively an invisible hard border that leads to racial discrimination stopping particular people from living fluid cross border lives.

Council welcomes and endorses the following key actions proposed by the North West Migrants Forum, CAJ and other partner organisations that the Irish Government should take to assist residents of Northern Ireland seeking to travel into the Republic of Ireland:

1. All lawful residents in NI can cross the land border as visitors without prior permission.
2. Stopping racial profiling including ending all selective passport controls on the land border.
3. Restore the pre-2004 birth right to Irish citizenship and open a path through residence on the island.
4. Ensure essential cross-border services are open to all.

Council further resolves to write to

- the Shared Ireland Unit within the Department of the Taoiseach
- the Minister for Justice (Minister McEntee)
- the Chair of the Oireachtas Committee on the Implementation of the Good Friday Agreement (Fergus O'Dowd TD) to indicate its endorsement.

## **LIFFORD/STRANORLAR MUNICIPAL DISTRICT**

### **Housing**

#### **22. Cllr Frank Mc Brearty**

"Calling on Government to abolish the flawed Defective Concrete Block Standard I.S. No 465:2018+A1:2020 created by the National Standards Authority of Ireland (NSAI) TC 063 technical Committee which the following

sit on since 2018 to the present day and there membership is made up of, Chaired by retired Structural Engineer, Association Consulting Engineers Ireland, Cement Manufacturers Ireland, Department of Housing, Local Government and Heritage, Donegal County Council, Engineers Ireland, Fast Net Analytical, Ground Investigations Ireland, Homebond, IGSL, Irish Concrete Federation, Institute of Geologists Ireland, Kilsaran, Mayo County Council, Master builders and Contractors Association, Mica Action Group, NSAI Sustainability and Built Environment, Royal Institute of Architects of Ireland, Roadstone Ireland, Sandberg, SLR Consulting who created I.S. No 465:2018+A1:2020 as Committee members. Abolish the Enhanced Defective Concrete Block Grant Scheme and replace it with a new 100% per sq. foot Redress Scheme that includes foundations, all Deleterious Materials and Reactive Iron Sulphide Minerals be established based on proper scientific evidence and around the Standards for manufacturing Concrete and that Government establish a full and Independent Judicial Public Inquiry without delay into this State Sponsored Scandal along with a Peer Review Study into Free Muscovite Mica and what its affects are on Concrete, Concrete Blocks and all Concrete products durability".

### **Corporate Services**

#### 23. Cllr Gerry Crawford

"That this Council calls on the Minister for Finance to review and change the rules on inheritance tax in so far as it relates to those who do not have immediate family members i.e. children. Consideration of equality should include the next blood relative".

### **Roads & Transportation**

#### 24. Cllr Patrick McGowan

"That a survey is carried out as a matter of urgency on Tier -Two Town's footpaths starting with the largest to identify faults, trips and areas that are a cause for concern under health and safety within town boundaries and prioritise funding with health and safety in mind".

25. Cathaoirleach's Business.

26. Chief Executive's Management Report.

## **QUESTIONS**

### **INISHOWEN MUNICIPAL DISTRICT**

#### **Environment**

#### 27. Cllr Albert Doherty

*Rights of Nature (Progress)*

*Rights of Nature aims to strengthen protection for people, place and planet.*

What Council county actions, engagements with communities, with local authorities, promised in the response to Nov 2021 motion have been

taken, are planned, will be delivered in 2022, and will the Council update me with the present action timeframe?

28. Cllr Albert Doherty

*Donegal County Council (Decarbonised Zones selected)*

- What actions have the Council taken, are current and or planned to achieve and deliver this status?
- What action activities are in train to create & deliver a collective community energy plan in the selected zones?
- Who are the interested and invited stakeholders involved and how effective and advanced is the cross-border dimension workings shared with Derry & Strabane District Council?

### **LETTERKENNY/MILFORD MUNICIPAL DISTRICT**

#### **Housing**

29. Cllr Gerry Mc Monagle

How many homes have Council built or bought in the last 24 months and what areas of the County have they been built or bought?

30. Cllr Gerry Mc Monagle

How many of our tenants have been accepted as in need of transfer to bigger homes i.e. four or five bed homes?

### **LIFFORD/STRANORLAR MUNICIPAL DISTRICT**

#### **Housing**

31. Cllr Frank Mc Brearty

What staff members of DCC and members of the Mica Action Group sit on the NSAI TC 063 Technical Committee that created I.S. No 465:2018+A1:2020 and who appointed them?

#### **Corporate**

32. Cllr Frank Mc Brearty

How much has it cost Donegal County Council to run full Council and any other meetings held in the Aura Leisure Centre to date and can I have an itemised costings breakdown for each meeting held in the Aura along with dates of each meeting held there to date.? (All DCC meetings)

33. Cllr Gerry Crawford

In view of recent changes can we have a list of the current management teams in each MD?

#### **Finance**

34. Cllr Gerry Crawford

Does this Council have available a list of vacant properties commercial and residential in each MD and if so, can I be updated?



### **Environment**

35. **Cllr Patrick Mc Gowan**

Can Donegal County Council Climate Change and Environment section work with the Community, Social and Cultural section along with the voluntary sector to come up with a scheme where unwanted furniture, toys and other useful household items can be left for collection free of charge to anyone who can use them similar to what happens in other countries ?. Landfills etc. are full of useful nearly new items.

### **Community Development**

36. **Cllr Patrick Mc Gowan**

What steps has this Council taken to implement "The Programme for Government Commitment to Older People" as part of the Age Friendly Cities & Counties Programme and can examples be provided on how older people policies are benefitting older people in this County as a result?

37. **Motions from Other Councils/Bodies**

#### **CLARE COUNTY COUNCIL**

"That Clare County Council calls on the Minister for Transport to immediately initiate a review of National Aviation Policy including stakeholder consultation with a view to addressing the over concentration of passenger traffic through Dublin Airport by amending National Aviation Policy to ensure the use of spare capacity at Shannon Airport in the interest of Balanced Regional Development."

#### **CORK COUNTY COUNCIL**

"That Cork County Council write to the Minister to seek a subsidy for the Irish Fishing fleet to offset cost increases in fuel, and to reduce excise duties on diesel. Members agreed to circulate this letter to all Local Authorities."

#### **GALWAY COUNTY COUNCIL**

"That Galway County Council write to our colleagues in all other Local Authorities and informs them of the recent decision by Galway City and County Councils to support and endorse the rollout of the Public Recognition Marker (PRM) for the LGBTQI+ Community. In doing so, I call upon all local authorities to work with their respect LGBTQI+ Community Leaders in advocating for the same."

#### **KERRY COUNTY COUNCIL**

"That Kerry County Council write to the Minister for Health, Mr Stephen Donnelly, the Oireachtas Health Committee and the HSE, CEO Mr Paul Reid, as well as our Regional Health Board and local hospitals, requesting that the provision of Long Covid Clinics are retained and expanded and that we acknowledge that thousands of people are suffering with adverse effects from Covid19 for long periods of time. Unfortunately, the health supports that are needed for those suffering are not in abundance or widely available with the threat of some services which are in place being withdrawn."

### **LIMERICK CITY & COUNTY COUNCIL**

“I will move at the next meeting that, having regard to the thousands of people who are suffering with adverse effects from Covid 19 for long periods of time, that the Metropolitan District of Limerick agrees the following:

- To write to the Minister for Health Stephen Donnelly, the Oireachtas Health Committee and the HSE CEO Paul Reid, requesting that the provision of Long Covid Clinics is retained and expanded;
- To raise it with our regional health board and/or local hospital;
- To circulate this motion to the rest of the Councils around the country asking them to consider doing the same.

### **LIMERICK CITY & COUNTY COUNCIL**

“That, Limerick City and County Council call on the government and the Minister for Housing to declare a housing emergency and to use emergency powers to introduce a moratorium on evictions similar to Covid emergency measures until the Minister for Housing raises the income thresholds for social housing supports for a three month period with an option to review thereafter.”

### **SLIGO COUNTY COUNCIL**

“In view of the huge increase in passport applications and consequent challenges and delays in the system that this Council call on the government to open a public passport office in Sligo to serve communities and people in the West, North-West and North of Ireland. And that a delegation from Sligo County Council request a meeting with the Minister for Foreign Affairs Simon Conveney and TDs from this region to look for this service to be provided in these areas. And to seek the support of other Local Authorities on this.”

### **SLIGO COUNTY COUNCIL**

“To ask that this Council write to the Ministers for Social Protection and Justice to ask that the national Abhaile Service (which is currently under review) be secured permanently for the future and that vital Dedicated Mortgage Advisor roles be continued and for the creation of more DMA roles throughout the country.”

It was also agreed to write to the four local TDs and circulate the motion to all Local Authorities in support of the motion.

**MINUTES OF JULY MEETING OF DONEGAL COUNTY COUNCIL HELD ON  
18<sup>TH</sup> JULY, 2022 IN THE AURA LEISURE CENTRE, LETTERKENNY**

C/258/22

**MEMBERS PRESENT**

Cllrs L. Blaney, Cathaoirleach, K. Bradley, C. Brogan, P. Canning, T. Conaghan, D. Coyle, G. Crawford, N. Crossan, T. Crossan, A. Doherty, G. Doherty, L. Doherty, M Farren, M.T. Gallagher, M. Harley, N. Jordan, D. M Kelly, N. Kennedy, M. Mc Clafferty, M. McDermott, I. Mc Garvey, N. McGarvey, P. McGowan, M. Mc Mahon, G. Mc Monagle, A. Molloy, J. Murray, M. Naughton, J. O Donnell, J. S Ó Fearraigh, and B. Sweeny.

