

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na gCruinnithe
Aras an Chontae
LEIFEAR
19 Samhain 2013

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain 25 Samhain, 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

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
19th November, 2013

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 25th November, 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 Special Meeting of Donegal County Council held on the 18th October, 2013.
 - b) Confirmation of the Minutes of the Adjourned September Meeting of Donegal County Council held on the 21st October, 2013.
 - c) Confirmation of the Minutes of the October Meeting of Donegal County Council held on the 21st October, 2013.
2. Filling of casual vacancy arising from the resignation of Cllr. Cora Harvey.
 3. Filling of casual vacancy in the Housing & Corporate Strategic Policy committee occasioned by the resignation of Cllr. Jack Murray.
 4. Filling of casual vacancy in the Roads and Transportation Strategic Policy Committee occasioned by the resignation of Cllr. Cora Harvey.
 5. Filling of casual vacancy in the Chair of the Roads and Transportation Strategic Policy Committee.
 6. Filling of consequential vacancies arising from 2 above.
 - Stranorlar Electoral Area Committee
 - Cultural Committee
 - LATCH Ltd
 - Strengthening Families Programme Advisory Board- NW Alcohol Forum
 - Finn Valley Leisure Centre
 - Citizen Project Community Awareness Programme- Cross-Border Stakeholder Group
 - Interreg River Links Project Steering Group

MOTIONS

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

DONEGAL ELECTORAL AREA

Corporate

7. Clr. Campbell

"That Donegal County Council acknowledges the vital work of the Credit Union movement within the county and understands that a

credit union's main strength is that it is local. Further Donegal County Council supports the Irish League of Credit Unions in their fight against the over zealous regulatory regime and moves towards consolidation being imposed on them by the Government and the Central Bank. In pursuit of this Donegal County Council resolves to write to the Minister of Finance in this regard and will circulate this motion to other councils." (O)

STRANORLAR ELECTORAL AREA

Finance

8. Clr. Harley

"That this Council call on the Department of Transport to look at the Tender System for road surfacing to give the small contractors a chance to tender." (O)

Community and Enterprise

9. Clr. McGowan

"That this Council discuss and agree adequate resourcing for our EU unit so that they can continue to prepare, and build on the capacity to apply for EU funding in the period 2014 to 2020." (C)

GLENTIES ELECTORAL AREA

Corporate

10. Clr. Alcorn

"Regarding the recent suggestion that Vehicle Motor Tax may be centralised (Similar to Driving Licence Applications) I ask Donegal County Council to support a proposal that Motor Tax should be left with Local Authorities who have excellent records as far as this work is concerned." (O)

Roads and Transportation

11. Clr. M.T. Gallagher

"That this Council contact the relevant EU Authority and Investigate the possibility of receiving a funding stream to reconstruct the Mulantiboyle Bridge in Glenties, considering that this projects estimated cost would have been considerably lower, had construction restrictions not been imposed due to the preservation order on the pearl mussel." (L)

INISHOWEN ELECTORAL AREA

Water and Environment

12. Clr. Murray

"That this Council discusses the ongoing problems to the water supply in south Inishowen." (L)

13. Clr. McGuinness

"That Donegal County Council puts on record agreements entered into with landowners at Mindoran, Clonmany (re water from Mindoran Lough) and at other locations throughout the County regarding wayleaves, established rights and agreements prior to the takeover by Irish Water." (L)

LETTERKENNY ELECTORAL AREA

Water and Environment

14. Clr. Brogan

"To Discuss Irish Water and the implications for Donegal County Council as a Local Authority and the implications for staffing." (C)
Please see item (21) below.

Community and Enterprise

15. Clr. N. McBride

"That this Council discuss the idea of tidal and wave power generated electricity in Donegal." (O)

16. Clr. Blaney

"That this Council explore all avenues to ensure that the Rathmullan/Buncrana car ferry is operational for summer 2014." (C)

Roads and Transportation

17. Clr. Larkin

"That this Council discuss the Letterkenny Relief Road Project and what remedial measures can be employed to ensure the safety of the four lane into and out of Letterkenny." (L)

18. Clr. Quinn

"That Donegal County Council prioritise the footpath from Ballymacool to the Aura in the 2014 Programme." (L)

19. Disposal of Land – Section 211 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 of 0.047 Hectares of Council

Owned Land at Drumbarity, Killybegs to Mr Pauric Meehan, Killybegs.

- 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 0.0044 Hectares of Council Owned Land at Annagh, Clonmany to Mr Vincent and Kathleen Doherty, Annagh, Clonmany.

