

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na
gCruinnithe
Aras an Chontae
LEIFEAR
15 Deireadh Fómhair, 2013

FOGRA CRUINNITHE

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain, 21 Deireadh Fómhair , 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 leis seo.

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

Mise, le meas

**Liam Mac a'Bhaird
Riarthóir Cruinnithe**

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
15th October, 2013

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday, 21st October, 2013, at **11.00am in the County House, Lifford.**

TO EACH MEMBER OF DONEGAL COUNTY COUNCIL

Dear Councillor

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

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

Yours sincerely

**Liam Ward
Meetings Administrator**

AGENDA

1. Confirmation of Minutes

Confirmation of the Minutes of the September Meeting of Donegal County Council held on the 30th September, 2013.

2. Community, Culture and Planning

Proposals for the establishment of an Economic Development Committee.

3. Finance

a) To agree Date of Statutory Budget Meeting.

b) To agree Overdraft Accommodation of Twelve Million Euro (€12,000,000) for full year ending 31st December, 2014.

4. Corporate

To note Association of County and City Councils Annual Report 2012/2013.

5. Endorsement of Minutes

a) Endorsement of the Confirmed Minutes of Meeting of Stranorlar Electoral Area Committee held on the 15th July, 2013.

b) To note the Minutes of the Meeting of the Corporate Policy Group held on the 23rd September, 2013.

6. 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:-

- Douglas Hyde Conference – Gathering Ourselves Again, the legacy of Douglas Hyde, the Life and Death of the Irish Language to be held on Friday 25th October, 2013 at the BMW Conference Room, The Square, Ballaghaderreen, Co. Roscommon.
- The Geothermal Association of Ireland – 2013 Conference Working together to increase geothermal energy resource

utilisation in Ireland to be held Wednesday 13th November, 2013 in the Newpark Hotel, Kilkenny.

- Ace Training - A Practical Guide to Budget 2014 to be held from Friday 8th to Sunday 10th November, 2013 at the Four Seasons Hotel, Carlingford, Co. Louth.
- Training Seminar – How Local Authorities are affected by E.U. Law and E.C.H.R. to be held from Friday 8th to Sunday 10th November, 2013 in Carlton Shearwater Hotel, Ballinasloe, Co. Galway.
- Ace Training - The Effects of Budget 2014 on the Irish Economy to be held from Friday 15th to Sunday 17th November, 2013 at the Park Hotel, Clonmel, Co Tipperary
- The Institute of Professional Training – Local Authority Budgets 2014 to be held from Friday 15th to Sunday 17th November, 2013 in the Silver Tassie Hotel, Letterkenny, Co Donegal.

7. Conference Reports

Clr Jack Murray

Diploma in Local Government Studies Registration held Friday 27th September, 2013 in the IPA Dublin.

8. Deputations

Reception of Deputation from the Glenties Windfarm Information Group.

9. Manager's Report

10. Mayor's Business

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD IN
THE COUNTY HOUSE, LIFFORD ON 21ST OCTOBER, 2013

C/540/13 MEMBERS PRESENT

Clrs. Ian McGarvey, Mayor, D. Alcorn, L. Blaney, J. Boyle, J. Campbell, P. Canning, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M. T. Gallagher, M. Harley, C. Harvey, D. Larkin, F. McBrearty, M. McBride, N. Mc Bride, P. Mc Gowan, B. Mc Guinness, J. Murray, S. O' Domhnaill, B. O' Neill, M. Quinn, J. Ryan and Slowey.

C/541/13 OFFICIALS IN ATTENDANCE

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

C/542/13 APOLOGIES

Apologies were received from Clrs. Byrne and McEniff who were unable to attend the meeting.

C/543/13 CONTINUATION OF THE MEETING IN COMMITTEE

On the proposal of Clr. Mc Brearty, seconded by, Clr. M. Mc Bride, it was resolved in accordance with Section 45 of the Local Government Act, 2001 to continue with the meeting in committee. At the request of the Mayor, the Members of the Media in attendance vacated the Chamber.

