

**COMHAIRLE CHONTAE DHUN NA nGALL**

Oifig Riarthóir na  
gCruinnithe  
Aras an Chontae  
LEIFEAR  
22 Eanáir 2013

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain 28 Eanáir, 2013, ag **11.00 r.n. in Áras an Chontae, Leifear**

**DO GACH BHALL DEN CHOMHAIRLE**

**A Chara**

Iarrtar ort a bheith i láthair ag an chruinniú seo den Chomhairle. Ta Clár an chruinnithe le seo.

Beidh Clár Orduithe an Bhainisteora Contae le feiceáil ag an gcruinniú.

**Mise, le meas**

**Liam Mac a'Bhaird  
Riarthóir Cruinnithe**

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**DONEGAL COUNTY COUNCIL**

Office of Meetings  
Administrator  
County House  
Lifford  
22<sup>nd</sup> January, 2013

**NOTICE OF MEETING**

A Meeting of Donegal County Council will be held on Monday 28<sup>th</sup> January, 2013, at **11.00 am in the County House, Lifford.**

**TO EACH MEMBER OF DONEGAL COUNTY COUNCIL**

**Dear Councillor**

You are summoned to attend this meeting of the Council. The Agenda is attached.

The Register of County Manager's Orders will be available for inspection at the meeting.

**Yours sincerely**

**Liam Ward  
Meetings Administrator**

## **AGENDA**

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

- a) Confirmation of Minutes of Meeting of Donegal County Council held on the 26<sup>th</sup> November, 2012.
- b) Confirmation of Minutes of Adjourned Meeting of Donegal County Council held on the 4<sup>th</sup> December, 2012.

## **MOTIONS**

- (L) Local  
(C) County  
(O) Other

## **DONEGAL ELECTORAL AREA**

### **Community Enterprise and Cultural**

#### **2. Clr. McEniff**

"That this Council write to the Minister of Tourism Transport and Sport , Mr Leo Varadakar in support of Ireland West Knock Airport in its continued efforts to seek appropriate financial support from the Government to expand its services, as Knock is not a State Airport the Government will cease any operational support from 2014." (O)

## **STRANORLAR ELECTORAL AREA**

### **Housing and Building**

#### **3. Clr. Harvey**

"That Donegal County Council does not increase the rent for Local Authority tenants for 2013 unless there is evidence that the household income has increased." (C)

### **Roads and Transportation**

#### **4. Clr. McGowan**

That this Council prioritise all future roads funding applications based on need/road conditions taking into account traffic volumes and not by Electoral Area mileage." (C)

## **GLENTIES ELECTORAL AREA**

### **Roads and Transportation**

#### **5. Clr. O'Domhnaill**

"Given the absolute necessity of a proper infrastructure to Donegal, can this Council discuss the A5 road upgrade project with a view of advancing the project by liaising with Monaghan County Council and the Councils in the 6 Counties so as a collective group

they can meet with the Minister to outline the absolute importance of this route to Donegal." (C)

### **Housing and Building**

6. **Clr. Gallagher**

"That this Council undertake to review the housing policies below to ensure tenants/applicants and Donegal County Council have fair and adequate housing policy:-

- (a) housing grants for refurbishments
- (b) tenant handbook." (C)

### **Finance**

7. **Clr. Alcorn**

"That Donegal County Council comply with the regulations in the future when the likes of arrears notices which were sent out in 2012 on "the Household Charge" in the Gaeltacht Areas in Donegal." (C)

## **INISHOWEN ELECTORAL AREA**

### **Housing and Building**

8. **Clr. Canning**

"I would ask that this Council when allocating houses from their list, that they make provision for people that are willing to fix or tidy up the vacant dwelling in order to get off the waiting list." (C)

## **LETTERKENNY ELECTORAL AREA**

### **Community, Enterprise and Cultural**

9. **Clr. Larkin**

"That this Council support in the strongest possible way the call to exhibit the Spina Bifida Photographic Exhibition that was recently displayed in Strasbourg as part of an event on Spina Bifida and Aging." (O)

### **Planning and Economic Development**

10. **Clr. Brogan**

"I propose that this Council commence the process of varying the County Development Plan to deal with the "Strategic Road Status" as soon as possible as agreed at a recent Planning SPC." (C)

### **Water and Environment**

11. **Clr. Quinn**

"Donegal County Council views with grave concern the publication on 11th January, the Water Services Bill 2013, which removes water services from democratic accountability as a function of Local Government and ultimately, from Public control, through the process of Privatisation, and thus deplore plans to impose water meters on households which will further squeeze hard hit and struggling families. Donegal County Council calls on the Government not to proceed with this Bill but instead to focus positively on Water Conservation and equitable Local Government Funding." (C)

12. Clr. McGarvey

"That Donegal County Council will consider the inclusion of groups of Housing adjacent to Sewerage Mains around Towns to alleviate any pollution that may exist." (C)

**13. Disposal of Land – Section 211 Planning and Development Act, 2000**

- a) Notice under Section 211 of the Planning and Development Act 2000 and Section 183 of the Local Government Act 2001 – to dispose of land at Kilmacrennan by way of lease to Kilmacrennan Parish Community.
- b) Notice under Section 211 of the Planning and Development Act 2000 and Section 183 of the Local Government Act 2001 – to dispose of Industrial Building at IDA Business Park, Portnasson, Ballyshannon to JF Mouldings Ltd, Portnasson, Ballyshannon, Co Donegal.
- c) Notice under Section 211 of the Planning and Development Act 2000 and Section 183 of the Local Government Act 2001 – to dispose of land by way of lease at Mullanalamphry, Barnesmore, Co Donegal to Tawnawully Power Ltd, A Limited Company having its registered Office at 8 Carrinderry, Castleroy, Limerick.
- d) Notice under Section 211 of the Planning and Development Act 2000 and Section 183 of the Local Government Act 2001 – to dispose of land at Tullymore, Ardara to the Legal Personal Reps of the late Alice O'Brien.
- e) Notice under Section 211 of the Planning and Development Act 2000 and Section 183 of the Local Government Act 2001 to dispose of a plot of land at Bridgend, Ramelton to Patrick Coyle, 11 Chestnut Grove, Ramelton.

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

To approve carrying out of works with regard to the construction of a training facility and public toilets at Barrick Hill Town Park, Carndonagh in the townland of Churchland Quarters.

**15. Corporate**

- a) To note obligation on Members under the Local Elections (Disclosure of Donations and Expenditure) Act 1999, as amended, to submit a donation by the 31<sup>st</sup> January, 2013.
- b) To note obligation on Members under (Part 15) of the Local Government Act, 2001 Ethics Framework to submit a declaration of interest by the 28<sup>th</sup> February, 2013.
- c) To approve the Donegal County Council Corporate Plan to 2014.
- d) To approve attendance at the Annual St Patricks Day Celebrations in the USA.
- e) To note change in the office of Chairperson/Vice Chairperson of the County Donegal Joint Policing Committee.

**16. Finance**

To resolve to provide for inter authority borrowing/lending between Donegal County Council, Letterkenny, Buncrana, Bundoran and Ballyshannon Town Councils for period up to 31<sup>st</sup> December, 2013 as provided for in Section 106 of the Local Government Act 2001.

**17. Community Culture & Planning**

Economic Development in the County – To note report outlining areas of work being undertaken by Donegal County Council and an indication of work to be carried out in the future.