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

- a) To approve carrying out of works with regard to replacement of the existing collapsed twin span composite bridge with a new single span concrete structure spanning 24m over the Owenea River on the L2693 in the townlands of Mullantiboyle and Gortmucklagh in the Glenties Electoral Area.
- b) To approve carrying out of works with regard to the construction of a new single span precast concrete beam and slab deck bridge supported on reinforced abutments at Cockhill Bridge and Approach Roads in the townlands of Tullyarvan and Ballymacarry.
- c) To approve carrying out of works with regard to replacement of the existing corroded steel bridge deck on Tyrconnell Bridge in the townlands of Donegal and Mullans, and spans the Eske River in the centre of Donegal Town.
- d) To approve carrying out of works with regard to the construction of an Integrated Constructed Wetland for the primary treatment of sewage through a series of shallow, interconnected emergent-vegetated, surface flow wetland compartments at Ardmore, Muff, Co Donegal.

21. Water and Environment

To receive presentation on the transfer of the Water Function to Irish Water.

22. Housing and Corporate

- a) Dreachtsceim Teanga Chomhairle Contae Dhun na nGall 2013-2016
To note Donegal County Council Draft Language Scheme 2013-2016
- b) To approve Schedule of Meetings for January-June 2014.

23. Planning and Economic Development

- a) Review of the Bundoran and Environs Development Plan 2009-2015 (As Varied)/Electoral, Local Government and Planning and Development Act 2013.
- b) Review of the Letterkenny and Environs Development Plan 2009-2015 (As Varied)/Electoral, Local Government and Planning and Development Act 2013.

24. Roads and Transportation

To agree date for the official opening of the N56 Cloghbolie to Boyoughter Scheme.

25. Endorsement of Minutes

- a) Endorsement of the Confirmed Minutes of Meeting of Donegal Electoral Area Committee held on the 10th September, 2013.
- b) Endorsement of the Confirmed Minutes of Meeting of Stranorlar Electoral Area Committee held on the 17th September, 2013.
- c) To note confirmed minutes of Meeting of the Corporate Policy Group held on the 14th October, 2013.

26. Authorisation of representation at a Seminar, Meeting or Event

- a) To consider report on procedures currently in place to authorise attendance of Elected Members at Conferences, Seminars and Events.
- b) 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:-
 - Focus Ireland Annual Conference – Working to End Homelessness: “New Solutions to Finding Homes” to be held Wednesday 27th November, 2013 in the Vavasour Suite, of the Aviva Stadium, Dublin.
 - Training Seminar – Local Government Bill 2013 to be held on Friday 29th and Saturday 30th November, 2013 at the Millrace Hotel, Bunclody, Co. Wexford.
 - Training Seminar – SIPO & Councillors’ Obligations to be held from Friday 29th November to Sunday 1st December, 2013 at the

Louis Fitzgerald Hotel, Newlands's Cross, Naas Road, Dublin 22.

- Tgr Seminars – Councillor information Seminar and Professional Development Day – Contemporary Overview of immigration into Ireland to be held Friday 6th and Saturday 7th December, 2013 at the Bunratty Castle Hotel, Bunratty, Co Clare.
- Elected Member's Training Seminar – Preparing a Development Contribution Scheme to be held Friday 6th and Saturday 7th December, 2013 at the Connacht Hotel, Dublin Road, Galway.
- Elected Member's Training Seminar – Housing Grants and Schemes to be held Friday 13th and Saturday 14th December, 2013 at the Connacht Hotel, Dublin Road, Galway.
- Celtic Conferences – Tourism Technology & Competitive Strategies for 2014 to be held from Friday 13th to Sunday 15th December, 2013 at the Celtic Ross Hotel, Rosscarbery, West Cork.
- Professional Development Seminar for Councillors – 'Putting People First – Update on Local Government Reform to date' to be held Friday 13th and Saturday 14th December, 2013 at the Grainne Suite, Bunratty Castle Hotel, Bunratty, Co Clare.
- Preliminary Notice LAMA Spring Seminar – Friday 31st January and Saturday 1st February 2014 at the Four Seasons Hotel, Monaghan.

27. Conference Reports

Clr John Campbell

Sport Aiding Mental Health held Friday 31st May, 2013, in Jacksons Hotel, Ballybofey.

Clr Martin Harley

Ace Training – European Legislation held from Friday 7th to Sunday 9th June, 2013, Carlingford, Co Louth.

Clr. Martin Harley

LAMA Autumn Seminar 2013 held Friday 11th and Saturday 12th October, 2013, Falls Hotel, Ennistymon.

28. Manager's Report

29. Mayor's Business

QUESTIONS

(L) Local

- (C) County
- (O) Other

DONEGAL ELECTORAL AREA

Corporate

30. Clr. Campbell

"In relation to the Customer Contact Centre established in 2012 in the Milford PSC can the manager provide the following information and statistics?"

- a) Numbers of persons assigned to the dedicated unit including breakdown of whole time equivalents.
- b) Are staff assigned to this unit dedicated solely to customer contact or do they perform other duties at the same time.
- c) Total numbers of calls made to the unit on a monthly basis since fully established in tabular form.
- d) Percentage of calls that are being answered during working hours. (as a percentage of total calls made)
- e) An outline of the systems in place (if any) to allow monitoring of customer queries to ensure follow up by council."