C/544/13 ADJOURNMENT OF THE MEETING

On the proposal of Clr. O' Domhnaill, seconded by, Clr. Mc Gowan, it was resolved to adjourn the meeting and deal with the remaining items on the agenda of the Adjourned September Meeting.

C/545/13 RECEPTION OF DEPUTATION FROM THE GLENTIES
WINDFARM INFORMATION GROUP.

Members welcomed Mr. Ernan O' Donnell , Mr. Peter Crossan, Planning Consultant and Ms Siobhan Browne, from the Glenties Windfarm Information Group to the meeting. Following a brief

introduction by Mr. O' Donnell, Mr. Peter Crossan, Planning Consultant informed Members that the purpose of the presentation was to set out and put in context the reasons why Donegal County Council and its Elected Members should consider minor amendments to a variation of the County Development Plan 2012-2018. He contended that recent refusals by An Bord Pleanala with regard to wind farms at Straboy, Glenties and at Altnagapple in Ardara further substantiated this claim. There were, he suggested, a number of conflicting issues in the County Development Plan, noting that in particular the zoning "open to consideration" currently affected over 2,300 town lands in the County. It was claimed that this was at odds with the requirements of a number of European Directives relating to the environment and the European Court regarding specific environmental impacts.

Mr. Crossan alluded to the fact that the Planning & Development Act, 2010 (as amended) required a Strategic Environmental Assessment pursuant to the EU Habitats Directive, a process that required consideration in the drafting of the County Development Plan. The current plan, he suggested, failed to meet these objectives.

During the course of the presentation detailed information was provided in relation to the following:-

1. The statutory basis for a material variation of the County Development Plan.
2. Obligations under the various SEA, Habitats, Environmental Directives etc and the fact that the County Development Plan is required to be subject to assessment under specific criteria including the interrelationship between biodiversity, population, human health, flora and fauna, soil and water, air and climate, material assets, cultural heritage and landscape.
3. An overview of the specific policy context including the assertion that the various directives as outlined above needed to form part of the consideration of all zoning decisions with specific obligations on the local Authority to protect the receiving environment and the residential amenity whilst taking cognisance of Government Policy regarding renewable energy in the County.
4. Overall impact of the European Communities Environmental Objectives (Freshwater Pearl Mussel) Regulations 2009.

5. The related ecological impact of wind farm developments including specific reference to the displacement of peat entering water courses and general sensitivity of fresh water ecology.
6. Socio and economic impact of wind farm development.
7. Noise and health impacts with specific reference to the appropriate separation distance of this type of development.

Concluding the presentation, Mr. Crossan advised of the need to take account of the cumulative impacts associated with wind farm development, the importance of the local environment and its sensitivity to change. He outlined the necessity of implementing the proposed variations in order to protect societal interest and to comply with the requirements of EU legislation on the environment in the interests of biodiversity. He called on Members to recognise the fact that there was an urgent need to exclude from wind farm development the Sub- Basin District of the Owenea for obvious environmental reasons. He advised also of the need to provide for a meaningful set back distance for all wind farm development.

Clr. O' Domhnaill said that it was regrettable that millions were being spent on the protection of the fresh water pearl mussel in Donegal yet wind farm technology was now contributing to their overall demise. He advised of the need to re-visit the wind farm policy in the County Development Plan with specific consideration in relation to the overall set back distance. This, he confirmed , needed to be included on the agenda of the next Planning SPC. He advised also of the need to reimburse local communities affected by this type of development.

Clr. Mc Brearty welcomed the presentation and said that he was appreciative of the opportunity to listen to both sides of the argument. He applauded the fact that the group did not operate under any specific political influence.

Clr. Gallagher alluded to the comprehensive nature of the presentation. She outlined the need to amend the policy in the interests of the people of Glenties, and for the overall protection of rural communities in Donegal. She questioned whether or not a planning decision in favour of the developments at Straboy and Altnagapple would stand in a court of law.