**18. Endorsement of Minutes**

- a) Endorsement of the Confirmed Minutes of Meeting of Glenties Electoral Area Committee held on the 12<sup>th</sup> November, 2012.
- b) Endorsement of the Confirmed Minutes of Meeting of Letterkenny Electoral Area Committee held on the 12<sup>th</sup> November, 2012.

- c) Endorsement of the Confirmed Minutes of Meeting of Stranorlar Electoral Area Committee held on the 13<sup>th</sup> November, 2012.
- d) Endorsement of the Confirmed Minutes of Meeting of Donegal Electoral Area Committee held on the 14<sup>th</sup> November, 2012.
- e) To note the Confirmed Minutes of Meeting of the Corporate Policy Group held on the 26<sup>th</sup> November, 2012.
- f) To note the Confirmed Minutes of Special Meeting of the Corporate Policy Group held on 6<sup>th</sup> December, 2012.

**19. Authorisation of representation at a Seminar, Meeting 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:-

- The Institute of Professional Training – ‘Local Govt. impacts of major flooding and freezing spells’ to be held Friday 1<sup>st</sup> to Sunday 3<sup>rd</sup> February, 2013 at the Gold Coast Hotel, Ballinacourty, Dungarvan, Co Waterford.
- Professional Development for Councillors – Domestic Water Meters for Ireland to be held from Friday 1<sup>st</sup> to Sunday 3<sup>rd</sup> February, 2013 at the Bunratty Castle Hotel, Bunratty, Co Clare.
- ACE Training – Tourism Seminar Making The Difference to be held from Friday 8<sup>th</sup> to Sunday 10<sup>th</sup> February, 2013 at the Four Seasons Hotel, Carlingford, Co. Louth.
- AMAI Spring Seminar 2013 to be held Friday 15<sup>th</sup> and Saturday 16<sup>th</sup> February, 2013 at Brandon House Hotel, New Ross, Co. Wexford.
- 24<sup>th</sup> Colmcille Winter School “ Will the Euro – The Single European Currency Survive?” to be held from Friday 22<sup>nd</sup> to Sunday 24<sup>th</sup> February, 2013 at the Colmcille Heritage Centre.

**20. Conference Reports**

**Clr. Frank McBrearty**

Respond Conference held on the 20<sup>th</sup> and 21<sup>st</sup> September, 2012 at the Maldron Hotel Dublin.

**Clr. Patrick McGowan**

The Role of Local Authority Enabling Economic Development held on the 13<sup>th</sup> and 14<sup>th</sup> April, 2012 at the Tower Hotel Waterford.

**Clr. Patrick McGowan**

Creating Employment – Opportunities in Local Food Production held from 10<sup>th</sup> to 12<sup>th</sup> August, 2012 at Rosscarbery West Cork.

**Clr. Patrick MCGowan**

Local Government and The Arts held from the 17<sup>th</sup> to 19<sup>th</sup> August, 2012 at the Lakeside Manor Hotel, Virginia, Co Cavan.

**21. Request for Deputation**

To consider request for reception of deputation from Respond Housing Association.

**22. Mayor's Business**

**23. Manager's Report**

**QUESTIONS**

(L) Local  
(C) County  
(O) Other

**DONEGAL ELECTORAL AREA**

**Roads and Transportation**

**24. Clr. Byrne**

"Can this Council make an application to the NRA to improve the road surface on the N56 both at Drimark, Donegal Town and between Inver Bridge and Dunkineely?" (L)

**25. Clr. Byrne**

"Can this Council give me a time frame for obtaining Part 8 and designs for Fintra Bridge (Fintra) on the R263 in Killybegs?" (L)

**Water and Environment**

**26. Clr. Byrne**

"Can this Council give me an update and progress report on the pipe replacement programme from the water services section especially on works completed to date, works ongoing, and applications made to the Department awaiting decision?" (C)

**STRANORLAR ELECTORAL AREA**

**Planning and Economic Development**

**27. Clr. Harvey**

"What unfinished estates in the Stranorlar Electoral Area have been put on the list by this Council for the purposes of obtaining funding from the Department of Environment, Community and Local Government?" (L)

### **Roads and Transportation**

28. **Clr. McGowan**

Will this Council progress design works and costs for continued road widening works at Castlefin Bridge for inclusion in the 2014 Strategic Roads Grants as this regional access road from Northern Ireland provides vital access to Donegal?" (L)

29. **Clr. Crawford**

"What is the cause for the delay in having lighting powered "on" at Coneyburrow Road (N15) Lifford, as these lights were put in place months ago?" (L)

30. **Clr. Crawford**

"Has this Council had any recent contact with the OPW in relation to flood prevention in Raphoe and at what stage is the programme now at?" (L)

### **Water and Environment**

31. **Clr. Crawford**

"What progress has been made in resolving the Sewerage Treatment Problem in St Johnston?" (L)

### **Community, Enterprise and Cultural**

32. **Clr. McGowan**

"Can the C&E unit draw up plans for a third major county wide festival in the County based in and around Ballybofey and Stranorlar, similar to the very successful Errigal Arts Festival, Donegal Bay and Bluestacks Festival?" (L)

## **GLENTIES ELECTORAL AREA**

### **Community, Enterprise and Cultural**

33. **Clr. O'Domhnaill**

"Can this Council investigate the position in regards to DLDC and the role which they have taken over from Meitheal Forbatha na Gaeltachta (MFG) especially in light of the fact that this Authority had a board member on the Board of MFG and enquire as to the fact, will another Gaeltacht member be admitted onto the new DLDC board?" (C)



34.Clr. Alcorn

"What is the current situation regarding a Donegal County Council Library Service in Donegal Town?" (L)

35.Clr. Alcorn

"Now that D.L.D.C. have taken over the affairs of M.F.G. in the Gaeltacht Regions in Donegal, what plans are on hand to add some Gaeltacht Nominees to the Board of D.L.D.C.?"

**Roads and Transportation**

36.Clr. O'Domhnaill

"Can the Council Executive explain why and how the Specific Grants Application was made to the Department without prior discussion with the Elected Members given the fact that the list had been changed following our September workshop, and why only figures for 24 months were taken into account, why the Derrybeg to Gortahork Coastal road was not included and how the County Executive can justify seeking only 3% of the Countywide budget for the Donegal EA and 6% for the Glenties EA whilst dispersing the remaining 91% amongst the remaining 3 Electoral Areas?" (C)

**Housing and Building**

37.Clr. Gallagher

"What is the estimated cost to this Council to take our vacant housing stock to a lettable product?" (C)

38.Clr. Gallagher

"What is the actual budget 2013 for housing maintenance, that will be spent on doing essential repairs (goods/services) on Donegal County Councils housing stock?" (C)

**INISHOWEN ELECTORAL AREA**

**Housing and Building**

39.Clr. Canning

"Has this Council any policy in place in relation to S.I. houses that have septic tanks and percolation areas that do not meet the EPA regulation?" (C)

40.Clr. Canning

"When will the Council houses in Newtowncunningham be ready for occupation?" (L)

**Water and Environment**

41. Clr. Donaghey

"What progress has been made regarding the proposed refurbishment works to Buncrana Leisure Centre to bring it to Planning Stage and when do we expect to be at that stage?" (L)

**Roads and Transportation**

42. Clr. Donaghey

"What progress has been made regarding the serious erosion problem at Ludden and Lisfannon outside Buncrana?" (L)

**LETTERKENNY ELECTORAL AREA**

**Planning and Economic Development**

43. Clr. Larkin

"Will the Council make a submission to the Department on their strategy for Radon (gas) control, referencing the debates that took place in this chamber?" (O)