Finance

31. Clr. Campbell

"In relation to rates can the Head of Finance provide a breakdown in tabular form of the following information on an Electoral Area basis:

- a) Total number of commercial rate accounts and the valuation attributable to them.
- b) Number of commercial rate accounts considered vacant, derelict or similarly uncollectable and the evaluation attributable to them.
- c) Number of commercial rate accounts excluding those at b for which no payment has been received in 2013 and the valuation attributable to them.
- d) Total commercial rates collected in 2013 excluding arrears." (C)

STRANORLAR ELECTORAL AREA

Roads and Transportation

32. Clr. Harley

"Why at a time when outdoor staffing levels are at a minimum are we using our outdoor staff to do NRA works and cross-border projects given that there are two Electoral Areas in this County that do not touch the border and are not affected by this policy of this Council?" (C)

33. Clr. Harley

"Can this Council give me the latest traffic figures on the N14 and the N15?" (O)

Roads and Transportation

34. Clr. McGowan

"Can Donegal County Council begin work on designing and identifying funding for the construction of a footpath on Trusk Road Ballybofey from the Weavers Estate to Sessiagh O Neill School, Chapel and Parish Graveyard?" (L)

Planning and Economic Development

35. Clr. McGowan

"Please can the Council include a cycling/running lane design around Ballybofey - Stranorlar in the new Ballybofey and Stranorlar Area Plan and undertake to install such a cycle/walk lanes at every opportunity as and when presented?" (L)

GLENTIES ELECTORAL AREA

Finance

36. Clr. Alcorn

"Regarding the 2012 Household Charge what was the final % collection in Donegal, and how much arrears is still owed to Donegal County Council?" (C)

Corporate

37. Clr. Alcorn

"How many full time staff will Donegal County Council have from 1/1/14 and how many people retired during 2013, and have any of these staff members been replaced?" (O)

Housing

38. Clr. M.T. Gallagher

"What measures have been taken by this Council to have sewage problems dealt with in the following Council Estates:-

- Naomh Conaill Close Glenites
- Altan Burtonport
- Gort Na Mona Dungloe?" (L)

Water and Environment

39. Clr. M.T. Gallagher

"Following passing of motion regarding the Burtonport Sewage Scheme, could I receive correspondence issued by the Council to Department to have this scheme progressed?" (L)

INISHOWEN ELECTORAL AREA

Water and Environment

40. Clr. Murray

"Why was Donegal County Council exempted from applying for a foreshore licence in its plan for the Moville Greencastle Wastewater Treatment Plant?" (L)

Corporate

41. Clr. Murray

"Can this Council provide a detailed report on all JobBridge interns taken on by the Council, detailing what roles the interns carried out, if any of the roles were previously carried for a full-time wage and if any of the interns have received a full-time position in the public sector since completing their internship?" (O)

Roads and Transportation

42. Clr. McGuinness

"When will the Council construct a Salt Barn at Barrack Hill Carndonagh?"

43. Clr. McGuinness

"With regard to the Machinery Yard, please give a breakdown of all staff and their specific areas of responsibility?"

LETTERKENNY ELECTORAL AREA

Water and Environment

44. Clr. N. McBride

"What is the update situation on the new pipe work being installed leading to Rathmullan and could a further link be installed in Ballyare to further assist the supply?" (L)

45. Clr. N. McBride

"What is the up to date situation with the proposed pipe upgrades in the Fanad Kerrykeel area?" (L)

46. Clr. Larkin

"What strategy have the Council in dealing with the very serious issue of horses being abandoned on our public roads in our county?" (C)

Community and Enterprise

47. Clr. Larkin

"When will we have an announcement of the Donegal County Council Sports Grants?" (O)

Roads and Transportation

48. Clr. Blaney

"When does DCC expect to have the traffic calming measures completed in Kilmacrenan?" (L)

49. Clr. Blaney

"When does DCC expect to have the footpaths at Milford, Ramelton, Kerrykeel, Rosnakill and Tamney completed?" (L)

50. Clr. Brogan

"What is the current position with regards our funding for roads?" (C)

Planning and Economic Development

51. Clr. Quinn

"What plans (and within what timeframe) does Donegal County Council have to ensure that the outstanding lighting issues relating to An Gleann Rua are resolved?" (L)

52. Clr. Quinn

"To clarify if it is Council Policy that when a Planning Official meets with Elected Members to discuss a Planning issue, that all documentation relating to the relevant issue be available at the meeting for observation?" (C)

53. Motions from other Councils/Bodies

KILDARE COUNTY COUNCIL

"That this Council write to the Minister for the Environment, Community and Local Government requesting a national equalisation scheme as part of the introduction of water charges. This scheme should seek to offset the individual costs borne by householders who

need to install domestic softening systems in areas of high water hardness. This request should also go to our fellow city and county councils for support.”