Clr. Campbell said he was of the opinion that there were serious flaws and weaknesses in the County Development Plan as adopted and thus queried :-

- The balance if any that was required in relation to the rezoning of areas and the requirement of this authority to provide a strategic approach.
- The need for further elaboration in relation to the noise and health impact of wind farm development together with the associated set-back distances.

The Mayor thanked all who had contributed to the debate, acknowledging the rights of local communities to have their concerns listened to, and adequately addressed.

Mr. Crossan replied to a number of queries raised by Members and advised of the following:-

- That the regulations were clear and the catchment areas for fresh pearl water mussel needed to be looked at again in terms of compliance with national and EU Directives.
- Regarding the ecological impact of peat displacement it was confirmed that it was impossible to mitigate against sediment entering into the water courses.
- That the areas in question needed to be re zoned out of wind farm development given the serious physical and ecological impacts mentioned.
- The need for overall balance and the maintenance of the County's diverse natural environment.
- The average maximum height of a wind turbine applied for in Donegal was 125m.
- With regard to noise and health impacts it was acknowledged that there was a significant body of evidence to support the existence of these factors and thus it would be prudent to introduce a set-back distance based on ten times the tip height of the turbines as an absolute minimum.

Concluding his presentation, Mr. Crossan advised that there was only a 23 % annual return on any given turbine and that in the USA there was a concerted move away from wind farm development on the basis of its efficiency capabilities.

Ms Siobhan Browne, addressed Members at this juncture giving a passionate description of the impact that this type of development was having on her home and family life. She asked Members to take heed of the concerns raised by local residents as failure to do so would result in many young families being forced to move out of their native communities.

Mr. Crossan and Mr. O' Donnell thanked Members for the attention and advised of the urgency to deal with matter in a logical and compassionate manner. It was acknowledged that the issue had divided many local communities and that vulnerable landowners in rural communities were often put at risk. Many of the issues raised they noted needed to be dealt with promptly otherwise the taxpayer would in the long-run bear the brunt of the associated fines.

C/546/13 CONFIRMATION OF THE MINUTES OF SEPTEMBER
MEETING OF DONEGAL COUNTY COUNCIL HELD ON
THE 30TH SEPTEMBER, 2013

Clr. Mc Brearty on a point of order advised that he had specific issues in relation to Minute C/472/13 and was of the opinion that the minute in question did not reflect the intent of Clr. Mc Eniff's motion.

Clr. Blaney enquired as to whether or not he was questioning the accuracy of the minutes and if this was possible given that Clr. Mc Brearty had not been present at the meeting in question.

Clr. Mc Brearty again reiterated the need for legal opinion in relation to the accuracy of the minute and the fact that it did not accurately reflect what was said in relation to Travellers nor includes comments made by other Councillors. He asked that previous advice provided by the Council Solicitor in relation to the accuracy of the minutes be read out for the benefit of the Members.

Mr. Liam Ward, Meetings Administrator confirmed that the advice received in relation to a similar query clearly indicated that all Members had the right to raise an issue regarding the accuracy of the minutes, on the basis that they were either inaccurate or incomplete, and subject to the agreement of those Members present on the day in question. He acknowledged that whilst he did not have the information to hand, the advice outlined above was reflective of the response provided by the Council Solicitor.

He asked Clr. Mc Brearty to outline in detail what he believed took place on the day and thus allow for further consideration.

Clr. Blaney thus proposed, seconded by, Clr. O' Domhnaill, to adopt the Minutes of the Meeting of Donegal County Council held on the 30th September, 2013.

Clr. Mc Brearty stated that he wanted to have it recorded that he did not support the motion as put forward by Clr. Mc Eniff. Clr. Murray also expressed a similar view.

C/547/13 ESTABLISHMENT OF AN ECONOMIC DEVELOPMENT COMMITTEE

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

On the proposal of Clr. P. Doherty, seconded by, Clr. Mc Gowan, it was resolved in accordance with Section 51 of the Local Government Act, 2001 to establish an Economic Development Committee consisting of the following:-

- 5 SPC Chairs
- Mayor of the Day
- County Manager
- DOS, Community, Culture and Planning.