**Roads and Transportation**

44. Clr. Larkin

"Will Road Design please update me on their absolute solution/design for the bend that has been the scene of several accidents on the Glencar Road (locally known as Black's Bridge)?" (L)

45. Clr. Brogan

"Has there been any response from the Taoiseach's Office to the request from Donegal County Council to meet a cross party deputation in relation to the A5/to Donegal and on to Letterkenny?" (C)

**Corporate**

46. Clr. Quinn

"Will Donegal County Council consider carrying out an evaluation of Staff Morale as a result of the impact of increased workloads and reduced wages?" (O)

47. Clr. Quinn

"What was the nett cost to Donegal County Council of the 2 meetings which were held to debate the 2013 Budget Book?" (C)

**Community, Enterprise and Cultural**

48. Clr. Brogan

"What plan of action has this Council now got for 2013 in the area of enterprise and economic development following my motion as agreed by Council to have forums/discussions at each of the electoral area offices to hear concerns and have a roadmap going forward?" (C)

**Water and Environment**

49. Clr. McGarvey

"Has any discussion taken place with the Company who are proposing to take over Water Services or can submissions be made?" (C)

**Housing and Building**

50. Clr. McGarvey

"Housing Applications - Is it of necessity that Donegal County Council must ask for 17 - 20 details of an individuals circumstances on initial application form?" (C)

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD  
IN THE COUNTY HOUSE, LIFFORD ON 28<sup>TH</sup> JANUARY, 2013

C/21/13     MEMBERS PRESENT

Clrs. Frank McBrearty, Mayor, D. Alcorn, L. Blaney, J. Boyle, C. Brogan, B. Byrne, J. Campbell, P. Canning, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M.T. Gallagher, M. Harley, C. Harvey, D. Larkin, M. McBride, S. Mc Eniff, I. McGarvey, P. McGowan, B. Mc Guinness, J. Murray, S. Ó Domhnaill, B. O'Neill, M. Quinn, J. Ryan, T. Slowey.

C/22/13     APOLOGIES

Apologies were received from Clr. N. McBride who was unable to attend the meeting.

C/23/13     OFFICIALS IN ATTENDANCE

Mr Seamus Neely, County Manager, Mr Liam Ward, Director of Housing and Corporate, Meetings Administrator, Mr John McLaughlin, Director of Roads & Transportation, Mr Garry Martin, Head of Finance & Director of Emergency Services, Mr Joe Peoples, A/Director of Water & Environment, Mr Michael Heaney, Director of Community Culture & Planning, Mr Denis Kelly, Senior Executive Planner, Ms Ann Marie Conlon, Communications Officer, Ms Annemarie Crawford, Staff Officer, Corporate Services.

C/24/13     VOTE OF SYMPATHY

The Mayor proposed, seconded by Clr. Mc Garvey that a vote of sympathy be extended to the family of the late Detective Sergeant Adrian Donohoe whose life had been tragically ended whilst carrying out his duties as a member of An Garda Síochána. Condolences were extended also to the extended Donohoe family, his Garda colleagues and the people of Louth and Cavan on their sad loss.

Members noted that there was a marked increase in criminal activity along the border areas and thus on the proposal of Clr. M. Mc Bride, seconded by, Clr. Mc Garvey it was resolved to write to the Garda Commissioner, Mr. Martin Callinan and the Minister for Justice, Mr. Alan Shatter T.D outlining the huge effect that reduced garda numbers were having on the north west region. Clr. Mc Bride cited the

need for mobile cameras at border crossings and main traffic hubs.

It was suggested also that the Garda Commissioner Martin Callinan and the Assistant Commissioner for the Northern Region, Kieran Kenny together with local Oireachtas Members and a representative from the Office of the Minister for Justice be invited to address Members in relation to the ongoing crime situation. Calls were made also for the Minister to visit the region and review at first hand the problems being experienced on a daily basis.

Members were in agreement that there was a need to review the number of Gardai being deployed in border areas at present. The need for community based policing was acknowledged.

Clr. Mc Gowan extended condolence on behalf of the County Donegal Joint Policing Committee. He said that there was a need to review the current penalty system as sentencing practices at present were totally inadequate. It would, he advised, be more appropriate for the County Donegal Joint Policing Committee to liaise with the various representative bodies as they were the statutory body and reflective of all groupings on the Council.

The Mayor thanked Members for their contributions. He advised that Detective Sergeant Donohue had made the ultimate sacrifice for his country, and asked that anyone who had information on the incident to co-operate fully with the Gardaí.

A minutes silence was observed in the memory of Detective Adrian Donohue.

C/25/13

#### FILMING IN THE CHAMBER

On the proposal of Clr. Mc Garvey, seconded by, Clr. Harley it was resolved that Shane Wallace, Wallace Media could film for a ten minute period in the Council Chamber in order to produce a short promotional video for the “Gathering Event”

It was noted that this involved filming only and that no audio record would be made.

C/26/13      VARIATION IN THE ORDER OF BUSINESS  
On the proposal of Clr. Mc Guinness, seconded by, Clr. Mc Garvey it was resolved to vary the order of business and deal with items 1, 13, 14, 16, 18, 19, 20 and 21 at this juncture.

C/27/13      CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 26<sup>TH</sup> NOVEMBER, 2012  
Clr. Mc Garvey proposed, seconded by Clr. Farren, that the Minutes of the Meeting of Donegal County Council held on the 26<sup>th</sup> November, 2012 be adopted.

Clr. Byrne on a point of order, advised that that he wished to contest Minute C/559/12 on the basis that no reference had been made in relation to Clr. Slowey's comments on the alleged press leaks from within Donegal County Council. He noted that in his view, this had been accurately reported in an article published in the Derry People Donegal News on the 30th November, 2012. Thus quoting from the article he asked that the minute be amended to include Clr. Slowey's comments.

Clr. Mc Guinness said the issue in question was the accuracy of the minutes and not the accuracy of what was reported in the papers. It was, he advised, wrong to quote the newspaper in that regard.

Clr. O' Neill on a point of order said that he was of the opinion that the minute was accurate and that the issue to be resolved was whether or not minute C/559/12 was fully complete.

Clr. Byrne, responding, said that he was querying the completeness of the minute in question.

C/28/13      ADJOURNMENT OF THE MEETING  
It was unanimously agreed to adjourn the meeting for a ten minute recess at this juncture.

C/29/13      CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 26<sup>TH</sup> NOVEMBER, 2012

Reconvening the meeting, the Mayor informed Members that there would be a photo call in the Foyer at 1pm to mark the presentation of a portrait of the late Senator Tip O' Neill to Donegal County Council.

The Mayor acknowledged that both Clr. Mc Guinness and Clr. O' Neill had raised valid arguments in relation to the adoption of the minutes.

Clr. Byrne responded, advising, that the incompleteness of the minute did give rise to an accuracy issue.

He agreed however at this juncture to withdraw the question of accuracy and asked that the completeness of the minute be further pursued.

The Mayor thus called on Clr. Byrne to inform the meeting of the text to be inserted so as to ensure the completeness of the minutes, as he viewed it.

The Mayor proceeded to read into the record the following text submitted by Clr. Byrne and extracted from an article published in the Derry People, Donegal News on the 30<sup>th</sup> November, 2012:-

“A prima facie case was established regarding myself and I respect that Clr. Byrne and the former County Manager had to involve SIPO. Where I have a problem is that at every stage of the process, information was leaked to the press from this local authority”

The Mayor said that he could not allow commentary from a newspaper article to be recorded in the minutes whether accurate or not, as he feared that it would set a precedent.