BUNDORAN TOWN COUNCIL

“That this Council takes over control of the West End Boat Quay to ensure that it is properly maintained as sourcing funding for the boat quay is proving very difficult as the ownership of the same is in doubt.”

SOUTH TIPPERARY COUNTY COUNCIL

“That Council recognises that the trafficking exploitation and abuse of women and girls is taking place throughout the country as a direct result of prostitution. The Council believes human rights abuses can be ended by targeting the demand for prostitution by introducing laws which make it an offence to pay for sex and is seeking such laws. We note the success of similar laws in other European countries. The Council will convey its views to the Minister for Justice.”

CAVAN COUNTY COUNCIL

At the October meeting of Cavan County Council the elected members discussed the need to support local businesses in our towns and villages. They noted that local businesses provide important services in keeping our Parishes and Communities alive and need our support to ensure that their enterprises remain open.

The following Resolution was passed by Cavan County Council and it was agreed to circulate the Resolution to all Local Authorities, The Association of County and City Councils and Trade Organisations representing small businesses for their attention and support.

“The need to support our towns and villages”

LEITRIM COUNTY COUNCIL

“That Leitrim County Council call on the Minister for Finance and The Central Bank to ensure the protection of the structures and local branches of the Credit Union movement throughout the Country and to give every support to the members and officers who work tirelessly on behalf of the people for a better and fairer Ireland.”

WEXFORD COUNTY COUNCIL

“That this Council endorses the principle of the right to water and sanitation as a fundamental core value within Irish Society and this should be reflected as a central pillar in national water policy. As

citizens of the EU we believe in the right of all inhabitants to enjoy this right and that we oppose any attempt to include water in legislation aimed at market liberalisation. This Council supports the call for the full national political commitment to ensuring that water and sanitation are publicly owned, democratically run and that all in the sector are fully accountable.”

LIMERICK CITY AND COUNTY COUNCIL

“That, Section 42 of the Planning and Development Acts, 2000 – 2013, and Article 45 of the Planning and Development Regulations 2000 – 2013, should be amended to allow further information to be sought on substantive planning issues and to allow conditions to be imposed on the extended permission to address planning inadequacies in the original permission.”

ENNIS TOWN COUNCIL

“That Ennis Town Council request the Minister for Health to revise the scheme for chronic illnesses and that people in Clare suffering from Crohns disease, Alzheimers, and Coronary Heart Disease be recognised as suffering from life long conditions and be included in the Long Term Illness Scheme. And that the fee for these people attending Accident and Emergency be immediately eliminated.”

MINUTES OF MEETING OF DONEGAL COUNTY COUNCIL, HELD IN
THE COUNTY HOUSE, LIFFORD ON 25TH NOVEMBER, 2013

C/559/13 MEMBERS PRESENT

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

C/560/13 OFFICIALS IN ATTENDANCE

Mr Seamus Neely, County Manager, Mr Liam Ward, Director of Corporate and Housing/Meetings Administrator, Mr Joe Peoples, A/Director of Water and Environment, Mr John McLaughlin, Director of Roads & Transportation, Mr Michael Heaney, Director Community, Culture & Planning, Mr Denis Kelly, Senior Executive Planner, Mr Barney McLaughlin, Administrative Officer, Mr Kevin O'Connor, Tourism Development Co-ordinator, Ms. Ann Marie Conlon, Communications Officer, Ms Annemarie Crawford, Staff Officer, Corporate Services.

C/561/13 APOLOGIES

Apologies were received from Clr Mc Eniff who was unable to attend the meeting.

C/562/13 CONFIRMATION OF THE MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 18TH OCTOBER, 2013

On the proposal of Clr Gallagher, seconded by, Clr N. McBride, the Minutes of the Special Meeting of Donegal County Council held on the 18th October, 2013 were approved.

C/563/13 CONFIRMATION OF THE MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 21ST OCTOBER, 2013

On the proposal of Clr Gallagher, seconded by, Clr Canning, the Minutes of the Adjourned Meeting of Donegal County Council held on the 21st October, 2013 were approved.

C/564/13 CONFIRMATION OF THE MINUTES OF OCTOBER MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 21ST OCTOBER, 2013

On the proposal of Clr Campbell, seconded by, Clr N. McBride, the Minutes of the October Meeting of Donegal County Council held on the 21st October, 2013 were approved.

C/565/13 FILLING OF CASUAL VACANCY OCCASIONED BY THE RESIGNATION OF CLLR CORA HARVEY

Mr. Liam Ward, Meetings Administrator informed Members that a casual vacancy had arisen in the membership of the Council arising from the resignation of Clr Cora Harvey. He advised that it was now intended to fill the vacancy in accordance with Section 19 3(a) of the Local Government Act, 2001. Notice of this intention he confirmed had been circulated to all Members on the 8th November, 2013.