Sectoral Representation

- IDA Ireland
- Enterprise Ireland
- Donegal Education and Training Board
- SOLAS
- Letterkenny Institute of Technology
- Udaras na Gaeltachta
- Local Enterprise Office
- Failte Ireland
- Donegal Community Forum
- IBEC

Clr. Blaney proposed, seconded by, Clr. Mc Gowan, that a representative from the Farming Community be included in the overall membership.

C/548/13 AGREEMENT ON DATE FOR THE STATUTORY BUDGET MEETING

On the proposal of Clr. Slowey, seconded by, Clr. McGarvey, it was resolved to hold the Statutory Budget Meeting on Wednesday 18th December, 2013 at 10.00 am in the County House, Lifford.

C/549/13 AGREEMENT ON OVERDRAFT ACCOMMODATION OF TWELVE MILLION EURO (€12,000,000) FOR FULL YEAR ENDING 31ST DECEMBER, 2014

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

After due consideration, it was resolved, on the proposal of Councillor P. Doherty, seconded by, Councillor Farren to authorise Overdraft Accommodation of Twelve Million Euro (€12,000,000) for the year ending 31st December, 2014 in accordance with Section 106 of the Local Government Act 2001 and subject to the sanction of the Minister for the Environment, Heritage and Local Government **THAT:**

- (a) It is in the best interests of the Council and in line with its statutory rights and obligations to avail of the Facility and provide the Guarantee up to an amount of twelve million euro (€12,000,000);
- (b) Accordingly, the Council agrees to avail of the Facility and provide the Guarantee;
- (c) Each of the persons undertaking the roles of Donegal County Manager and the Head of Finance from time to time be authorised, together and separately, to negotiate the terms of each of the facility letters put, and to be put, in place to document the Facility (each, a “**Facility Letter**” and together, the “**Facility Letters**”), together with any amendments or variations to the Guarantee or replacement Guarantee, and to sign each such Facility Letter and Guarantee by way of acceptance of the terms of such document (including, without limitation, all terms and conditions referred to in each such Facility Letter) and that each such signed Facility Letter and Guarantee shall be fully binding on, and enforceable against, the Council; and

(d) The Council ratifies the availing of the Facility by the Council, within the limits specified, and confirms the execution of all Facility Letters together with the Guarantee.

C/550/13 TO NOTE THE ASSOCIATION OF COUNTY AND CITY COUNCILS ANNUAL REPORT 2012/2013

On the proposal of Clr. Donaghey, seconded by, Clr. P. Doherty, Members noted the Annual Report of the Association of County and City Councils Annual Report 2012/2013.

C/551/13 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF STRANORLAR ELECTORAL AREA COMMITTEE HELD ON THE 15TH JULY, 2013

On the proposal of Clr. McGowan, seconded by, Clr. McBrearty, the Minutes of the Meeting of the Stranorlar Electoral Area Committee held on the 15th July, 2013 were endorsed.

C/552/13 TO NOTE THE CONFIRMED MINUTES OF THE CORPORATE POLICY GROUP HELD ON THE 23RD SEPTEMBER, 2013

Members noted the Confirmed Minutes of Meeting of the Corporate Policy Group held on the 23rd September, 2013.

C/553/13 CONFERENCES

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 and 2010 and directives issued by the Minister in that regard, on the proposal of Clr. Donaghey, seconded by, Clr. Crawford, it was resolved to authorise any member, if he/she so wished, to attend the following conferences, subject to the normal procedures:-

1. Individual members not exceeding their annual budget for attendance at conferences.
 2. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance.
 3. Submission of a Conference Report
- Douglas Hyde Conference – Gathering Ourselves Again, the legacy of Douglas Hyde, the Life and Death of the Irish Language to be held on Friday 25th October, 2013 at the BMW

Conference Room, The Square, Ballaghaderreen, Co. Roscommon.