He called on Clr. Byrne to confirm exactly what it was that he wanted included in the record.

Responding Clr. Byrne said that while he accepted what was included in Minute C//559/12, a significant line of text had been omitted.

Clr. Byrne again stressed the importance of including the following text:-

“Where I have a problem is that at every stage of the process, information was leaked to the press from this local authority”

The Mayor said he was of the opinion that Clr. Slowey had not mentioned any individuals. He had, he said acknowledged that a prima facie case had been established in his own case and the matter properly considered by the Ethics Registrar at the time, and sent by the Mayor and former County Manager, Michael Mc Loone to the Standards in Public Office Commission.

He reiterated his comment that it would be unacceptable to include commentary from a newspaper article.

Clr. Brogan asked that Clr. Slowey be given the opportunity to provide the relevant clarification.

Clr. O’ Neill advised that any attempt to amend the minutes would effectively challenge the integrity of the County Secretary’s Office. He said that whilst it was possible to amend the minutes, any proposal to add to the minutes would be a totally new departure for the Council. He asked that the Minutes of the Meeting of Donegal County Council held on the 26<sup>th</sup> November, 2012 be accepted as proposed and seconded, advising that a minor amendment would be acceptable.

C/30/12

ADJOURNMENT OF THE MEETING

On the proposal of Clr. Farren, seconded by Clr. M. Mc Bride, it was resolved to adjourn the meeting for a ten minute recess.

C/31/12

CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 26<sup>TH</sup> NOVEMBER, 2012

On resumption the Mayor called on the Meetings Administrator to clarify the position.

Mr. Liam Ward, Meetings Administrator noted that the minutes were presented to Members for adoption and that it



was a matter for them to adopt the minutes as presented or with an amendment if so resolved. It was, he confirmed, not taken as any slight by the Meetings Administrator if an amendment had to be added.

He confirmed that Members were now being asked to adopt the minutes as presented subject to the addition of the following wording as proposed by Clr. Byrne and seconded by Clr. Mc Eniff:-

“Where I have a problem is that at every stage of the process, information was leaked to the press from this local authority”

Clr. O’ Neill enquired if there was a record of those who had been in the Chamber on the day of the meeting, as they were the only persons entitled to vote on the amendment.

After some debate as to how this determination could be reached, Clr. Harvey advised that it was up to each Member to use their own discretion in relation to the matter

The Mayor said that having taken counsel he was proceeding with a vote on the amendment as proposed by Clr. Byrne, and seconded by, Clr. Mc Eniff. Having established that there were no counter proposals, he said, that whilst he was not happy with the manner in which the debate had proceeded, it was a matter for the Members themselves and not the Mayor to decide.

Clr. O’ Neill urged caution noting that there were serious legal implications if a vote were to proceed. Clr. Byrne and the former County Manager, Michael Mc Loone had, he stated, already issued legal correspondence to Clr. Slowey in relation to the matter. A vote, he affirmed, could impact on this ongoing legal issue which at this juncture was external to the debate.

He advised that it would be wrong to proceed with a vote in this instance and that he would leave the room if this were to occur. He advised Members to abstain as there was already legal action in the offing.

Responding the Mayor expressed concern that he had been put in a compromising legal position and outlined his intention to be impartial in the matter.

Clrs. Brogan and Ryan warned of the legal implications of proceeding with a vote and the fact that it might influence legal proceedings.

Clr. Quinn noted that Clr. Byrne had the right to have the minute amended, if he felt that a particular comment had been left out. Any vote taken, he noted, would be based on their recollection of that meeting.

After some consideration it was unanimously agreed to defer the matter until after lunch and proceed with Item No. 2 on the agenda.

C/32/12

FILMING IN THE COUNCIL CHAMBER

Shane Wallace from Wallace Media proceeded to record visual footage in the Council Chamber as agreed earlier in the meeting.

C/33/13

CALL FOR DONEGAL COUNTY COUNCIL TO WRITE TO THE MINISTER OF TOURISM TRANSPORT AND SPORT TO SEEK CONTINUED FINANCIAL SUPPORT FOR THE WEST KNOCK AIRPORT DUE TO DISCONTINUATION OF OPERATIONAL SUPPORT BY THE GOVERNMENT AFTER

On the proposal of Clr. McEniff, seconded by, Clr. McGuinness, the following motion was adopted:-

"That this Council write to the Minister of Tourism Transport and Sport Mr Leo Varadakar in support of Ireland West Knock Airport in its continued efforts to seek appropriate financial support from the Government to expand its services, as Knock is not a state airport the government will cease any operational support from 2014."

Members were informed that:-

“The importance of Knock Airport to Donegal's tourism product is recognised. Donegal County Council has, through the marketing initiative with the Councils in the North West

and the Western Development Commission, worked with Knock Airport and its inbound operators and Tourism and Failte Ireland to assist the Tourism trade in attracting new business to the North West from the New routes from Europe into Knock Airport in 2012, with new bundles being presented from the trade for marketing on these new routes to Tourism Ireland. Donegal County Council expect to continue to see more positive results from this marketing initiative for the County and the North West in 2013.”

Clr. Mc Eniff advised that it was unfair that Knock Airport which had experienced a 20% increase in passenger numbers would lose operational support from 2014. This, he confirmed was ludicrous given that Shannon Airport had received €160 million over the last ten years and had seen a 63% drop in passenger numbers.

Members supported the motion acknowledging that the growth of Knock Airport was a positive development for Donegal. It was, they advised, essential for the economic and tourism development of the north –west region.

Mr. Michael Heaney, Director Community, Culture and Enterprise outlined the efforts made to date to work with Knock Airport, advising that these would in the long run yield positive results for the County.

C/34/13 ADJOURNMENT OF MEETING

On the proposal of Clr. Harley, seconded by, Clr. M. Mc Bride, it was resolved to adjourn the meeting for lunch until 2pm.

Prior to the adjournment the Mayor informed Members that there would be a photo call in the foyer to mark the formal presentation to Donegal County Council of a portrait of the late Senator Tip O’ Neill.

C/35/13 FILMING IN THE COUNCIL CHAMBER

On the proposal of Clr. Brogan, seconded by, Clr. M. Mc Bride, it was resolved to allow TG4 film for a brief period in the Council Chamber with no audio record to be taken.

- C/36/13 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 26<sup>TH</sup> NOVEMBER  
The Mayor advised that during the recess contact had been made with the County Solicitor and that legal advice had been sought. After some debate on the proposal of Clr. Mc Eniff, seconded by Clr. Brogan, it was resolved to defer consideration of the matter until after 5pm.
- C/37/13 CONFIRMATION OF MINUTES OF THE ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 4<sup>th</sup> DECEMBER, 2012  
On the proposal of Clr. Quinn, seconded by, Clr. Mc Garvey, the Minutes of the Adjourned Meeting of Donegal County Council held on the 4<sup>th</sup> December, 2012 were adopted.
- C/38/13 DISPOSAL OF LAND AT KILMACRENNAN BY WAY OF LEASE TO KILMACRENNAN PARISH COMMUNITY  
Members considered the report, circulated with the agenda, in relation to the above.  
  