*Online:* R. Donaghey, J. Kavanagh, M. McBride, and J. McGuinness.

C/259/22

**OFFICIALS IN ATTENDANCE**

John Mc Laughlin, Chief Executive, Patsy Lafferty, Director of Housing, Corporate and Cultural Services, Meetings Administrator, Paddy Doherty, A/Director of Community Development & Planning Services, , Bryan Cannon, A/Director of Roads & Transportation, Garry Martin, Director of Economic Development, Information Systems & Emergency Services, Michael Mc Garvey, Director of Water & Environment, Richard Gibson, Head of Finance, Paul Christy, Senior Executive Planner, Carol Margey, A/Senior Planner, Frances Friel, Communications Officer, William Colvin, Assistant Communications Officer, Róise Ní Laifeartaigh, Rannóg na Gaeilge, Seán O'Daimhin, Rannóg na Gaeilge, Anne Marie Crawford, Staff Officer.

C/260/22

**CONFIRMATION OF THE MINUTES OF DONEGAL COUNTY  
COUNCIL HELD ON THE 30<sup>TH</sup> MAY 2022**

On the proposal of Cllr Crawford, seconded by Cllr Canning the Minutes of the Meeting of Donegal County Council held on the 30<sup>th</sup> May 2022 were adopted.

C261//22

**CONFIRMATION OF THE MINUTES OF THE SPECIAL MEETING OF  
DONEGAL COUNTY COUNCIL HELD ON THE 27<sup>TH</sup> JUNE 2022**

On the proposal of Cllr Kennedy, seconded by Cllr Naughton the Minutes of the Special Meeting of Donegal County Council held on the 27<sup>th</sup> June 2022 were adopted.

C/262/22

**CONFIRMATION OF THE MINUTES OF THE ANNUAL GENERAL  
MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 27<sup>TH</sup>  
JUNE 2022**

On the proposal of Cllr Coyle, seconded by Cllr McGowan the minutes of the Annual General Meeting of Donegal County Council held on the 27<sup>th</sup> June 2022 were adopted.

C/263/22

**DISPOSAL BY WAY OF EXCHANGE LAND AT KILL,  
DUNFANAGHY TO JAMES MCCORKELL, JOSEPH LANGAN AND  
NEIL MCGINLEY OF DUNFANAGHY GOLF CLUB**

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

On the proposal of Cllr McClafferty, seconded by Cllr O’Fearraigh, it was resolved to dispose by way of exchange land at Kill, Dunfanaghy to James Mc Corkrell, Joseph Langan and Neil McGinley of Dunfanaghy ( hereinafter called the “Golf Club”) 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/264/22

**DISPOSAL OF LAND BY WAY OF LEASE AT GREENCASTLE HARBOUR, GREENCASTLE TO MICHAEL KAVANAGH FISHING.**

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 disposal of plot of land by way of lease at Greencastle Harbour, Greencastle to Michael Kavanagh Fishing 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/265/22

**DISPOSAL OF LAND BY WAY OF LEASE AT THE BATH GREEN, MOVILLE TO INISH ADVENTURES 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 plot of land by way of lease at The Bath Green, Moville to Inish Adventures 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/266/22

**TO APPROVE THE CONSTRUCTION OF A SHARED USE PEDESTRIAN AND CYCLIST FACILITY (GREENWAY) FOR THE PROPOSED LIFFORD-CASTLEFIN GREENWAY**

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

On the proposal of Cllr Crawford, seconded by Cllr L Doherty , the construction of a shared use pedestrian and cyclist facility (Greenway), including all associated drainage, earthworks, lining, signing, accommodation works and utility diversions so as to provide segregated cycling and walking facilities for the proposed Lifford-Castlefin Greenway in the townlands of Coneyburrow, Curraghlane, Leggandorragh, Portinure, Wood, Haw, Unshinnagh Lower, Churchtown, Ballybogan, Ballylast, Cloughfin, Magherareagh, Tawnacrom, Stranamuck, Knockrawer, Castlefin located between Lifford and Castlefin, under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) was approved.

**TO APPROVE THE TAKING OF LEGAL PROCEEDINGS ON BEHALF OF THE COUNCIL (REPORT TO BE CIRCULATED AT THE MEETING)**

Members considered the report circulated prior to the meeting in relation to the above.

The Chief Executive read into the record the contents of the report and advised that it would be necessary for the members to adopt the required resolution which would be presented separately.

Mr Patsy Lafferty, Meetings Administrator then read out the resolution as follows for member's consideration:

*"That the Chief Executive is hereby expressly authorised to commence proceedings in the High Court by the Council against Councillor Mc Brearty seeking all appropriate orders required to seeking damages for defamation, prohibiting him from repeating defamatory statements and restraining him from further abusing and haranguing Council staff and elected members and acting other than in accordance with the Code of Conduct".*

This was duly proposed by Cllr Farren and seconded by Cllr Gallagher.

Cllr I Mc Garvey queried whether all options had been explored and advised that the member concerned was also entitled to fair play. He cited the need to ensure that there was adequate engagement and negotiation on the matter.

The Cathaoirleach said that he was of the belief that the member concerned had been afforded ample consideration over the past number of years.

A recorded vote was then taken by the Meetings Administrator resulting in 32 voting for with 2 no votes.

Those voting in favour included:

Cllrs Blaney, Bradley, Brogan, Canning, Conaghan, Coyle, Crawford, T Crossan , A Doherty, G Doherty, L Doherty, Donaghey, Farren, Gallagher, Harley, Jordan, Kavanagh, Kelly, Kennedy, Mc Clafferty, Mc Dermott, N Mc Garvey, Mc Gowan, Mc Guinness, Mc Mahon, Mc Monagle, Molloy, Murray, Naughton, O' Donnell, O' Fearraigh, and Sweeny.(32)

Cllrs Mc Bride and I Mc Garvey did not vote. (2)

The resolution was thus adopted.

- C/268/22 **RENAMING OF THE MICA REDRESS COMMITTEE TO THE “DEFECTIVE CONCRETE BLOCKS COMMITTEE”**  
On the proposal of Cllr Bradley, seconded by Cllr O’Donnell, it was resolved to rename the Mica Redress Committee to the “Defective Concrete Blocks Committee”.
- C/269/22 **TO NOMINATE MEMBERS TO THE WORKING GROUP ON CONSTITUTIONAL CHANGE (10 NO. ELECTED MEMBERS).**  
Cllr Harley proposed, seconded by Cllr Brogan that the matter be deferred to later in the meeting.
- C/270/22 **TO FILL VACANCY ON THE CLIMATE ACTION & ENVIRONMENTAL STRATEGIC POLICY COMMITTEE**  
On the proposal of Cllr Kennedy, seconded by Cllr Mc Gowan it was resolved that Cllr Bradley fill the vacancy on the Climate Action and Environment Strategic Policy Committee.
- C/271/22 **TO APPROVE CULTÚR LE CHÉILE: STRATEGIC PLAN FOR CULTURE DIVISION 2022 TO 2026**  
On the proposal of Cllr Gallagher, seconded by Cllr McDermott it was resolved to approve Cultúr le Chéile: Strategic Plan for the Culture Division 2022 to 2026.
- C/272/22 **REJECTION OF THE 80 AMENDMENTS SUBMITTED BY HOMEOWNERS TO THE REMEDIATION OF DWELLINGS DAMAGED BY THE USE OF DEFECTIVE CONCRETE BLOCKS BILL**  
At this juncture Cllr Murray advised that he had to leave the meeting. On the proposal of Cllr Mc Gowan, seconded by Cllr Naughton the following motion as submitted by Cllr Murray was adopted:  
  
*"That this Council expresses its deep frustration at the rejection of the 80 amendments submitted by homeowners to the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Bill and reaffirms its support for affected homeowners who continue to campaign for a true 100% redress scheme which is accessible to all who need it".*  
  
This was unanimously agreed.  
  
He received a response from the Director of Housing, Corporate & Cultural Services in relation to the above.
- C/273/22 **THAT DONEGAL COUNTY COUNCIL ENTER INTO AN AGREEMENT WITH LEITRIM COUNTY COUNCIL CONCERNING THE DESIGN, CONSTRUCTION AND COMPLETION OF THE R280 LENNOX BRIDGE PROJECT**  
Members considered the report circulated with the agenda in relation to the above. On the proposal of Cllr Sweeny, seconded by Cllr Naughton it was resolved that Donegal County Council enter into an agreement

with Leitrim County Council under Section 85 of the Local Government Act, 2001 concerning the design, construction, and completion of the R280 Lennox Bridge Project with Leitrim County Council being the administering authority.

Cllr Sweeny queried what the plans were for the retention of the old stone bridge and its possible use as cycle/walkway connecting Kinlough to Bundoran.

C/274/22

**APPROVAL TO PROCEED TO STATUTORY PUBLIC CONSULTATION WITH THE DRAFT ROAD TRAFFIC (SPECIAL SPEED LIMITS) (COUNTY OF DONEGAL) (AMENDMENT) BYE LAWS 2017 WITH RESPECT TO THE PROPOSED CHANGES ON THE N56 BETWEEN THE POLE STAR AND DRY ARCH ROUNDABOUTS.**

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

Cllr I Mc Garvey asked for more detail particularly in relation to the value for money aspect of the project and whether it would result in increased traffic levels. The Cathaoirleach confirmed that the decision required at this stage was to proceed to public consultation.

Cllr Mc Monagle said it was important that there was public consultation at this stage and he thus proposed, seconded by Cllr Gallagher that the Draft "Road Traffic (Special Speed Limits) (County of Donegal) (Amendment) Bye-laws 2017" with respect to the proposed changes on the N56 between the Pole Star and Dry Arch Roundabouts proceed to Statutory Public Consultation.