- The Geothermal Association of Ireland – 2013 Conference Working together to increase geothermal energy resource utilisation in Ireland to be held Wednesday 13th November, 2013 in the Newpark Hotel, Kilkenny.
- Ace Training - A Practical Guide to Budget 2014 to be held from Friday 8th to Sunday 10th November, 2013 at the Four Seasons Hotel, Carlingford, Co. Louth.
- Training Seminar – How Local Authorities are affected by E.U. Law and E.C.H.R. to be held from Friday 8th to Sunday 10th November, 2013 in Carlton Shearwater Hotel, Ballinasloe, Co. Galway.
- Ace Training - The Effects of Budget 2014 on the Irish Economy to be held from Friday 15th to Sunday 17th November, 2013 at the Park Hotel, Clonmel, Co Tipperary
- The Institute of Professional Training – Local Authority Budgets 2014 to be held from Friday 15th to Sunday 17th November, 2013 in the Silver Tassie Hotel, Letterkenny, Co Donegal.

Mr. Liam Ward, Meetings Administrator responding to a query from Clr. Quinn advised that he intended to bring a report on the methodology of conference approval to the November Council Meeting.

C/554/13 TO NOTE CONFERENCE REPORTS

On the proposal of Clr. Donaghey, seconded by, Clr. McGowan, the following conference report was noted:-

Clr Jack Murray

Diploma in Local Government Studies Registration held Friday 27th September, 2013 in the IPA Dublin.

Mr. Liam Ward, Meetings Administrator informed Clr. Mc Brearty that he would check in relation to SIPO Guidelines on the authorisation of Members participating in Local Government Studies Diploma/Degree Courses.

C/555/13 MANAGER'S REPORT

Members considered the report circulated during the meeting in relation in relation to the following:-

Water & Environment

- a) Regional Waste Planning
- b) Update Report on Irish Water

Community, Culture & Planning

- a) Donegal County Council Social Inclusion Week

C/556/13 MAYOR'S BUSINESS

Votes of Sympathy

Sympathy was extended to the following:-

- The family of former Councillor Paddy Kelly. Members from the various groupings paid tribute to the late Councillor and former Cathaoirleach of Donegal County Council. Members acknowledged his many years of dedicated service noting that he had been an excellent Ambassador for both the Gaeltacht and the Glenties Electoral Area.
- The family circle of the late Mary Deery, former Revenue Collector.
- Cllr. Barry O' Neill on the death of his uncle, the late Cllr. Joe O' Neill.

Attendance at Events in the County

The Mayor confirmed that he had attended the following;

- Opening of the Finn Valley Leisure Centre
- Launch of Social Inclusion Week.

Congratulations

Congratulations was extended to the following:-

- Glenswilly on winning the Senior County Final
- Gweedore and Naomh Muire on their recent successes

C/557/13 MOTION UNDER URGENT BUSINESS- ODOUR PROBLEM AT PAIRC AN GRIANAN, BURNFOOT

Members considered the following motion as submitted under urgent business to the Adjourned September Council Meeting:-

“That Donegal County Council recognises that there is a serious on-going odour problem arising from the Treatment Works, next to Pairc and Grianan, Burnfoot, and resolves to investigate all

possible solutions to this problem and present a detailed report to the Members of the Inishowen Electoral Area at its next meeting”

Clrs. Murray and Ryan noted that the issue in question had developed over the last few months and thus highlighted the need to find a lasting solution to the problems in Pairc An Grianan. They acknowledged the excellent assistance provided to date by Mr. Pat Gillespie, Senior Executive Engineer. They asked that a report be forwarded to the Inishowen Electoral Area Meeting.

On the proposal of Clr. Murray, seconded by, Clr. Ryan, it was resolved to adopt the motion as outlined above.

C/558/13 DEPUTATION TO THE NRA

On the proposal of Clr. Mc Guinness, seconded by, Clr. Farren, it was resolved that contact be made with the NRA with regard the reception of a delegation from Donegal County Council to discuss roads funding in the County.

This concluded the business of the meeting.