On the proposal of Clr. M. McBride, seconded by, Clr. Blaney, it was resolved to formally dispose of land at Kilmacrennan by way of lease to Kilmacrennan Parish Community in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.
- C/39/13 DISPOSAL OF INDUSTRIAL BUILDING AT IDA BUSINESS PARK, PORTNASSON, BALLYSHANNON  
Members considered the report, circulated with the agenda, in relation to the above.  
  
On the proposal of Clr. McEniff, seconded by, Clr. O'Neill, it was resolved to formally dispose of Industrial Building at IDA Business Park, Portnasson, Ballyshannon to JF Mouldings Ltd, Portnasson, Ballyshannon in accordance with Section 211 of the Planning & Development Act, 2000 and Section 183 of the Local Government Act, 2001.
- C/40/13 DISPOSAL OF LAND BY WAY OF LEASE AT MULLANALAMPHRY, BARNESMORE, CO DONEGAL

TO TAWNAWULLY POWER LTD, A LIMITED  
COMPANY HAVING ITS REGISTERED OFFICE AT 8  
CARRINDERRY, CASTLEROY, LIMERICK

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

On the proposal of Clr. O'Neill, seconded by, Clr. Boyle, it was resolved to formally dispose of land by way of lease at Mullanalamphry, Barnesmore, Co. Donegal to Tawnawully Power Ltd, A Limited Company having its registered office at 8 Carrinderry, Castletroy, Limerick.

C/41/13 DISPOSAL OF LAND AT TULLYMORE, ARDARA TO  
THE LEGAL PERSONAL REPS OF THE LATE ALICE  
O'BRIEN

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

On the proposal of Clr. Slowey, seconded by, Clr. Alcorn, it was resolved to formally dispose of land at Tullymore, Ardara, to the Legal Personal Reps of the late Alice O'Brien.

C/42/13 DISPOSAL OF LAND AT BRIDGEND, RAMELTON TO  
PATRICK COYLE, 11 CHESTNUT GROVE,  
RAMELTON

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

On the proposal of Clr. McGarvey, seconded by, Clr. Blaney, it was resolved to formally dispose of land at Bridgend, Ramelton to Patrick Coyle, 11 Chestnut Grove, Ramelton.

C/43/13 TAKING OF DECISION WITH REGARD TO THE  
CONSTRUCTION OF A TRAINING FACILITY AND  
PUBLIC TOILETS AT BARRICK HILL TOWN PARK,  
CARNDONAGH IN THE TOWNLAND OF  
CHRUCHLAND QUARTERS

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

On the proposal, of Clr. Donaghey, seconded by, Clr. Murray, the carrying out of works under Part XI of the

Planning & Development Act, 2000 and Part 8 of the Planning & Development Regulations 2001, with regard to the construction of a Training Facility and Public Toilets at Barrick Hill Town Park, was approved.

C/44/13

TO RESOLVE TO PROVIDE FOR INTER AUTHORITY BORROWING/LENDING BETWEEN DONEGAL COUNTY COUNCIL, LETTERKENNY, BUNCRANA, BUNDORAN AND BALLYSHANNON TOWN COUNCILS FOR THE PERIOD UP TO 31<sup>ST</sup> DECEMBER, 2013 AS PROVIDED FOR IN SECTION 106 OF THE LOCAL GOVERNMENT ACT 2001

On the proposal, of Clr. M. McBride, seconded by, Clr. O'Neill, it was resolved that the Council approve an agreement to provide for the inter Authority borrowing/lending between Donegal County Council, Letterkenny, Buncrana, Bundoran and Ballyshannon Town Councils for the period up to 31<sup>st</sup> December, 2013, in accordance with the Local Government Act, 2001, Section 106, Sub-section 6 which updates Part II of the Local Government (No.2) Act, 1960.

Such Inter-Authority borrowing/lending to be subject to:-

1. A Maximum of €2m for any one loan.
2. Interest to be paid by the borrowing Authority at the prevailing Bank Overdraft Rate.
3. Repayment on three days notice.

Mr. Garry Martin, Head of Finance responding to Members queries advised that the overall aim was to provide a facility for inter-authority borrowing in a cost effective manner, confirming that it would not alter in any way the Council's current borrowing arrangements.

It was, he noted, a way of ensuring that the Local Authorities involved could avail of short term loans and avoid paying costly banking fees.

Mr. Seamus Neely, County Manager, noted that concern had been expressed in relation to the demise of the Town

Councils. This, he confirmed, was a separate matter which would be dealt with as the process developed over the coming months.

C/45/13 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF GLENTIES ELECTORAL AREA COMMITTEE HELD ON 12<sup>TH</sup> NOVEMBER, 2012

On the proposal of Clr. Gallagher, seconded by, Clr. Alcorn, it was resolved to endorse the Confirmed Minutes of Meeting of Glenties Electoral Area Committee held on the 12<sup>th</sup> November, 2012.

Clr. Gallagher enquired as to when the meeting agreed as per Minute GEA 154/12 re wind energy development would be held. She was informed that the matter would be dealt with later in the meeting under Mayor's Business.

C/46/13 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF LETTERKENNY ELECTORAL AREA COMMITTEE HELD ON 12<sup>TH</sup> NOVEMBER, 2012

On the proposal of Clr. McGarvey, seconded by, Clr. Quinn, it was resolved to endorse the Confirmed Minutes of Meeting of Letterkenny Electoral Area Committee held on the 12<sup>th</sup> November, 2012.

C/47/13 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF STRANORLAR ELECTORAL AREA COMMITTEE HELD ON 13<sup>TH</sup> NOVEMBER, 2012

On the proposal of Clr. McGowan, seconded by, Clr. Crawford, it was resolved to endorse the Confirmed Minutes of Meeting of Stranorlar Electoral Area Committee held on the 13<sup>th</sup> November, 2012.

C/48/13 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF DONEGAL ELECTORAL AREA COMMITTEE HELD ON 14<sup>TH</sup> NOVEMBER, 2012

On the proposal of Clr. Boyle, seconded by, Clr. Byrne, it was resolved to endorse the Confirmed Minutes of Meeting of Donegal Electoral Area Committee held on the 14<sup>th</sup> November, 2012.

C/49/13 TO NOTE THE CONFIRMED MINUTES OF MEETING OF THE CORPORATE POLICY GROUP HELD ON 26<sup>TH</sup> NOVEMBER, 2012

On the proposal of Clr. Harley, seconded by, Clr. McBrearty, the confirmed minutes of Meeting of the Corporate Policy Group held on the 26<sup>TH</sup> November, 2012 were noted.

C/50/13 TO NOTE THE CONFIRMED MINUTES OF SPECIAL MEETING OF THE CORPORATE POLICY GROUP HELD ON 6<sup>TH</sup> DECEMBER, 2012

On the proposal of Clr. Harley, seconded by, Clr. Campbell, the confirmed minutes of the Special Meeting of the Corporate Policy Group held on the 6<sup>th</sup> December, 2012 were noted.

C/51/13 CONFERENCE ATTENDANCE

Clr. Harvey proposed, seconded by, Clr. O'Neill that those wishing to attend conferences/events declare their intention to do so on the day of the meeting.

She said she was of the opinion that the old system was not transparent enough.

Clr. Brogan stated that whilst there was a duty to ensure that all were accountable it would be wrong to say that the system was not transparent.

He stated that the current system compelled Councillors attending a particular event to make the initial booking through the County Secretary's Office. Payment, he noted, was not forthcoming until the relevant confirmation had been received from the Event Organisers and a Conference Report submitted to Council.

Clr. Gallagher responding said that Clr. Harvey had not disputed the transparency of the process but rather indicated that the current system was not transparent enough for her.