Cllr I Mc Garvey asked what plans there were to provide the bridge at this location given that it had been talked about now for a long number of years.

C/275/22

**ENHANCEMENT OF THE MEMBERSHIP OF DONEGAL 2040 STRATEGIC DEVELOPMENT DESIGNATED ACTIVITY COMPANY**

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

On the proposal of Cllr McGowan, seconded by Cllr Sweeny it was resolved to approve the enhancement of the membership of Donegal 2040 Strategic Development Designated Activity Company.

C/276/22

**TO AGREE DATE FOR PRESENTATION BY NATIONAL BROADBAND IRELAND (SEPTEMBER COUNCIL MEETING)**

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

Cllr Mc Gowan noted that there had been considerable discussion on the broadband issue by ICBAN with specific emphasis on the challenges involved.

He said that Donegal was lagging being on this aspect, and that whilst funding was being provided it was clearly not being spent in Donegal.

He alluded to the presentation made to ICBAN by Mike Kiely regarding his findings on broadband provision in the ICBAN region and Northern Ireland and proposed that Mr Kiely be invited to meet with members prior to the NBI delegation attending the September meeting. This was seconded by Cllr Gary Doherty who stated that Mr Kiely was an expert in this line of work.

Mr Garry Martin, Director Economic Development, Information Systems and Emergency Services said that work was ongoing in terms of preparing a schedule of all the salient points in relation to Donegal specifically. Key issues were being identified, he added, and an insight sought into the timelines involved. He said that he would follow up in relation to the request to meet with Mr Kiely.

On the proposal of Cllr Mc Gowan, seconded by Cllr Gary Doherty, it was resolved that Mr Kiely be invited to meet with members in workshop format prior to the September Council meeting.

C/277/22

**COUNTY DEVELOPMENT PLAN, 2018-2024 (AS VARIED),  
PROPOSED VARIATION IN RESPECT OF A WIND ENERGY  
POLICY FRAMEWORK**

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

Mr Paddy Doherty, A/Director Community Development & Planning Services informed the meeting that the proposed variation to the County Development Plan 2018-2024 (as varied) had been made available for public consultation during the period 29<sup>th</sup> April to the 3<sup>rd</sup> June ,2022. Following this period of consultation, he confirmed, that in accordance with Section 13(4) of the Planning & Development Act 2000 (as amended) the Chief Executive's Report had been prepared and sent to the members on the 23<sup>rd</sup> June, 2022 and also published on the Council's website. The next step, he advised, was for members to consider the Proposed Variation and the CE Report together with their associated role in respect of the Strategic Environmental Assessment and Appropriate Assessment.

Mr Paul Christy, Senior Executive Planner said that members should now consider the CE report as circulated on the 23<sup>rd</sup> June and the cover report circulated with the agenda. The CE report, he noted, contained a number of lengthy submissions and had strived to capture as best it could the complexity of the situation. He alluded to the following:



- General majority of public submissions were in line with the sentiments of the members.
- 20 submissions were received from the industry expressing strong concerns in relation to the variation.
- Strong submission had been received from the Office of the Planning Regulator and the Northern & Western Regional Assembly regarding the proposal.

He recommended that the detailed recommendations contained in Section 11 of the CE report be further considered by the members.

Cllr G Doherty welcomed the opportunity to speak on the Variation again and noted that it had been a lengthy process to get to this stage. This, he said, was something that the Elected Members had been requesting and advocating for some time. He alluded to the fact that he had a motion agreed previously which had requested the initiation of the variation process based on the fact that there were serious concerns regarding gaps in the Development Plan and the impact on wind energy development in the county.

The gap, he said, had existed based on the decision taken not to contest the judicial proceedings back in 2018 brought by a private wind farm developer against what had been the democratic decision of the Elected Members of Donegal County Council. He noted that the Minister at the time had appointed an independent inspector to review the decision taken democratically by the Members of Donegal County Council regarding their own Wind Energy Policy.

The said inspector, he advised, had made a recommendation at the time that Donegal County Council did not ignore the submission made by the Minister and did not significantly impact on the coherence of the Development Plan which was consistent with national policy. He said that since then his opinion had not changed and that it was his firm belief that ten times the tip height is a fair set back distance for modern day turbines. The size and scale today, he added, could not have been envisaged when the original wind energy guidelines were published back in 2006.

Ongoing consultation, he noted, had shown that 10 times the tip height had been favoured by the vast majority of people in Donegal who were affected by these turbines. Most of the Elected Members, he said, were in favour of this set-back distance.

Cllr Doherty said he represented the ordinary people of Donegal who wanted the set-back distance retained at 10 times the tip height and referred to the previous amendment proposed by himself and seconded by Cllr Gallagher to retain the position of “Moderately High” and “Moderately Low” landslide susceptibility areas to be included in the wind energy map under the not “Normally Permissible” for wind farm

development designation. These decisions, he confirmed, had been made based on maps drawn up by the Geological Survey of Ireland taking into consideration landslide susceptibility. These maps, he said, ascertained that the area around the Meenbog Wind Farm was only at a moderate risk of a landslide, yet due to the large-scale industrial development in that area to construct a windfarm a landslide had occurred.

It was his express view, he said, that this Council should now insert protections in the County Development Plan to ensure that there was no repeat of the Meenbog fiasco at any location in the county susceptible to landslides.

He referred to the fact that back in February 2022, further significant amendments had been made, namely that,

- Windfarm development would not be located in “Zones of Visual Influence” including Glenveagh, the Gweebarra River Basin, areas contained within Especially High Scenic Amenity on the map and the Fresh Pearl Mussel Catchments and St Johns Point .

He was he advised happy to support and propose the amendments recommended by members and thus proposed that the Council proceed to make the Variation to the Development Plan without modifications.

Cllr Gallagher seconding the proposal said that years had been spent trying to come up with a Wind Energy Policy that was suitable for the County and that considerable energy had gone into this Variation. She noted that the report referenced going back to the Department with a reasoning for including set-back of ten times the tip height, shadow flicker, and noise pollution issues etc.

No-one, she said, could have envisaged the size of turbines and scale of wind farms currently in use. Reference was made also to the fact that communities in West Donegal were badly treated and that there was a need for the Council to ensure that that the people in these localities were fairly treated. It was scandalous, she said, that the scenic areas referred to above could be overrun by windfarm development and for this reason the variation was needed to ensure the protection of the communities and visual impact of the areas involved.

Cllr Gallagher referenced recent judicial cases involving the Pearl Mussel Catchment Areas and said it would be neglectful if these were not taken into consideration in terms of protecting Pearl Mussel Catchment Areas in Donegal.

Cllr Molloy queried as to why the protection of the Fresh Pearl Water Mussel had been removed along the Gweebarra River Valley and who had been responsible for that decision. He expressed concern that public opinion had been dismissed in this instance.

A lengthy debate took place with members raising the following;

- Clarity requested regarding the National Guidelines on Wind Farms.
- Noted that lot of the guidance available to members was based on EU Directives and on National and Regional Planning Guidelines and that by the time Members came to deal with the issues in the County Development Plan their powers were largely limited.
- No major say in the matter for the Planning Authority either.
- Need to be clear as to what power the members actually had in addressing these issues.
- That the National Wind Energy Strategy did not take into account the situation in counties such as Donegal which were saturated with wind farms.
- Communities should be listened to and where there was scope and agreement assistance provided.
- Query as to whether the Planning Regulator was working in the best interests of the members.
- Members did not have the power to effectively address issues affecting local communities.
- Realistic overview needed in terms of the rising energy costs and the fact that this could result in smaller and medium enterprises going out of business.
- Alternative sources of energy need to be explored and suggested that some of the bigger companies should be encouraged to explore offshore wind farm options.
- No reduction in electricity price despite the increase in wind farms.
- Need to put in place infrastructure to store the electricity and to ensure that sufficient compensation is provided for the local communities involved.
- Look at other methods of energy generation.
- No figure provided regarding the need for electricity in Donegal.
- Very little consideration for hydro power in Donegal.

Cllr Mc Bride contended however that a set-back of ten times the tip height was too restrictive and suggested that five times might be a more realistic suggestion. He said that he did not believe that windmills should be restricted on the basis of what had happened in Meenbog and that every project needed to be taken on its own merit.

Acknowledging the increase in electricity costs and the move towards green and clean energy, he cited the importance of not restricting access to wind energy. He thus proposed that the set-back distance for wind turbines be restricted to 5 times the tip height.

Cllr Sweeny said that ten times the tip height as it stands was not effective. This, he advised, combined with other protections meant that the vast majority of Donegal was protected, and the areas left for development were few and far between.

Ten times the tip height, he contended, would preclude communities that wanted to develop and harness wind energy. He said that further discussion was warranted and that by inserting ten times the tip height there would be negative consequences for this county.

Cllr Donaghey proposed that the variation be postponed so that it could be considered in line with the new emerging Draft Development Plan, the National Wind Guidelines Document and with full Wind Energy engagement. The proposal, she stated, would jeopardise wind energy applications that have been in preparation for many years. There was, she acknowledged, no legal precedence for incorporating ten times the tip height and the lack of sufficient reasoning for this turbine set-back distance would leave the variation open to legal challenge. The wind constraint mapping, she said, limited and constrained wind development in the county. The emphasis, she added, was now to move forward with the green energy agenda. This, she noted, together with the demand for the creation of more data centres could not be met if the proposal for ten times the tip height was adopted. Wave energy it was noted was not a runner given that there were corrosion issues associated with salt water. Ultimately, she said, that she concurred with Cllr Brogan in that the role of the Elected Members in the matter was limited and that the overall guiding factor would be the Department Guidelines.