He advised of the following:-

That the casual vacancy would be filled by co-option by the Local Authority of a person to fill the vacancy and except where paragraph (c) or (d) or (e) of subsection 1 apply, subject to the person being nominated by the same registered political party who nominated for election or co-option the member who caused the casual vacancy.

Clr Quinn acknowledging the excellent contribution made by Clr Cora Harvey proposed that the vacancy be filled by Mr Gary Doherty, a dedicated community activist who demonstrated a clear understanding of the current economic situation and the difficulties that they presented for the people of Donegal.

On the proposal of Clr Quinn seconded by, Clr Gallagher, Mr Gary Doherty was co-opted as a Member of Donegal County Council to fill the casual vacancy occasioned by the resignation of Clr Cora Harvey.

The Meetings Administrator thus invited Clr Doherty to take up his position as an Elected Member of Donegal County Council.

Congratulations were extended on behalf of all the political groupings in the chamber.

Clr Doherty thanked all who had supported him and in particular former Clr Cora Harvey who had paved the way for his entry into Donegal County Council. It was, he said, a proud day for his own

family and the Castlefinn area in general. He acknowledged also the assistance and support provided by the Sinn Fein Cumann in Castlefinn.

The County Manager welcomed Clr Doherty to the Chamber, and said that he was looking forward to working with him over the coming year.

C/566/13 FILLING OF CASUAL VACANCY IN THE HOUSING AND CORPORATE STRATEGIC POLICY COMMITTEE OCCASIONED BY THE RESIGNATION OF CLR JACK MURRAY

On the proposal of Clr Murray, seconded by, Clr Gallagher, it was resolved that Clr Gary Doherty fill the Casual Vacancy on the Housing and Corporate SPC occasioned by the resignation of Clr Jack Murray.

C/567/13 FILLING OF CASUAL VACANCY IN THE ROADS AND TRANSPORTATION STRATEGIC POLICY COMMITTEE OCCASIONED BY THE RESIGNATION OF CLR CORA HARVEY

On the proposal of Clr Quinn, seconded by, Clr Gallagher, it was resolved that Clr Jack Murray fill the casual vacancy on the Roads and Transportation SPC occasioned by the resignation of Clr Cora Harvey.

C/568/13 FILLING OF CASUAL VACANCY IN THE CHAIR OF THE ROADS AND TRANSPORTATION STRATEGIC POLICY COMMITTEE

On the proposal of Clr Quinn, seconded by, Clr Gallagher, it was resolved that Clr Jack Murray fill the Casual Vacancy in the Chair of the Roads and Transportation Strategic Policy Committee occasioned by the resignation of Clr Cora Harvey.

C/569/13 FILLING OF CONSEQUENTIAL VACANCIES ARISING FROM RESIGNATION OF CLR CORA HARVEY

On the proposal of Clr Gallagher, seconded by, Clr Quinn, it was resolved that Clr Gary Doherty fill the consequential vacancies outlined below, occasioned by the resignation of Clr Cora Harvey.

- Stranorlar Electoral Area Committee
- Cultural Committee
- LATCH Ltd

- Strengthening Families Programme Advisory Board- NW Alcohol Forum
- Finn Valley Leisure Centre
- Citizen Project Community Awareness Programme- Cross-Border Stakeholder Group
- Interreg River Links Project Steering Group

C/570/13 MAYOR'S BUSINESS

Votes of Sympathy

- Jill Doherty, Bundoran Library on the death of her father, Joseph Forrest.
- Fiona Truelove, Central Library, Letterkenny on the death of her father, Richard Truelove.
- Sharon O' Kane, Finance Section on the death of her mother, Margaret O' Kane.
- Cllr. Martin Farren on the death of his brother-in-law
- Cllr. Gerry Crawford on the death of his wife's brother in law, Daniel Mc Gavigan.
- The family of the late Anthony O' Malley Daly.
- The Redemptorist Order on the death of Fr. Alec Reid.
- Ms Helena Coll, Midletown, Derrybeg on the death of her husband, Feardorcha Ó Colla.

Best Wishes

Best wishes for a speedy recovery to be forwarded to Senator Jimmy Harte and his family circle.

Boston Trip

The Mayor informed Members that the recent trip to Boston had been an outstanding success and would in the long-term generate considerable benefit for the County as a whole.

Transition Year Students

The Mayor welcomed Transition Year Students from the St Columba's Comprehensive School, Glenties and The Rosses Community School to the Meeting.

C/571/13 VARIATION IN THE ORDER OF BUSINESS

It was unanimously agreed to vary the order of business and deal with items 19 & 22 at this juncture.