Clr. O' Neill noted that the regulations as outlined in the Local Government Act, 2001 were clear and that provision existed to name conference attendees on the day of the meeting.



Clr. P. Doherty proposed, seconded by, Clr. M. Mc Bride, that the current system of approving all of those who wished to attend be retained.

The Mayor advised that on a practical level it was not always possible to confirm attendance on the day of a meeting.

Clr. Harley proposed, seconded by, Clr. Mc Gowan, that a list be circulated prior to the meeting affording members the opportunity to register their intention to attend a particular conference /event.

Mr. Liam Ward, Meetings Administrator acknowledged that it could be argued that the current method did not comply implicitly with the guidelines. Specific practices were, he confirmed, in place, and implemented before payments were made to any Councillor.

Current practices were, he noted, in place for practical and operational reasons.

Clr. Brogan proposed, seconded by, Clr. P. Doherty, that a vote be taken on the matter.

He proceeded to propose however that the request for a vote be withdrawn and indicated that it would be perhaps more appropriate to refer the matter to the Housing and Corporate SPC for consideration.

Clr. Ryan urged caution in the matter noting that there were specific financial consequences if members were booked onto a conference and did not attend.

The Meetings Administrator advised that presently there was a proposal from Clr. Harvey, seconded by, Clr. O' Neill to have the names of those attending conferences/events verified on the day of the meeting and a proposal from Clr. P. Doherty, seconded by, Clr. M. Mc Bride, to continue with the present system of approval.

An additional request, he confirmed proposed by Clr. Brogan and seconded by Clr. Mc Gowan to have the matter

referred to the Housing and Corporate SPC also warranted consideration.

Members thus agreed to refer the matter to the Housing & Corporate SPC for further consideration.

C/52/13

TO NOTE CONFERENCE REPORTS

On the proposal of Clr. Alcorn, seconded by, Clr. P. Doherty, the following conference reports were noted:-

**Clr. Frank McBrearty**

Respond Conference held on the 20<sup>th</sup> and 21<sup>st</sup> September, 2012 at the Maldron Hotel Dublin.

**Clr. Patrick McGowan**

The Role of Local Authority Enabling Economic Development held on the 13<sup>th</sup> and 14<sup>th</sup> April, 2012 at the Tower Hotel Waterford.

**Clr. Patrick McGowan**

Creating Employment – Opportunities in Local Food Production held from 10<sup>th</sup> to 12<sup>th</sup> August, 2012 at Rosscarbery West Cork.

**Clr. Patrick MCGowan**

Local Government and The Arts held from the 17<sup>th</sup> to 19<sup>th</sup> August, 2012 at the Lakeside Manor Hotel, Virginia, Co Cavan.

C/53/13

TO CONSIDER REQUEST FOR RECEPTION OF DEPUTATION FROM RESPOND HOUSING ASSOCIATION

On the proposal of Clr. Harley, seconded by, Clr. O'Neill, it was resolved that a deputation from the Respond Housing Association could address a future meeting of the Council.

C/54/13

NO RENT INCREASE FOR LOCAL AUTHORITY TENANTS IN 2013 UNLESS THERE IS EVIDENCE THAT THE HOUSEHOLD INCOME HAS INCREASED

On the proposal of Clr. Harvey, seconded by, Clr. Quinn, the following motion was adopted:-

"That Donegal County Council does not increase the rent for Local Authority tenants for 2013 unless there is evidence that the household income has increased."

Members were informed that:-

“As Members are aware, the draft Budget presented to the Council on 19th December, 2012 included a proposal to apply a two euro weekly increase on all housing tenants with effect from April, 2013. This proposal was the subject of much discussion during the Budget meetings held in December, 2012 and January, 2013. Arising from the decision made on this proposal in the context of Budget 2013, there are no plans for a general increase in rents this year. The Council will continue to review individual rents on an ongoing basis in the context of increases or decreases in household income.”

Clr. Harvey advised that it was imperative that local authority tenants were protected from the financial squeeze over the coming months given that there were challenges to be faced nationally in terms of baseline rent changes for Voluntary Housing/Rental Accommodation Schemes etc.

Members welcomed the response and outlined the necessity of contacting the Department to ascertain whether or not there were any plans to increase rents nationally in 2013.

Mr. Liam Ward, Director Housing & Corporate agreed to seek clarification with regard to changes in baseline rents nationally.

C/55/13

PRIORITISATION OF ALL FUTURE ROADS FUNDING  
BASED ON NEED/ROAD CONDITIONS TAKING INTO  
ACCOUNT TRAFFIC VOLUMES AND NOT BY  
ELECTORAL AREA MILEAGE

Clr. Mc Gowan proposed, seconded by, Clr. Harley, that the following motion be adopted:-

"That this Council prioritise all future roads funding applications based on need/road conditions taking into account traffic volumes and not by Electoral Area mileage."

Members were informed that:-

“Members are advised of the following information to assist them in their deliberation of this motion.

For National Roads the NRA has over the last number of years carried out a comprehensive annual assessment of the surface condition of all national roads. This along with data collected from traffic counters located throughout the network is used to assess and prioritise sections for funding. The Council have a role in supporting this process by highlighting sections where problems exist but these are considered in a regional and national context.

For Non-National roads (Regional and Local) the picture is somewhat more complex.

Firstly, the Government's reform document for Local Government identifies that decisions in relation to local road maintenance priorities may be devolved to Municipal District level in the future. In practical terms this currently happens in Donegal in the context of a disbursement of grant and own resources funding by electoral area generally based road mileage only. It is not clear at this time how this will change particularly in the context of any new financial relations between district and county levels and the determination of block allocations to municipal district level as a reserved function of the members at the plenary council along with changes to local government funding generally.

Secondly, the Council will shortly be commencing a comprehensive visual condition survey in accordance with national guidelines across its entire local road network (regional roads were completed in 2012 by the Department of Transport Tourism and Sport). This process will clearly identify and categorise road pavement conditions across the county into types varying from no visible defects to severe structural distress. This will give the Council for the first time an objective survey of road surface conditions across the county.

Thirdly, traffic volumes are generally not available across the county for local roads and to undertake a comprehensive survey would be a lengthy and costly process. Useful information can be obtained in relation to commuting population at a countywide level from the 2011 census broken down by small population areas across the county.

This information can help in the determination of areas with higher traffic volumes at a local road level and when combined with traffic survey data on regional roads may assist members in relation to policy development in this area.

Finally, the determination of relative need between or within local areas; whether based on road condition, road usage (servicing industry, agriculture or employment centres), hierarchy (e.g. local primary, secondary or tertiary) or other social factors is a matter that is appropriately a policy function of the members.

In order to assist further it is recommended to members that in the first instance that the survey of local roads be completed and that a report brought before members in relation to the quantitative data that can be compiled from the census, road condition survey and land usage information the Council has along with recommendations on possible policy proposals.”

Clr. McGowan advised that he submitted the motion on the basis that the Stranorlar Electoral Area was being continually neglected in terms of funding for roads infrastructure. With many roads in a critical condition, it was clearly apparent, he confirmed, that the allocation of monies on mileage basis was not working. He alluded to a number of specific examples within the Stranorlar Electoral Area.

He welcomed confirmation that the survey of local roads was being completed and that a report would be compiled based on the data received and the possible policy implications. He cited the need to look again at the reclassification of all roads in the County as part of the survey.