Cllr Kennedy alluded to the fact that the decision had already been made and a clear indication received from the public as to how the public felt about the matter.

It was imperative, she added, that those homeowners affected by noise, shadow flicker etc were listened to. Donegal, she said, had enough turbines and it was important that there was a united front on the matter as ten times the tip height was essential if protection was to be afforded to the local communities.

The Cathaoirleach at this juncture said he believed if ten times the tip height was to be the norm then the result would be that very few places in Donegal would be available for wind farm development.

He called for a realistic approach and said it was clear that ten times the tip height would not be accepted when national guidelines advocated that it should be 4 times. On this basis, he seconded the proposal by Cllr Mc Bride that the set-back distance be set at five times the tip height.

Cllr G Doherty said that he could appreciate that there were different views on the matter, but the fact was that the proposals on the floor had gone to public consultation and that members had an opportunity

previously to make specific recommendations and had failed to do so. The proposal for five times the tip height would, he advised need to go out to public consultation. The choice now, he said was to vote for the proposal that he had made (i.e. to go with the Variation that the members had made) or to vote for the recommendations that the executive had made.

Cllr Mc Clafferty proposed that Variation if adopted should include a provision that prospective developers be compelled to make a monetary contribution on a yearly basis to the likes of Letterkenny University Hospital and the Donegal Hospice.

Cllr Gallagher said that she would like to second the proposal but on the basis of what was before members today that was not possible. She alluded to the proposals made earlier in the meeting and called for a recorded vote.

Mr Paul Christy, Senior Executive Planner said that he was appreciative of the concerns raised by members and noted that every effort had been made to represent the submissions received from the public. He advised of the following:

- With regard to the Pearl Mussel Catchment Areas, he said, that various environmental agencies had been contacted and the feeling was that because of the extent of the areas involved it was more unreasonable than reasonable to have an automatic prohibition on the consideration of wind turbines in these vast areas, as there was some prospect that wind farms could be erected without any damage to the Pearl Mussels.
- There was no further update in relation to the finalisation and publication of the National Guidelines.
- There is provision in the policy that if all affected residential property owners within the setback area were agreeable to a project and if they signed the requisite documents then the policy could be put to one side. He said that there was still the issue of the mapping and whether the project was compliant with the mapping.

The substantive issue in Sections 9 and 10 of the Chief Executive's Report, he said, set out in detail the submission from the Office of the Planning Regulator and the legal implications of their position. It was the duty, he advised, of the Executive to set out what the Regulator was saying and read into the record the following extract as contained in Section 9 of the said report:

*“Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under Section 28. As such, the planning authority is required to implement, or address recommendation(s) made by the*

*Office in order to ensure consistency with the relevant policy and legislative provisions.*

The recommendations alluded to above were, he stated, contained in Section 10, Pt 2, Page 35 of the CE Report and referred to the set-back distance issue and read as follows:

*Demonstrate that the Plan is consistent with the delivery of part (1), including through the omission of the setback standard for wind energy development under Policy E-P-23 and Policy E-P-24 of the proposed Variation and ensure that any provision for mandatory setback are consistent with the Wind Energy Development Guidelines for Planning Authorities (2006).*

Mr Christy referred to the mapping issue and said that the in accordance with the Office of the Planning Regulator Recommendation No 2 the Planning Authority was obliged to;

- i. Remove the “Lifford- Stranorlar Municipal District Areas at Risk of Landslides and Associated Environmental and Ecological Concerns”  
And*
- ii. Remove all “Moderately Low” and “Moderately High” landslide susceptibility areas from that are defined as “Not Normally Permissible”*

He said that he fully respected the contributions made by members but it was important that the view of the Planning Regulator was put on record.

At this juncture the Cathaoirleach said that additional consideration was required and proposed, seconded by Cllr Brogan to defer the matter to later in the meeting.

C/278/22

**TO NOTE UPDATE IN RELATION TO THE RESPECT OF THE COUNTY DEVELOPMENT PLAN 2018-2024 (AS VARIED) FOUR YEAR REVIEW PROCESS**

Members considered and noted the update in relation to the respect of the County Development Plan 2018-2024 (As Varied) Four Year Review process.

C/279/22

**TO NOTE UPDATE IN RESPECT OF THE DRAFT LETTERKENNY PLAN AND LOCAL TRANSPORT PLAN**

Members considered and noted the update in respect of the Draft Letterkenny Plan and Local Transport Plan.

Cllr Brogan asked that an outline be provided as to why there had been significant delays with the plan. He said that a definitive timeframe was needed if inward investment was to be encouraged and utilised. He

referred to the recent job announcements in the town and the fact that one of the biggest issues was finding suitable accommodation for people who wanted to live and work in the area.

Cllr I Mc Garvey concurred with this and alluded to the housing need in Letterkenny both from a private and local authority perspective. Issues with supply and demand, he said, needed to be addressed now and all funding opportunities needed to be explored. He said that all concerned were aware that the new bridge and the Leck Road were a priority but unfortunately the pace of progress was very slow.

The Cathaoirleach enquired if there was any possibility that the Plan could be completed before September.

Mr Paul Christy, Senior Executive Planner acknowledged the concerns raised by members and said that the requirements were that three supporting environmental based reports had to be prepared for the Draft Plan which had already been agreed by the members for publication. The traffic and transport analysis, he noted, had been an additional document and all these had contributed to additional time being needed. It had been hoped, he said, to have the Plan back with the members for this meeting but unfortunately this had not been possible. It was, he confirmed, intended to bring the matter back to members in September 2022.

He said that if the environmental reports were ready for the September Meeting then it would be possible to publish the Draft Plan at the start of November for public consultation.

Cllr Brogan asked for an outline of the steps to be taken prior to the adoption of the Draft Plan.

The following timeline was confirmed:

1. Publication at the start of November.
2. Consultation Programme to run up until the Christmas break.
3. Chief Executive's Report to be presented at the January 2023 Council Meeting.

Mr Paul Christy, Senior Planner said that it was almost inevitable that there would be material alterations which would again have to go out to public consultation. On this basis, he said, it would be June or July 2023 before the Draft Letterkenny Plan and Local Transportation Plan could be adopted.

The Chief Executive responding to a query from the Cathaoirleach said that he would circulate to members information received from the Minister for Housing, Local Government & Heritage regarding the retention of lands zoned for housing in current Development Plans in any new and emerging plans.

**COMPLETION OF DONEGAL COMMUNITY STADIUM AT STRANORLAR, CO. DONEGAL**

The Chief Executive said that the report was self-explanatory and had been in the pipeline for a long time. The financial gap involved, he noted, had been refined and with plans now to develop a modular stadium the construction price had been reduced. The funding gap, he stated, was now €1.5 million approximately and that it was now proposed that the deficit be funded as follows:

Football Association of Ireland (FAI)	€500,000
Finn Harps Football Association	€500,000
Donegal County Council	€500,000

He said that the contribution from Donegal County Council was front loaded and split over a 3-year period with €250,000 to be paid in 2022, €150,000 in 2023 and the remaining €100,000 in 2024. It was noted that the contribution was capped at €500,000 and specifically related to the completion of the Donegal Community Stadium.

He was he said happy that the Council was at this stage in a position to assist with the funding as previous attempts had to be disregarded on the basis that the funding gap could not be bridged.

Cllr Mc Gowan alluded to the fact that the Council had been very supportive over the years to Finn Harps and that this was a culmination of the hard work carried out over the past number of years.

He proposed, seconded by Cllr G Doherty that Donegal County Council make a conditional offer to Finn Harps Football Club to provide €500,000 towards the completion of the Donegal Community Stadium on the basis that the funding is capped at the stated amount so as to enable the drawdown of €3,991,000 from the Department of Tourism, Culture , Arts, Gaeltacht, Sport & Media. It was resolved that the funding be paid over a three-year period as referred to above, and was not be used for any other purpose.

This was unanimously agreed.

Cllr Doherty thanked the CE and the Senior Management Team for their engagement on the issue and noted that the hard work undertaken by the Stadium Committee and Donegal County Council had now paid off. It was, he said, excellent news for the people of Donegal as it meant that the Donegal Community Stadium could now be built.

Members welcomed the development and it was noted that the tough decisions taken at budget time had allowed this to happen.

Cllr Mc Monagle asked if the decision would have any implications for other projects



The Chief Executive responding to a query from Cllr A Doherty in relation to the request for a reduction in the co-financing requirement for Capital Projects said that the matter was still being worked on.

He confirmed that the €500,000 allocated would reduce the monies available but said that the Council were satisfied that they could handle the requirement and that there was no indication that any other project would have to be stopped as a result of this commitment.

C/281/22 **TO NOTE THE NOMINATION OF MAIRE UÍ MHAOLÁIN TO FILL THE VACANCY ON THE DONEGAL LOCAL COMMUNITY DEVELOPMENT COMMITTEE**

Members considered the report circulated with the agenda in relation to the above and noted the nomination of Máire Uí Mhaoláin to fill the vacancy on the DLDC.

Mr Paddy Doherty, A/Director Community Development & Planning Services responding to a query on the selection of PPN representatives advised that they were nominated through a direct election process in that body.