C/572/13 DISPOSAL OF 0.047 HECTARES OF COUNCIL OWNED LAND AT DRUMBARITY, KILLYBEGS TO MR PAURIC MEEHAN, KILLYBEGS

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

On the proposal of Clr Campbell, seconded by, Clr Gallagher, it was resolved to formally dispose of 0.047 Hectares of land at Drumbarity, Killybegs to Mr Pauric Meehan, Killybegs, in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and Section 183 of the Local Government Act, 2001.

C/573/13 DISPOSAL OF 0.0044 HECTARES OF COUNCIL OWNED LAND AT ANNAGH, CLONMANY TO MR VINCENT AND KATHLEEN DOHERTY, ANNAGH, CLONMANY

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

On the proposal of Clr McGuinness, seconded by, Clr Canning, it was resolved to formally dispose of 0.0044 Hectares of land at Annagh, Clonmany to Mr Vincent and Kathleen Doherty, Annagh, Clonmany, in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and Section 183 of the Local Government Act, 2001.

C/574/13 DREACTSCÉIM TEANGA CHOMHAIRLE CONTAE DHÚN NA nGALL 2013-2016- TO NOTE DONEGAL COUNTY COUNCIL DRAFT LANGUAGE SCHEME 2013-2016

Chuir Liam Mac an Bhaird, Stiúrthóir Tithíochta agus Corparáide, in iúl do na baill go raibh an scéim le seoladh ar aghaidh chuig an Aire Ealaíon, Oidhreacht agus Gaeltachta lena cheadú. Aithníodh trí gheallúint bhreise sa Scéim seo, mar atá:-

1. chun an córas úr aistriúcháin gan sreang a úsáid ag trí chruinniú de chuid Chomhairle Contae Dhún na nGall, ar a laghad, agus ar bhonn trialach.
2. Úsáid níos mó a bhaint as na Meáin Shóisialta.
3. Seirbhís i nGaeilge a sholáthar ón Lár-Ionad Teagmhála do Chustaiméirí.

D'fháiltigh na Comhaltaí roimh an scéim, agus ag rá go raibh sé ag fóirstean go mór de bharr go bhfuil cuid mhór de dhaonra Dhún na

nGall ina gcónaí i gceantracha Gaeltachta. Thug siad aitheantas don obair shármhaith atá déanta ag Coiste na Gaeilge agus don chlúdach atá tugtha ag Ráidió na Gaeltachta ar feadh na mblianta.

Mhol an Clr. Alcorn, agus an Clr. P Ó Dochartaigh, go n-úsáidfí an córas aistriúcháin, uair amháin ar a laghad, le linn tréimhse na Comhairle reatha. Moladh fosta go mbeadh mír amháin, ar a laghad, de ghnó na Comhairle déanta gach bliain trí mheán na Gaeilge.

Ar mholadh ón Clr. Alcorn, agus An Clr. P Ó Dochartaigh ag tacú leis, ghlac na Comhaltaí le Dréachtscéim Teanga Chomhairle Contae Dhún na nGall 2013-2016.

Mr Liam Ward, Director Housing & Corporate informed Members that the scheme was due to be forwarded to the Minister for the Arts, Heritage and Local Government for approval. This Scheme it was acknowledged contained three additional commitments namely:-

4. To use the new wireless translation system on at least three occasions, on a pilot trial basis, at meetings of Donegal County Council.
5. Increased use of the Social Media Network.
6. Service in Irish to be provided by the Customer Contact Centre.

Members welcomed the scheme advising that it was particularly appropriate given that a large portion of the population in Donegal lived in Gaeltacht areas. They acknowledged the excellent work carried out by Coiste na Gaeilge and the long-standing coverage provided by Radio na Gaeltachta.

Clr Alcorn proposed, seconded by Clr P Doherty that the translation system be used at least once during the lifetime of the present Council. It was suggested also that at least part of one council meeting per year be transacted through the medium of Irish.

On the proposal of Clr Alcorn, seconded by, Clr P Doherty, Members endorsed the Donegal County Council Draft Language Scheme 2013-2016.

C/575/13 TO APPROVE SCHEDULE OF MEETINGS FOR JANUARY – JUNE 2014

Members considered the schedule of meetings circulated with the agenda. On the proposal of Clr Alcorn, seconded by, Clr Campbell, the Schedule of Meetings for January to June 2014 was approved.

C/576/13 CONTINUATION OF MAYOR'S BUSINESS

Boston Trip

Members considered the report circulated during the meeting in relation to the above. The Mayor informed Members that the report provided a comprehensive record of the various initiatives undertaken by the Boston Delegation. He complimented the LYIT representatives who had also taken part.

Mr. Michael Heaney, Director Community, Culture & Planning outlined the main aspects of the report.

The County Manager acknowledged the manner in which the Donegal County Council delegation had been received and confirmed that there was now clear evidence that the work carried out by previous delegations was bearing fruit.