The need to include a cocktail of criteria encompassing factors such as tourism routes, strategic routes, population concentrations, location of service industries, health, education and employment facilities were outlined.

It was generally agreed that the biggest issue facing the Council was funding at national level.

A number of Members whilst recognising that problems existed in the Stranorlar E.A., said that they could not support the motion on the basis that the current system worked within their own Electoral Areas. They outlined the need to protect the main transport arteries in the County.

Clr. Gallagher confirmed however that it would be possible to support the call for a special case to be made in relation to the Finn Valley Area.

Mr. John Mc Laughlin, Director Roads & Transportation agreed to bring the matter back to the Roads & Transportation SPC for further consideration.

Members of the Stranorlar Electoral Area called for a practical approach to the problem, noting that the €3million cost of repairing roads in the Finn Valley Area had been well documented to date.

Clr. Harvey outlined the need to bring the matter back to the Roads & Transportation SPC.

Clr. Farren took the Chair for a brief period in the absence of the Mayor.

Mr. John Mc Laughlin, Director Roads & Transportation agreed to bring the matter back to the Roads & Transportation SPC for further consideration.

Clr. Mc Gowan acknowledged Members comments and noted the excellent effort made by Roads staff in the Stranorlar Electoral Area. He welcomed further discussion on the matter noting that increased national funding was essential if there was to be any improvement in the situation.

C/56/13

MOTION UNDER URGENT BUSINESS

A request signed by Clrs O' Neill, Boyle, Mc Eniff, Slowey, P. Doherty, Mc Garvey, Harley, Ryan, Byrne and Harvey to have the following motion discussed as urgent business in accordance with Standing Order 28 was read into the record by the Mayor:-

“That this Council discuss the Rural Housing Policy of the current County Development Plan, in light of the decision of the Council Executive to purchase a rural dwelling for social housing provision in the rural locality of Ballyshannon”.

Concern was expressed that the motion did not fit the criteria for urgent business as the particular issue had not arisen since the passing of the deadline for submitting motions. It was suggested that the time was opportune for a review of the criteria pertaining to motions of this nature

Clr. Brogan proposed, seconded by, Clr. Crawford, that the matter be referred to the Local Traveller Accommodation Consultative Committee Meeting on the 8<sup>th</sup> February, 2013 which he advised was a more appropriate forum for a discussion of this nature.

Clr. Harvey indicated that the motion was general in nature and asked that it be read into the record again.

The Mayor proceeded to do so, acknowledging the fact that the matter had been discussed extensively by the LTACC, and that as far as he was aware there were no objections to the proposal. Thus, he confirmed that he was not in a position to support the motion.

Clr. O’ Neill said that the motion warranted a debate in relation to the Rural Housing Policy as referred to in the County Development Plan. It was a poor day, he noted, when a community challenging the situation with regard to social housing policy could not be accommodated.

Failure to discuss the matter would, he confirmed, highlight the fact that Donegal County Council was giving the green light to something which had not been provided for in the County Development Plan.

The Mayor informed Members that there were two issues before them for consideration, firstly the motion as submitted under urgent business and secondly the proposal by Clr. Brogan to defer the matter to the next meeting of the LTACC. It was, he affirmed entirely up to Members themselves as to how they wished to proceed.

C/57/13 ADJOURNMENT OF THE MEETING

On the proposal of Clr. Farren, seconded by Clr. M. Mc Bride. it was resolved to break for a 15 minute recess.

C/58/13 MOTION TO HAVE MATTER DISCUSSED AS URGENT BUSINESS

On resumption Clr. Brogan agreed to withdraw his motion and thus it was agreed to discuss the motion prior to the close of business.

C/59/13 CALL FOR DONEGAL COUNTY COUNCIL TO DISCUSS THE A5 ROAD PROJECT

On the proposal of Clr. O'Domhnaill, seconded by Clr. Murray, the following motion was adopted:-

"Given the absolute necessity of a proper infrastructure to Donegal, can this Council discuss the A5 road upgrade project with a view of advancing the project by liaising with Monaghan County Council and the Councils in the 6 Counties so as a collective group can meet with the Minister to outline the absolute importance of this route to Donegal."

Members were informed that:-

“Donegal County Council participates in a Group that comprises of the border Councils along the A5 including Monaghan. The Group is generally coordinated through Omagh District Council.

A number of meetings were held in 2012 including meeting Government Ministers in Belfast and Dublin. At one of the meetings, Councils from the North West were given a commitment by the Joint Committee on the Implementation of the Good Friday Agreement that it will champion the case for a Motorway or High Level Dual Carriageway connecting the North West to Dublin.

The Councils highlighted the economic and social benefits which would result from the completion of a Dual Carriageway from the North West to join the Motorway network north of Dublin. They emphasised the importance of starting construction without further delay on the funded



sections of Dual Carriageway from New Buildings to Strabane and from Omagh to Ballygawley.

It is hoped that the legal challenge to the A5 will be resolved at the substantive hearing in Belfast on the 12-14th of February and allow construction to commence on the funded sections.

Funding on the remaining Approved Sections of the A5 from North Strabane to South of Omagh still remains to be addressed.

Finally, there is a programme of preparatory work and statutory processes which needs to commence as soon as possible on the sections from Ballygawley to the M1 north of Dublin and on the N14 Letterkenny to Lifford Scheme.

The Councils emphasised that the scheme can be funded and constructed on a phased basis over eight to ten years and will provide for the economic development and prosperity of the North West region for generations in the future.”

Clr. O’ Domhnaill cited the necessity of moving forward with the A5 upgrade and the economic importance of same for the County. He noted that there had been a proposal before Monaghan County Council to remove the N2 Connector upgrade from their County Development Plan, something which if agreed would have had disastrous consequences for the North West region.

Donegal, he noted, would be economically disadvantaged without a proper infrastructure corridor and that the failure to provide same had a major bearing on the high unemployment rate being experienced at present.

He thus called for a Working Group/Committee to be set up comprising Donegal and Monaghan County Councils together with the six local authorities in Northern Ireland to advance the A5 Project. He was, he stated, prepared to sit on such a committee at no cost to Donegal County Council or any other body.

Members were supportive of the motion noting that adequate funding was essential if the project was to advance.

Clr. Brogan noted that a previous request to meet with the Taoiseach and the Tánaiste in relation to the matter had not elicited a response. He asked that this be followed up on and urged all Members to wear the county jersey in order to move this initiative forward.

A lengthy debate ensued with Members in agreement that extensive lobbying and commitment was needed to maintain momentum in relation to the roll out of the project. Cross Party collaboration was deemed essential with a number of Members outlining the need to impress upon local TDs and Senators the need for greater awareness at national level.

Clr. Gallagher proposed, seconded by, Clr. Harvey, that the Working Group should if established look into the possibility of having a social clause re: the utilisation of local labour incorporated into the operational structure of the project going forward.

It was suggested that the Minister for Transport, Tourism and Sport, Mr. Leo Varadkar be invited to the County and that he meet with a cross-party delegation from the Council. A further briefing from the NRA was they affirmed also warranted at this stage.

The Mayor at this juncture called on Members to view on the Oireachtas Website the recent presentation made by councillors and senior officials from Monaghan and Donegal County Councils, Dungannon & South Tyrone Borough Council, Derry City Council, and Omagh and Strabane District Councils to the The Joint Committee on the Implementation of the Good Friday Agreement re the upgrading of cross border national roads.

Mr. John Mc Laughlin, Director Roads & Transportation noted that a Working Group already existed but that it would be possible to look at the setting up of a complimentary group to include also the relevant Roads Engineers.