C/282/22 **TO CONSIDER AND NOTE THE AUDITED FINANCIAL STATEMENT 2021.**

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

C/283/22 **TO CONSIDER AND NOTE THE LOCAL GOVERNMENT AUDIT REPORT ON THE AFS FOR 2021.**

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

C/284/22 **TO NOTE THE REPORT FROM THE AUDIT COMMITTEE ON ITS CONSIDERATION OF THE 2021 AUDITED FINANCIAL STATEMENT AND AUDIT REPORT FOR 2021 OF DCC AS REQUIRED BY SECTION 121(3) OF THE LOCAL GOVERNMENT ACT, 2001 (AS AMENDED)**

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

C/285/22 **MINUTES OF THE MEETING OF THE CORPORATE POLICY GROUP HELD ON THE 23<sup>RD</sup> MAY 2022**

On the proposal of Cllr Brogan, seconded by Cllr McMonagle the minutes of the Corporate Policy Group held on the 23<sup>rd</sup> May 2022 were noted.

C/286/22 **MINUTES OF THE MEETING OF THE DONEGAL HERITAGE FORUM HELD ON THE 14<sup>TH</sup> OCTOBER 2021**

On the proposal of Cllr McGarvey, seconded by Cllr Coyle the minutes of the meeting of the Donegal Heritage Forum held on the 14<sup>th</sup> October 2021, was noted.

C/287/22 **MINUTES OF THE MEETING OF THE DONEGAL HERITAGE FORUM HELD ON THE 10<sup>TH</sup> FEBRUARY 2022**

On the proposal of Cllr Coyle, seconded by Cllr N Mc Garvey the minute of the meeting of the Donegal Heritage Forum held on the 10<sup>th</sup> February 2022, was noted.

C/288/22 **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 N Crossan, seconded by Cllr McGowan, 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**

ALLG Autumn Training Conference 2022 “Celebrating Local Government”, Knightsbrook Hotel, Trim, Co Meath from 14<sup>th</sup>-15<sup>th</sup> September, 2022.

**Conferences**

- Letterkenny Tidy Towns “Derelict in Donegal” Conference to be held in Dillon’s Hotel, Letterkenny on the 22<sup>nd</sup> July, 2022.
- MacGill Summer School to be held from the 21<sup>st</sup> to the 24<sup>th</sup> July, 2022 in the Highland Hotel, Glenties.

It was agreed at the MacGill Summer School be added to the list of approved events on the basis that it was of huge benefit to the County. Mr Garry Martin, Director of Economic Development, Information Systems and Emergency Services agreed to circulate a copy of the programme to members.

**Abroad**

- Attendance at the Red Hugh O’ Donnell 420<sup>th</sup> Anniversary Festival in Valladolid, Spain from the 10<sup>th</sup> to the 12<sup>th</sup> September, 2022.

C/289/22 **REPORT ON ATTENDANCE AT CONFERENCE/EVENT**

Members noted the following conference/events reports.

**Cllr John S O’ Fearraigh**

CPMR- Politico Bureau Meeting in Barcelona, Spain on 24<sup>th</sup> and 25<sup>th</sup> March 2022.

**Cllr John S O’ Fearraigh**

CPMR- General Assembly of the Arc Division held from the 24<sup>th</sup> - 25<sup>th</sup> May 2022, in San Sebastian, Spain.

C/290/22 **ADJOURNMENT OF THE MEETING**

On the proposal of Cllr Harley, seconded by Cllr Naughton, it was resolved to adjourn the meeting for lunch.

C/291/22 **COUNTY DEVELOPMENT PLAN, 2018-2024 (AS VARIED),  
PROPOSED VARIATION IN RESPECT OF A WIND ENERGY  
POLICY FRAMEWORK**

The Cathaoirleach advised members that the following should now be considered:

1. Cllr G Doherty's proposal seconded by Cllr Gallagher that the Variation be made without modification.
2. Cllr Mc Bride's proposal seconded by Cllr Blaney to make the Proposed Variation in respect of Wind Energy with modifications.
3. The option also existed, he added not to proceed with the Variation.

Thus Members were informed that they should now consider the proposals as outlined above and that a recorded vote would be taken in respect of same.

Cllr Mc Monagle asked for clarification in relation to the further modifications.

Mr Paul Christy, Senior Executive Planner, said that members had the option firstly to make the Proposed Variation without further modification.

Point (4) 2 of the cover sheet, he added, referred to making the Variation with further modifications. He referred to the fact that in Section 11 of the Chief Executive's Report eight modifications had been recommended and that this was the second option available to members.

The third option, he said, was to put those to one side and to make the modification as proposed by Cllr Mc Bride.

The fourth option, he stated, was not to make the Variation.

It was then clarified that the proposal by Cllr Mc Bride would result in the process being restarted and going out to public consultation. Mr Christy confirmed that any material alterations would have to follow this process and that that it would include in all likelihood consideration of whether or not a revised Strategic Environmental Assessment, Environmental Report and Appropriate Assessment and Natura Impact Report would be required.

Cllr Brogan queried what the members role in the proceedings was and whether the publication of the new Guidelines would impact on any

decisions taken today. He said he believed any decision taken by the members at this point was irrelevant as the guidelines had not been finalised.

The Senior Executive Planner said that he could not speculate on this, as it depended firstly on the decision taken by the members today and that it was not possible pre-empt what would be in the finalised guidelines, given that the process had been lengthy. On that basis, he said that he could not give a speculative opinion.

Responding to a request from the Cathaoirleach, he said, that clear direction had been given by the Planning Regulator that the existing guidelines from 2006 should be adhered to. There was, he confirmed no minimum mandatory set-back distance specified in those guidelines, however a guideline of 500 metres had been specified for noise purposes.

At the request of the Cathaoirleach, the Meetings Administrator took a recorded vote on the proposal by Cllr Mc Bride, seconded by Cllr Blaney that the set-back distance for wind turbines be set at five times the tip height.

This resulted in 23 voting against and 6 voting for.

Those voting for included:

Cllrs Blaney, N Crossan, Donaghey, Kelly, Mc Bride, and Mc Dermott. (6)

Those voting against included:

Cllrs Brogan, Canning, Coyle, Crawford, T. Crossan, A Doherty, G Doherty, L. Doherty, Gallagher, Harley, Jordan, Kavanagh, Kennedy, Mc Clafferty, I. Mc Garvey, N. Mc Garvey, Mc Gowan, Mc Guinness, Mc Mahon, Mc Monagle, Molloy, Ó Fearraigh, and Sweeny. (23)  
The motion fell.

A recorded vote was then taken by the Meetings Administrator on the proposal by Cllr G Doherty, seconded by Cllr Gallagher to make the Proposed Variation in respect of a Wind Energy Policy Framework without modifications.

This resulted in 22 voting for with 7 voting against.

Those voting in favour included:

Cllrs Canning, Coyle, Crawford, T. Crossan, A Doherty, G Doherty, L. Doherty, Gallagher, Harley, Jordan, Kavanagh, Kennedy, Mc Clafferty, I. Mc Garvey, N. Mc Garvey, Mc Gowan, Mc Guinness, Mc Mahon, Mc Monagle, Molloy, Ó Fearraigh, and Sweeny. (22)

Those voting against included:

Cllrs Blaney, Brogan, N Crossan, Donaghey, Kelly, Mc Bride, and Mc Dermott. (7)

The Senior Executive Planner drew attention to the fact that under Section 13.5 (a)(a) of the Act and in instances where a decision has been made contrary to the recommendations of the Minister or the Regulator, specific reasoning would have to be provided in writing.

Cllr G Doherty advised that the reasons for the decision were contained in the Section 28 statement of the Proposed Variation and proposed that this be submitted as the rationale for the decision. This was seconded by Cllr Gallagher.

C/292/22

**MOTION UNDER URGENT BUSINESS**

A request signed by Cllrs I Mc Garvey, Murray, O' Donnell, Mc Mahon, G Doherty, Mc Gowan, Crawford, Mc Monagle and L Doherty to have the following motion discussed as urgent business in accordance with Standing Order No 27 was submitted to the Meetings Administrator:

*“That our Council is granted full partnership role in all decisions concerning water and wastewater services within this County in dealing with individuals and groups for services”.*

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

C/293/22

**TO NOMINATE MEMBERS TO THE WORKING GROUP ON CONSTITUTIONAL CHANGE (10 NO. ELECTED MEMBERS).**

The following members were nominated:

- Cllr Harley proposed Cllr Kavanagh (1)
- Cllr G Doherty proposed Cllr A Doherty, Cllr Mc Monagle and Cllr Mc Mahon. (3)
- Cllr N Crossan proposed Cllr I Mc Garvey, Cllr Kennedy and Cllr N Crossan. (3)
- Cllr Brogan proposed Cllr Canning, Cllr Donaghey and Cllr N McGarvey. (3)

These were unanimously agreed.

Cllr A Doherty asked that a meeting of the group be arranged for September 2022.

C/294/22

**CREATION OF A NATIONAL INSURANCE POLICY FOR THATCHED STRUCTURES**

On the proposal of Cllr Sweeny seconded by Cllr McGuinness it was resolved to adopt the following motion:

*"That this Council writes to the relevant Government departments requesting the creation of a National Insurance Policy for Thatched Structures in the interest of safeguarding a key element of our national heritage and in light of the withdrawal of the last remaining insurance company that previously provided such cover"*

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

Cllr Sweeny noted that there were particular challenges for the owners and custodians of these cottages and said that the style of thatching synonymous and unique to Donegal known as rope thatching was now in jeopardy. The value of these structure, he added, was well known in terms of image, craftsmanship, heritage value etc including the tourism and economic potential.

Thatched structures were, he advised disappearing in Donegal and many iconic images associated with the Council were no longer there.

Donegal County Council was it was acknowledged at the forefront in tackling a number of the challenges with their repair/grants schemes, but unfortunately owners of these structures were in a precarious position at present in terms of the costs involved, maintenance issues, limited availability of skilled crafts persons, the provision of materials, insurance costs and extreme weather conditions. He noted that there had been some assistance also from the Tourism Reserve Fund.