Members welcomed the report and enquired in relation to the following:-

- Whether it would be possible to allow one member of the press accompany delegations of this nature on a 50/50 cost basis.
- That the Communications Officer issue a statement highlighting the extensive nature of the work carried out by the delegation so that the general public are fully aware of the potential for investment in Donegal.
- The New England Delegation Report be made available online.
- The necessity of providing an overall costing for the Boston Trip.

Members asked that correspondence be forwarded to the new Mayor of Boston, Mr Martin J Walsh congratulating him on his appointment. On the proposal of Clr Boyle, seconded by Clr N Mc Bride it was resolved that an invitation to visit the County House be extended to Mr Walsh on his visit to Ireland in 2014.

It was further agreed to write to all those in Boston who had facilitated the DCC delegation acknowledging their hospitality and co-operation.

Compliments were paid to all who had taken part in the delegation it was acknowledged also that the links established in Boston were beginning to create specific dividends.

Mr. Michael Heaney, Director Community, Culture and Planning responding to a number of queries advised that discussions on the possible utilisation of Killybegs as the European base in relation to the potential within the Biomass Sector were at an advanced stage. There had also been, he noted, ongoing discussion with the Ocean Renewable Power Company with regard to the piloting of an ocean wave/tidal device for the production of energy off the coast of Donegal.

NRA Delegation

Members were informed that the delegation to the NRA as agreed at the October Meeting was now scheduled to take place on Wednesday 11th December, 2013.

Mr. John Mc Laughlin, Director Roads and Transportation asked Members to submit details of items/issues requiring discussion at this forum.

Civic Reception

On the proposal of Clr Brogan, seconded by, Clr Larkin, it was resolved to award a Civic Reception to Michael Murphy in recognition of his outstanding sporting achievements and success as captain of the Irish International Rules Football team.

Members asked that the reception agreed previously for Jason Quigley be held as soon as possible in the New Year.

C/577/13

VARIATION IN THE ORDER OF BUSINESS

Clr Mc Brearty proposed, seconded by, Clr. M Mc Bride that the order of business be varied in order to receive the presentation on the transfer of the Water function to Irish Water. A number of Members expressed concern that this would lead to Member's own business being pushed further down the agenda. Clr Mc Gowan proposed, seconded by, Clr Brogan that the meeting proceed as per the agenda.

A show of hands was taken by the Meetings Administrator and resulted in the majority of Members agreeing to proceed as per the order on the agenda.

C/578/13

CREDIT UNIONS

On the proposal of, Clr. Campbell, seconded by, Clr Gallagher , the following motion was adopted:-

"That Donegal County Council acknowledges the vital work of the Credit Union movement within the county and understands that a credit union's main strength is that it is local. Further Donegal County Council supports the Irish League of Credit Unions in their fight against the over zealous regulatory regime and moves towards consolidation being imposed on them by the Government and the Central Bank. In pursuit of this Donegal County Council resolves to write to the Minister of Finance in this regard and will circulate this motion to other councils."

Clr Campbell advised that one of the main strengths of the Credit Union Movement was the fact that it allowed local committees to manage their own affairs. Plans to consolidate the movement would, he confirmed, would lead to a loss of local knowledge particularly in the decision making process.

It was imperative, he added that monies were kept locally and diverted into the local economy. There were, he noted, implications also for those employed in these institutions. Fear was expressed that the planned changes would result in Credit Unions becoming the same as main stream banks and would deny poorer sections of society access to credit.

A number of members whilst supporting the sentiment of the motion said that regulation and consolidation of the Credit Union Movement was required together with some measure of external audit if the sector was to expand in a beneficial manner. They advised that on this basis they could not support the motion.

Clr Campbell informed the Mayor that he did not wish to amend the motion as over regulation would lead to the exclusion of those for whom the credit union movement had been set up in the first place. Consolidation, he said, would lead ultimately to the closure

of branches and the loss of jobs. He thus called for the motion to be put to the floor.

A show of hands taken by the Meetings Administrator resulted in 13 voting for the motion and 6 voting against.

The Meetings Administrator declared that the motion had been carried.

C/579/13

TENDER SYSTEM SMALL CONTRACTORS

On the proposal of Clr Harley, seconded by, Clr Mc Gowan, the following motion was adopted:-

"That this Council call on the Department of Transport to look at the Tender system for road surfacing to give the small contractors a chance to tender."

Members were informed that:-

“Donegal County Council, like all other public bodies, has to abide by the requirements of EU Directives, national statutory requirements and government policy when procuring works, goods and services. Essential principles to be observed in conducting the procurement function include non – discrimination, equal treatment, transparency, mutual recognition, proportionality, freedom to provide service and freedom of establishment. The Directives impose legal obligations on public bodies in regard to advertising and the use of objective tendering procedures for contracts above certain value thresholds.

The Council generally uses a two part procedure for procurement of road works contracts:

- 1) A publicly advertised pre-qualification (Pre-qual) stage (using the e-Tenders website)
- 2) A confined tender stage - confined to those contractors who pass the pre-qualification stage.