Clr. O' Domhnaill concluding the debate requested that senior roads staff from Donegal County Council attend the Judicial Review into the A5 Derry to Aughnacloy Upgrade scheduled to commence shortly.

He advised that the only way forward was through collective collaboration.

C/60/13 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 26TH NOVEMBER

The Mayor advised that he was returning to Item No 1 on the agenda followed by consideration of the motion submitted under urgent business.

Legal advice, he confirmed, had now been received in relation to the matter.

C/61/13 ADJOURNMENT OF THE MEETING

Clr. Blaney proposed, seconded by, Clr. M. Mc Bride, that the meeting be adjourned until 5.30pm to allow for consideration of the advice from the County Solicitor.

C/62/13 CONFIRMATION OF MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL HELD ON 26TH NOVEMBER

On resumption the Mayor informed Members that the complete advice had not yet been received. There were now, he noted, two options available to Members namely,

1. To defer confirmation of the minutes to the next meeting of the Council or
2. To suspend Standing Orders and continue with the matter after 6pm.

Clr. Brogan said that Members needed time to consider the advice and thus proposed, seconded by, Clr. Mc Garvey, to defer the matter to the Adjourned Meeting of the Council.

He asked that a full copy of the advice be circulated prior to the end of the meeting.

CONSIDERATION OF MOTION UNDER URGENT BUSINESS

Clr. O' Neill advised that the decision by the Council to purchase a house at Parkhill in Ballyshannon for Social Housing contravened both the Rural Housing Guidelines and Sections 4.7, 5.3, 5.31 and 5.33 of the County Development Plan.

Clr. O' Neill referred to the occupancy conditions for rural housing as contained in Section 4.7 of "Sustainable Rural Guidelines". These, he affirmed, clearly outlined the fact that that occupancy should be confined to those with roots/links in the area. The planning conditions had, he noted, made it clear that the dwelling was to be occupied for a specific period by the applicant.

He asked if anyone could demonstrate where the provision for social housing in a rural location was located within the County Development Plan.

Clr. Mc Eniff concurred with Clr. O' Neill and said he was disappointed at the lack of consultation with the Parkhill Residents in relation to the allocation.

The Mayor informed the meeting that as a Member of the LTACC he had been aware of a general proposal to purchase the property over a year ago.

Clr. Brogan replied however that the Members of the Committee had not actually approved a specific property.

Clr. Campbell informed the meeting that the purchase of the house had been discussed at a workshop in April 2012 and it had been agreed that it would be allocated on a needs basis.

It was he confirmed nothing to do with the County Development Plan and noted that the Department of the Environment Community & Local Government did not approve money for such purchases unless there was a genuine service need.

The location of S.I. Housing in rural areas, he noted, clearly amounted to a social housing provision.

Mr. Denis Kelly, Senior Executive Planner, responding to Members comments advised that the Parkhill Residents Association had corresponded with the Council on the 18<sup>th</sup> December, 2012 in respect of the Corporate Plan, the County Development Plan and An Straitis.

This detailed submission, he confirmed, referred to consultation in respect of the aforementioned plans and the provision of social housing for residents of Ballyshannon in the rural area.

Reading from his response issued on the 14<sup>th</sup> January, 2013, he advised, that extensive consultation that had been carried out during the making of the County Development Plan. The provisions of the County Development Plan as they related to social housing were explained and the response was general as the residents had not made reference to any specific property or housing issues.

He proceeded to read into the record the following paragraph as outlined in the response:-

“Chapter 5 of the County Development Plan provides details in respect of Social and Affordable Housing. It confirms that the Council’s Social Housing Programme will focus mainly on housing supply through the Social Housing Leasing initiative and Rental Accommodation Scheme”.

He stated that he had used the word “mainly” as the plan indicated that housing supply lay within the expanded suite of non construction supply options including the Social Housing Leasing Initiative and the Rental Accommodation Scheme”.

Reading further from the response, he proceeded to inform Members of the following:-

“Thus the focus is not upon the construction of new houses and therefore the occupancy policy provision that you reference in respect of rural housing contained within the development plan may not apply”.

Mr. Kelly advised that the word “may” had been used as he was not aware of any specific case, and that should the Council purchase a house that was recently permitted with an occupancy condition, it would have to comply with it.

He confirmed that he had since been advised that the Council had purchased a dwelling that did not have such a condition attached and that therefore the purchase of a house is not “development” within the meaning of the Planning Acts” and that the Development Plan deals with guiding “development”.

Therefore, he affirmed, the question of a contravention of the Development Plan did not arise.

Clr. O’ Neill refuted the use of the word “mainly” confirming that it was not included anywhere in the County Development Plan, and reiterated his contention that the County Development Plan did not provide for a house purchase of this nature in a rural locality for social housing.

He called on the County Manager to review the decision, enquiring as to where the consultation and rights were for rural dwellers. Overall Members, he said had been provided with a poor response in relation to the policy on rural housing.

The County Manager acknowledged the contribution from the Senior Executive Planner, advising that the County Development and the various Town plans were enabling documents and that the purchase of the house in Ballyshannon was not inconsistent with what was in the County Development Plan.

He said that he understood the advice given by the Senior Executive Planner and that he concurred with it.

Clr. Brogan advised again that the relevant forum for discussion was the next meeting of the LTACC scheduled for the 8<sup>th</sup> February, 2013.

Clr. Byrne at this juncture said that he was extremely unhappy with the comments directed towards the Senior

Executive Planner by Clr. O' Neill and requested that his signature be removed from the Motion.

The Meetings Administrator proceeded to remove Clr. Byrne's name from the list of signatories.

Clr. O' Neill proposed, seconded by, Clr. Mc Eniff, that the Council Executive review the decision with regard to the purchase of a house at Parkhill, Ballyshannon in consultation with the Elected Members.

The County Manager again reiterated the point that planning policy/procedures had not been breached. He agreed to a review of the procedures in this case, and confirmed that a report on same would be made available for the next scheduled meeting of the LTACC.

C/64/13

CONFIRMATION OF MINUTES OF MEETING OF  
DONEGAL COUNTY COUNCIL HELD ON 26TH  
NOVEMBER

The County Manager informed the meeting that he would circulate the advice received from the County Solicitor to all Members by e-mail as a number had left the Chamber at this juncture.

The matter, he advised, could then be discussed at the Adjourned Meeting of the Council.

Clr. Mc Eniff, proposed, seconded by, Clr. Brogan, that the advice from the County Solicitor together with the Minutes of the November Council Meeting be discussed in committee at the Adjourned January Meeting of Donegal County Council.

C/65/13

MAYOR'S BUSINESS

*Adjournment of the Meeting*

On the proposal of Clr. Brogan, seconded by, Clr. M. Doherty, it was resolved to adjourn the meeting to 9.30am on Wednesday 20<sup>th</sup> February, 2013, followed by a Planning Workshop at 2pm to discuss issues arising from the implementation/operation of the County Development Plan 2012-2018.

*Civic Reception*

Members were informed that the Civic Reception for the Donegal senior Gaelic Football Team would be held at 7pm on the 15<sup>th</sup> February, 2013.

*Bruckless Drowning Commemoration*

The Bruckless Drowning Commemoration Committee invited Members to the unveiling of a Memorial Stone/ Garden for the Bi-Centenary of the Drowning in Bruckless Bay on Monday , February 11<sup>th</sup> at 2pm at Rahan, St John's Point.