Cllr Sweeny alluded to the fact that the last remaining insurance company which had traditionally provided cover for these types of structures was leaving the Irish market and that many of the iconic images associated with the county were under severe threat. He thus called on the Heritage, Tourism and Community Departments to step in and implement the National Insurance Programme for Thatched Structures.

He said that he hoped with the support of the relevant ministers that a way forward could be found to resolve the situation and welcomed the fact that there was a National Steering Group in place to look at the various challenges involved.

Cllr Mc Guinness supporting the motion noted the importance of retaining thatched structures as their demise would be a big loss to the tourism sector. He cited the importance of preserving the craft of thatching for future generations.

There was no opposition to the motion.

C/295/22

**CATHLEEN HYDRO ELECTRICAL PLANT IN BALLYSHANNON**

On the proposal of Cllr Gallagher, seconded by Cllr G Doherty it was resolved to adopt the following motion:

*"That this Council request ESB Group who own and run the Cathleen Hydro Electrical Plant in Ballyshannon to attend a meeting of Council to discuss the potential of Hydro energy in County Donegal".*

She received a response from the Director of Water & Environment in relation to the above.

Cllr Gallagher said that greater consideration needed to be given to the whole aspect of hydro-energy particularly here in Donegal where the topography and coastal location was ideal for the development of same. It was noted that the Hydro Electric Plant in Ballyshannon had operated very successfully over the years and the time was right for Donegal County Council and Udarás na Gaeltachta to possibly collaborate in the development of same.

Cllr G Doherty said the motion was timely given the limitations of wind energy and the saturation of turbines in the County.

There was no opposition to the motion.

Concluding Cllr Gallagher asked that the matter be further considered by the Climate Action & Environment SPC.

C/296/22

**EXTRA STAFFING RESOURCES FOR THE HERITAGE DEPARTMENT OF DONEGAL COUNTY COUNCIL**

On the proposal of Cllr McGarvey, seconded by Cllr Sweeny it was resolved to adopt the following motion:

*"That this Council seek to have extra staff resources sought for immediate start within the Heritage Dept of Donegal County Council, even on a temporary basis".*

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

Cllr Mc Garvey said it was regrettable that funding had to be returned by the Heritage Department to various agencies as it did not have the resources to progress specific projects. This, she advised, gave a bad impression and if money was being returned on a regular basis then it reflected badly on the Council.

Cllr Sweeny supporting the motion alluded to the administrative work involved in some of the projects and outlined the need for additional staffing.

There was no opposition to the motion.

Cllr Mc Garvey welcomed the response and said that it was imperative that the matter was moved forward.

**N2 & A5 NATIONAL ROAD SCHEME**

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

*N2 & A5 National Road Scheme.*

*"That Donegal County Council response to the suspension of Planning Works by TII (including N2 to the Border) of a number of major road schemes entails,*

- 1) A comprehensive update and report by DCC on the strategic arterial route the N2/A5 is for the North West economy.*
- 2) DCC seek Government assurances that the N2/A5 Clontibret to the Border will be included in the NDP funding plan for 2021-2025.*
- 3) Confirmation from Minister Eamon Ryan that "Changes in Government assessment (Road Funding) priorities" will neither delay nor prevent N2/A5 progress.*
- 4) That a cross party delegation meet with Minister Ryan on this matter".*

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

Cllr Doherty expressed concern that back in January Transport Infrastructure Ireland had confirmed that planning works on eight major schemes had been suspended. They further outlined that €1.1 million under the National Development Plan would be allocated for the period 2021 to 2025 and €4 million for 2026-2030 providing limited scope for development.

He said that he had been contacted by T.I.I. in May and informed that it had been decided that new roads would now be phased across the period of the National Development Plan and that all new projects outlined in the NDP through planning design could not all progress and would have to be phased.

He welcomed the fact that representatives of Donegal County Council utilised all available platforms to promote the importance of the N2/A5 corridor. It was imperative, he added, that assurances were given in relation to the following:

- Between 2022 and 2025 the N2/A5 Clontibret to the Border needs to get back on track.
- That planning and design for the projects outlined be prioritised and moved forward in the first phase of the NDP.

He alluded to the recent announcement on the proposals for the new Metrolink and said that there was a marked difference in how the N2/A5 project was being treated.



It did not bode well, he said that we in the North West seemed to have to continually beg for support. It was essential, he said, that the motion was followed up with a delegation.

Cllr Crossan supported the motion and thanked Cllr Doherty for his articulate description of the situation.

Cllr Doherty said that the project was effectively a pro-life project in terms of the health and safety aspects involved and that Donegal County Council needed to be at the forefront in campaigning for the completion of the scheme.

C/298/22

**GARDAI RESOURCES - BORDER VILLAGES**

Cllr T Crossan, submitted the following motion:

*"That Donegal County Council write to Garda Commissioner Drew Harris demanding that more resources are made available for Donegal particularly in Border villages "*

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

Cllr Crossan said that he had submitted the motion based on a conversation with a local Garda representative. Resources were needed, he stated, in terms of additional manpower and vehicles. He referred to a particular incident whereby it took the Gardaí 45 minutes to respond to an incident as there was no available vehicle.

He referred to problems in the North Inishowen area and the fact that personnel were often redeployed to other locations.

At this juncture, he outlined his intention to amend the motion and asked also that Donegal County Council extend an invitation to Commissioner Drew Harris to attend a future meeting of the Donegal Joint Policing Committee.

Cllr Mc Monagle reiterated the fact that there was a serious lack of resources and said the closure of a number of stations throughout the County had contributed to this.

On the proposal of Cllr T Crossan, seconded by Cllr Mc Monagle it was resolved to adopt the following motion:

*"That Donegal County Council write to Garda Commissioner Drew Harris demanding that more resources are made available for Donegal particularly in Border villages and that an invitation be extended to Commissioner Drew Harris to attend a future meeting of the Donegal Joint Policing Committee".*

**THAT THE COUNCIL BE ALLOWED TO PROCEED TO BUY HOMES THAT HAVE NEGATIVE MICA/PYRITE AND THAT THE COUNCIL PUT AN AGGRESSIVE PLAN IN PLACE TO PURCHASE AND BUILD MUCH NEEDED HOME IN DONEGAL.**

On the proposal of Cllr McMonagle, seconded by Cllr Gallagher it was resolved to adopt the following motion:

*"That this Council requests an emergency meeting with the Department to demand that this Council is allowed to proceed to buy homes that have negative Mica/Pyrite and any other deleterious Materials Test and that this Council put an aggressive plan in place to purchase and build much needed homes in Donegal".*

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

Cllr Mc Monagle said that everyone was aware that there was a housing crisis and that the lack of funding on the housing front was contributing to the ongoing mica situation. This was compounded, he added, by the fact that Donegal County Council was not allowed to buy properties.

It was clearly acknowledged, he advised, that IS465 was not fit for purpose and that there was a need to test for all deleterious materials. It was not fair, he contended, that Donegal County Council staff were expected to assess the risk and said that an emergency meeting was needed to get a programme and an adequate test regime in place.

It was noted that there were many houses from the pre-mica period for sale and that an efforts should be concentrated in following up on the purchase of these. He asked what was happening regarding the 2022 Housing Capital Programme and the targets outlined in this document including the strategies and specific goals outlined in same.

There was acknowledgement also of the recent announcement regarding the provision of 300 jobs in Letterkenny and the impact that the lack of accommodation would have on same. It was imperative, he added, that there was ongoing engagement with the Department.

Cllr Gallagher, seconding the motion noted that every other Council in the Country had a plan for purchasing houses and that a level playing field was needed for Donegal. She said it was the unanimous decision of all the political groupings that a dedicated housing team was established in each Municipal District linked to Housing Management and tasked with buying and building houses. She asked adequate staffing be put in place to ensure that this objective was met.

There was no opposition to the motion.

Mr Patsy Lafferty, Director Housing, Corporate & Cultural Services said that there was still uncertainty around the content of deleterious materials within concrete blocks, and that whilst thresholds were specified within the standards for certain minerals there was no definitive threshold in respect of mica.

Donegal County Council, he said, were in constant contact with the Department regarding the matter. The advice to date, he added, had been to apply the current standards and assess the risks ourselves. Local Authorities, it was noted, were obliged to follow the standards set nationally. The Council, he advised, were aware that the review of Standard IS465, Masonry Block Standard ISEN 771-3 and Aggregates Standard ISEN 126620 were ongoing and that an early conclusion was warranted in order to alleviate the uncertainty. He alluded to the fact that there was positive engagement with the Department and confirmed that a copy of the motion would be forwarded to the Minister of Housing, Local Government & Heritage.

C/300/22

### **COMMON TRAVEL AREA (CTA)**

On the proposal of Cllr Coyle, seconded by Cllr Kelly it was resolved to adopt the following motion:

*“This Council notes that the Common Travel Area (CTA) enables free movement within the island of Ireland. However, it excludes people of other nationalities, in particular citizens of countries in Africa, Asia, and South America.*

*Council further notes that persons who lawfully resides and have made their homes on both sides of the Irish border are prevented from fully living their lives here.*

*Council recognises that there is effectively an invisible hard border that leads to racial discrimination stopping particular people from living fluid cross border lives.*

*Council welcomes and endorses the following key actions proposed by the North West Migrants Forum, CAJ and other partner organisations that the Irish Government should take to assist residents of Northern Ireland seeking to travel into the Republic of Ireland:*

- 1. All lawful residents in NI can cross the land border as visitors without prior permission.*
- 2. Stopping racial profiling including ending all selective passport controls on the land border.*
- 3. Restore the pre-2004 birth right to Irish citizenship and open a path through residence on the island.*
- 4. Ensure essential cross-border services are open to all.*

*Council further resolves to write to*

- the Shared Ireland Unit within the Department of the Taoiseach*
- the Minister for Justice (Minister McEntee)*

• *the Chair of the Oireachtas Committee on the Implementation of the Good Friday Agreement (Fergus O'Dowd TD) to indicate its endorsement.*

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

Cllr Coyle noted that the CTA was a long-standing arrangement between Ireland and the UK which allowed Irish and UK citizens to travel and live in each jurisdiction without restriction and provides associated rights and entitlements. Unfortunately, he said, not all who live on the Island of Ireland can access these rights.

Important categories of permanent residents of NI and the Republic of Ireland were excluded from the following he stated:

- Ability to move freely within the Island of Ireland for leisure, tourism or work.
- Travel within the Island of Ireland for connecting flights.
- Access to services such as healthcare, education or learning exchange programmes.
- Participating in educational symposia training programmes as part of the Shared Island landscape.
- Participating in cross-border sporting events or recreation activities.
- Access to basic necessities such as food , medicine depending on their location.
- Accessing medical, ophthalmic and paediatric services.

Cllr Coyle advised also of the mental health impact on being excluded from the range of services outlined above. People had a right, he said, to a quality of life and this was not happening at present for people in this situation.

Cllr Kelly seconding the motion said it was extremely important that there was free movement on the Island of Ireland and cited the need for equality and fairness. The rules of CTA membership it was acknowledged needed to be amended and he welcomed the commitment to write to the various agencies involved.

There was no opposition to the motion.

Cllr Coyle thanked members for their support.

C/301/22

**ABOLISHMENT OF THE FLAWED DEFECTIVE CONCRETE BLOCK STANDARD I.S. NO. 465:2018+a1:2020**

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

*"Calling on Government to abolish the flawed Defective Concrete Block Standard I.S. No 465:2018+A1:2020 created by the National Standards Authority of Ireland (NSAI) TC 063 technical Committee which the following sit on since 2018 to the present day and there membership is made up of, Chaired by retired Structural Engineer, Association Consulting Engineers Ireland, Cement Manufacturers Ireland, Department of Housing, Local Government and Heritage, Donegal County Council, Engineers Ireland, Fast Net Analytical, Ground Investigations Ireland, Homebond, IGSL, Irish Concrete Federation, Institute of Geologists Ireland, Kilsaran, Mayo County Council, Master builders and Contractors Association, Mica Action Group, NSAI Sustainability and Built Environment, Royal Institute of Architects of Ireland, Roadstone Ireland, Sandberg, SLR Consulting who created I.S. No 465:2018+A1:2020 as Committee members. Abolish the Enhanced Defective Concrete Block Grant Scheme and replace it with a new 100% per sq. foot Redress Scheme that includes foundations, all Deleterious Materials and Reactive Iron Sulphide Minerals be established based on proper scientific evidence and around the Standards for manufacturing Concrete and that Government establish a full and Independent Judicial Public Inquiry without delay into this State Sponsored Scandal along with a Peer Review Study into Free Muscovite Mica and what its affects are on Concrete, Concrete Blocks and all Concrete products durability".*

C/302/22

**NEED FOR REVIEW AND CHANGE IN THE RULES ON INHERITANCE TAX**

On the proposal of Cllr Crawford, seconded by Cllr McGowan it was resolved to adopt the following motion:

*"That this Council calls on the Minister for Finance to review and change the rules on inheritance tax in so far as it relates to those who do not have immediate family members i.e. children. Consideration of equality should include the next blood relative".*

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

Cllr Crawford said that there was considerable inequality within the inheritance tax system and that there should be a specific exemption for those with no children to facilitate those who wished to provide for an immediate family member. He said that the current CAT threshold for brother, sisters, nephews, nieces etc. was €32,500 which was totally inappropriate. Very often, he noted, people in this category who inherited land or property were not able to retain the asset given the tax implications involved. He said the thresholds needed to be reviewed and consideration given to an exemption for the nearest blood relative.

Cllr Mc Gowan concurred with this assessment and said that a review of the eligibility criteria merited consideration.

There was no opposition to the motion.

Cllr Crawford asked that the motion be circulated to all other Councils for consideration.

C/303/22

**SURVEY ON TIER-TWO TOWNS FOOTPATHS**

On the proposal of Cllr McGowan, seconded by Cllr Crawford it was resolved to adopt the following motion:

*"That a survey is carried out as a matter of urgency on Tier -Two Town's footpaths starting with the largest to identify faults, trips and areas that are a cause for concern under health and safety within town boundaries and prioritise funding with health and safety in mind".*

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

Cllr Mc Gowan said that he was disappointed with the response and highlighted specific issues in the Ballybofey/Stranorlar area. He alluded to the fact that the response highlighted the lack of resources as an issue when in fact there were serious health and safety issues involved. He said that he had lobbied over the past number of years for temporary repairs and that at this juncture a proper detailed survey needed to be carried out as soon as possible in line with the health and safety issues involved.

Cllr Crawford outlined his support for the motion.

There was no opposition to the motion.

Mr Bryan Cannon A/Director Roads & Transportation noted that there had been over the last number of months much conversation regarding infrastructure deficiencies in the Lifford/ Stranorlar Municipal District.

He advised that there had been an allocation of €5.2m countywide for the repair of existing and the construction of new footpaths under the Footpath and Public Lighting programme with the Lifford/Stranorlar MD getting €850,000. He was, he stated, fully aware that there were areas that still needed to be addressed and said that he was willing to discuss issues of concern with Cllr Mc Gowan to see if they could be addressed.

Concluding, Cllr Mc Gowan said that he hoped there could some progression on the matter and noted that considerable monies had been spent in the past on infill but that areas in the town centre did not receive sufficient attention. He asked that the matter be progressed with Transport Infrastructure Ireland

C/304/22

**MOTION UNDER URGENT BUSINESS - FULL PARTNERSHIP ROLE FOR DONEGAL COUNTY COUNCIL IN RESPECT OF WATER AND WASTEWATER SERVICES**

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

*“That our Council is granted full partnership role in all decisions concerning water and wastewater services within this County in dealing with individuals and groups for services”.*

Cllr Mc Garvey said that in his opinion Irish Water were not qualified to deal with the day to day issues that arose throughout the County and that in many cases had little or no knowledge of the areas that they were dealing with.

Service demands, he contended, were not being met despite there being an obligation in place to help and assist people in line with the existing legislation.

He called on members to ensure that sustained pressure was put on Irish Water to address issues facing the ordinary people of Donegal.

Cllr Mc Gowan concurred with these sentiments. He alluded to issues being experienced in the Killygordon area and called on the Chief Executive to liaise with Irish Water in relation to the provision of a water tanker in Corradoey. Concern was also expressed in relation to the ongoing problems with Lough Mourne.

Cllr Mc Garvey said that he would await a response on the motion and noted that service provision had been much more coherent and efficient when services were under the control of the Local Authority.

C/305/22

**CATHAOIRLEACH'S BUSINESS**

**Votes of Sympathy**

A vote of sympathy was extended to the following:

- Jack Mc Ginley, Cultural Services on the death of his father Johnny Mc Ginley.
- John Mc Daid, former Revenue Collector on the death of his wife Marian Mc Daid.
- Sophie Kelly, Housing & Corporate Services, Letterkenny PSC on the death of her father Michael.

**Soillse International Conference**

Members were informed that the Soillse International Conference “Rooting Minority Language Policy in the Speaker Community” would take place in Stornoway, Scotland from the 29<sup>th</sup> - 31<sup>st</sup> August, 2022.

This, it was noted, had been brought to the attention of Coiste na Gaeilge at their recent meeting and formal approval was now being sought.

On the proposal of Cllr Brogan, seconded by Cllr Coyle, attendance at the above conference was approved.

Events Attended.

The Cathaoirleach informed members that he had represented Donegal County Council at the following events:

- North West Talent Report Marketing Event on Tuesday 28<sup>th</sup> June, 2022 in An Grianan Hotel, Burt.
- National Day of Commemoration Ceremony in the National Museum, Dublin on Sunday 10<sup>th</sup> July, 2022.
- Launch of the TIDES VR Experience Projects at Fanad Lighthouse, Greencastle Maritime Museum and Fort Dunree on Wednesday 13<sup>th</sup> July, 2022. This he said would be of enormous benefit in increasing the tourism footfall in the county.
- Partnership Signing Agreement Signing Ceremony in the Round Room of the Mansion House in Dublin on Sunday 17<sup>th</sup> July, 2022 between the United States National Conference of State Legislators and the Association of Local Government, the Local Authorities Members Association and the American Irish State Legislators Caucus.

C/306/22

**CHIEF EXECUTIVE'S MANAGEMENT REPORT**

Members considered the report circulated with the agenda in relation to the above and noted the following:-

**1. Community Development & Planning Services**

- A. Regeneration Team Update
- B. Planning Services Update

- (i) Development Applications Unit
- (ii) Planning Enforcement Unit
- (iii) Central Planning Unit

C. Rural Funding Schemes

- (i) Outdoor Recreation Infrastructure Scheme 2022
- (ii) Town and Village Scheme 2022

**2. Economic Development, Information Systems & Emergency Services**

- A. Local Enterprise Office Update
  - (i) Financial Supports
  - (ii) Events and Meetings



- B. Economic Development
  - (i) Launch of New Code for Campers in Donegal

### **3. Roads & Transportation**

- A. Central Technical Services Division
- B. Greenways Capital Projects
- C. OPW Minor Works Flooding Programmes
- D. Road Areas Division

### **4. Water & Environment**

- A. Litter and Waste Management
  - Summer Campaigns
  - Community Grants
  - Half Price Bulky Good Events
  - WEEE Collection Day Opportunities
  - Free Compost
  - Donate Don't Waste' Textiles Research Pilot
- B. Coastal Management
  - Blue Flag Success
  - Water Safety – Summer Programme
  - Beach Lifeguard Service
  - New Step-Down Changing Place at Beach Car Park, Narin
  - Dog Restrictions on Certain Beaches
  - Beach Wheelchair Launch at Bundoran Beach
- C. Central Laboratory
  - Public Service Announcements
  - Caravan Parks
  - Septic Tanks – National Inspection Plan
  - Septic Tank Inspection – EPA Annual Report
  - Catchment Investigations
  - Agri-Environment Training Scheme (AETS)
  - Environment Section – Public engagement Activities
- D. Flood Relief Schemes

### **5. Housing, Corporate & Cultural Services**

- A. Cultural Services
  - Creative Ireland Programme
  - Archives
  - County Donegal Heritage Office
  - Colmcille 1500

## B. Housing

- Social Housing Developments
- Social Housing through Turnkey Acquisition
- Lands/Property for Social Housing Purposes
- Repair and Leasing Scheme – Pilot (Expansion of Scheme for Vacant Commercial Properties)
- 2022 Allocation – Housing Adaptation Grants for Older People and People with a Disability

Cllr Mc Monagle noted that there were a high number of planning enforcement cases up until the end of June 2022 and queried whether or not the large number of cases were aligned to insufficient staffing quotas and as to why people were not adhering to the planning regulations.

The Chief Executive said that the report reflected activity patterns and that it was clear that Planning Enforcement was stretched. It was intended, he said, in a further report to elaborate on the matter and to look at what could be done to alleviate the situation and to look at the level of non-compliance.

Cllr Mc Monagle said that if the issue was down to staffing then extra personnel should be drafted in.

Cllr N Mc Garvey expressed concern that LIS Applicants who had previously submitted information back in 201/2018 were being asked for additional information. She said that people need to be forewarned in relation to the need to produce additional documentation.

Cllr Mc Gowan cited the need for a press campaign to highlight the criteria, rationale and funding associated with LIS Schemes.

Cllr Brogan alluded to the need for an up to date progress report in relation to the performance of all Directorates including the funding and status of all capital related projects. It would also be useful, he said, to have a workshop to discuss same and assess the challenges facing the Council going forward. Member's, he advised, needed to be kept informed in relation to the applicable timelines for such projects.

Members were reminded that the Freedom of the County would be bestowed on Mr Paul Mc Ginley on the 15<sup>th</sup> August, 2022 prior to the Legends Tournament in Rosapenna.

C/307/22

### **RIGHTS OF NATURE (PROGRESS)**

Cllr A Doherty submitted the following question:

*Rights of Nature (Progress)*

*Rights of Nature aims to strengthen protection for people, place and planet.*

*What Council county actions, engagements with communities, with local authorities, promised in the response to Nov 2021 motion have been taken, are planned, will be delivered in 2022, and will the Council update me with the present action timeframe?*

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

C/308/22 **DONEGAL COUNTY COUNCIL (DECARBONISED ZONES SELECTED)**

Cllr A Doherty submitted the following question:

*Donegal County Council (Decarbonised Zones selected)*

- *What actions have the Council taken, are current and or planned to achieve and deliver this status?*
- *What action activities are in train to create & deliver a collective community energy plan in the selected zones?*
- *Who are the interested and invited stakeholders involved and how effective and advanced is the cross-border dimension workings shared with Derry & Strabane District Council?*

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

C/309/22 **HOMES BOUGHT BY THE COUNCIL IN THE LAST 24 MONTHS?**

Cllr McMonagle submitted the following question:

*How many homes have Council built or bought in the last 24 months and what areas of the County have they been built or bought?*

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

C/310/22 **TENANTS ACCEPTED AS IN NEED OF TRANSFER TO BIGGER HOMES**

Cllr McMonagle submitted the following question:

*How many of our tenants have been accepted as in need of transfer to bigger homes i.e. four or five bed homes?*

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

C/311/22 **STAFF MEMBERS OF DCC AND MEMBERS OF THE MICA ACTION GROUP WHO SIT ON THE NSAI TC 063 TECHNICAL COMMITTEE AND APPOINTMENT OF SAME**

Cllr Mc Brearty submitted the following question:

*What staff members of DCC and members of the Mica Action Group sit on the NSAI TC 063 Technical Committee that created I.S. No 465:2018+A1:2020 and who appointed them?*

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

C/312/22

**COST TO DONEGAL COUNTY COUNCIL OF RUNNING MEETINGS IN THE AURA LEISURE CENTRE**

Cllr Mc Brearty submitted the following question:

*How much has it cost Donegal County Council to run full Council and any other meetings held in the Aura Leisure Centre to date and can I have an itemised costings breakdown for each meeting held in the Aura along with dates of each meeting held there to date.? (All DCC meetings)*

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

C/313/22

**LIST OF CURRENT MANAGEMENT TEAMS IN EACH MD**

Cllr Crawford submitted the following question:

*In view of recent changes can we have a list of the current management teams in each MD?*

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

C/314/22

**LIST OF VACANT PROPERTIES COMMERCIAL & RESIDENTIAL IN EACH MD**

Cllr Crawford submitted the following question:

*Does this Council have available a list of vacant properties commercial and residential in each MD and if so, can I be updated?*

He receives a response from the Head of Finance in relation to the above.

C/315/22

**CREATION OF A SCHEME FOR THE COLLECTION OF UNWANTED FURNITURE, TOYS AND OTHER HOUSEHOLD ITEMS**

Cllr McGowan submitted the following question:

*Can Donegal County Council Climate Change and Environment section work with the Community, Social and Cultural section along with the voluntary sector to come up with a scheme where unwanted furniture, toys and other useful household items can be left for collection free of charge to anyone who can use them similar to what happens in other countries ?. Landfills etc. are full of useful nearly new items.*

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

C/316/22

**THE PROGRAMME FOR GOVERNMENT COMMITMENT TO OLDER PEOPLE**

Cllr McGowan submitted the following question:

*What steps has this Council taken to implement "The Programme for Government Commitment to Older People" as part of the Age Friendly Cities & Counties Programme and can examples be provided on how older people policies are benefitting older people in this County as a result?*

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

C/317/22

**MOTIONS FROM OTHER COUNCILS**

Members noted the following motions from other Councils.

**CLARE COUNTY COUNCIL**

"That Clare County Council calls on the Minister for Transport to immediately initiate a review of National Aviation Policy including stakeholder consultation with a view to addressing the over concentration of passenger traffic through Dublin Airport by amending National Aviation Policy to ensure the use of spare capacity at Shannon Airport in the interest of Balanced Regional Development."

**CORK COUNTY COUNCIL**

"That Cork County Council write to the Minister to seek a subsidy for the Irish Fishing fleet to offset cost increases in fuel, and to reduce excise duties on diesel. Members agreed to circulate this letter to all Local Authorities."

**GALWAY COUNTY COUNCIL**

"That Galway County Council write to our colleagues in all other Local Authorities and informs them of the recent decision by Galway City and County Councils to support and endorse the rollout of the Public Recognition Marker (PRM) for the LGBTQI+ Community. In doing so, I call upon all local authorities to work with their respect LGBTQI+ Community Leaders in advocating for the same."

**KERRY COUNTY COUNCIL**

"That Kerry County Council write to the Minister for Health, Mr Stephen Donnelly, the Oireachtas Health Committee and the HSE, CEO Mr Paul Reid, as well as out Regional Health Board and local hospitals, requesting that the provision of Long Covid Clinics are retained and expanded and that we acknowledge that thousands of people are suffering with adverse effects from Covid19 for long periods of time. Unfortunately, the health supports that are needed for those suffering are not in abundances or widely available with the threat of some services which are in place being withdrawn."

### **LIMERICK CITY & COUNTY COUNCIL**

“I will move at the next meeting that, having regard to the thousands of people who are suffering with adverse effects from Covid 19 for long periods of time, that the Metropolitan District of Limerick agrees the following:

- To write to the Minister for Health Stephen Donnelly, the Oireachtas Health Committee and the HSE CEO Paul Reid, requesting that the provision of Long Covid Clinics is retained and expanded;
- To raise it with our regional health board and/or local hospital;
- To circulate this motion to the rest of the Councils around the country asking them to consider doing the same.

### **LIMERICK CITY & COUNTY COUNCIL**

“That, Limerick City and County Council call on the government and the Minister for Housing to declare a housing emergency and to use emergency powers to introduce a moratorium on evictions similar to Covid emergency measures until the Minister for Housing raises the income thresholds for social housing supports for a three month period with an option to review thereafter.”

### **SLIGO COUNTY COUNCIL**

“In view of the huge increase in passport applications and consequent challenges and delays in the system that this Council call on the government to open a public passport office in Sligo to serve communities and people in the West, North-West and North of Ireland. And that a delegation from Sligo County Council request a meeting with the Minister for Foreign Affairs Simon Conveney and TDs from this region to look for this service to be provided in these areas. And to seek the support of other Local Authorities on this.”

### **SLIGO COUNTY COUNCIL**

“To ask that this Council write to the Ministers for Social Protection and Justice to ask that the national Abhaile Service (which is currently under review) be secured permanently for the future and that vital Dedicated Mortgage Advisor roles be continued and for the creation of more DMA roles throughout the country.”

It was also agreed to write to the four local TDs and circulate the motion to all Local Authorities in support of the motion.

This concluded the business of the meeting.