The pre-qual stage is aimed at identifying suitable contractors who have the competency and capability to undertake the works being tendered.

Each job is treated as a separate contract, so contractors can bid for as many or as few as they wish.

The Council does not seek to exclude small contractors from the process. However, obtaining value for money whilst complying with procurement governance rules is the over-riding objective.”

Clr. Harley outlined the difficulties facing small contractors across the County advising that many were struggling at this point to get past the pre-qualification stage. He said it was not practical to be tarring roads in the month of November and that very often remedial action was needed on projects of this nature.

Members were generally in agreement that the current tender process was not favourable to small local contractors and did not provide a level playing field.

Clr Gallagher said that she had lobbied consistently for a social clause to be inserted in contracts of this nature. The tender process it was acknowledged may have saved money nationally but at the detriment of local economies.

Members were critical of the untimely allocation of roads monies and suggested that the Minister be contacted regarding the possibility of making roads funding available early in 2014.

They asked also that consideration be given to employing additional frontline roads staff to facilitate the timely completion of such works.

They were in agreement also that something needed to be done to facilitate the small contractor who was not in a position to meet the stringent requirement of the current tendering process. It was suggested that an independent review of the tendering process be carried out nationwide.

Clr Mc Brearty enquired as to the legal status of any motion requesting the widening of the tender process.

Mr John Mc Laughlin, speaking on behalf of Mr Garry Martin, Head of Finance, said that Donegal County Council, like other public bodies had to comply with relevant EU Directives, national statutory requirements and associated Government policies and were then audited on the rules/guidelines as applicable.

He would, he confirmed, ask the Head of Finance to explore the insertion of a social clause. Responding to a number of issues raised, he said, he was hopeful that the draw down of roads monies would occur earlier in 2014. Recruitment issues, he advised depended on monies available at the end of January, and thus it was difficult at this stage to make any commitment.

He said he was not aware of any issues raised by the Local Government Auditor in relation to Roads Contracts. It would, he said, be possible to follow-up with the Department in relation to any potential changes at national level.

Mr Liam Ward, Meetings Administrator, confirmed that it was not possible to pass a motion which was contrary to existing legislation.

Clr. Harley concluding the debate advised of the need maintain regular contact with the Department regarding a range of procurement issues.

C/580/13 RESOURCING FOR EU UNIT

On the proposal of Clr McGowan, seconded by, Clr Canning, the following motion was adopted:-

"That this Council discuss and agree adequate resourcing for our EU unit so that they can continue to prepare, and build on the capacity to apply for EU funding in the period 2014 to 2020."

Members were informed that:-

“Donegal County Council initiated an EU Funding and Policy Unit in 2010 in order to focus on and to maximise support for this region from the European Union (and other external funding bodies). The objectives of this Unit are to:

- maximise access to, and participation in European Union (EU) and national funding streams, particularly in the context of the new Programmes 2014-2020
- maximise participation in EU networks
- promote Donegal County Council as a key partner in the EU and forge relationships in this context, and
- promote EU affairs within the Council and the wider region.

The Council continues to emphasise the key role of this Unit which has worked to access some €24mn (2010-2015) of funding to the County to date. The Unit also engages in networking and information provision working in close co-operation with the Irish Regions Office in Brussels and with key networks such as the Conference of Peripheral Maritime Regions (CPMR) and the Assembly of European Regions (AER). In addition to EU Funding the Unit has also worked to access additional exchequer funding, under e.g. SEAI Better Communities Scheme and the National Cycle Network Scheme.

The Unit has also made submissions on behalf of Donegal County Council to key emerging funding programmes and policy documents, highlighting the local needs and requirements of Donegal and the wider region (for example New National Rural Development Programme, Interreg V/Peace IV programmes, BMW regional Op).

There will continue to be a strong focus placed on this work, working in close association with fellow Councils in the Republic, our County Development Board partners, our neighbouring cross border counties and our close working relationship with Belfast City Council. Through Clr Mc Gowan as the representative on the Committee of the Regions, valuable contacts have been made and pursued with the Irish Regions Office in Brussels.”

Clr Mc Gowan advised of the need to maintain and adequately resource the Council’s EU Unit given that 2014 would see Donegal compete with other Local Authorities for European funding.

Members acknowledged the excellent work carried out to date by the EU Unit and were of the opinion that the Unit was now well placed to develop in conjunction with the development of the Shared Services Initiative.

Donegal County Council, they suggested, was in a good position to become the lead authority for accessing EU funds country-wide. It was noted that the Border Midlands and Western Regional Assembly could also help with strengthening and assisting the potential for investment in Donegal.

Mr. Michael Heaney, Director Community, Culture & Planning thanked Members for their comments noting that the EU Unit

since its foundation in 2010 had been successful in securing funding across all Directorates.

He informed Members that a report detailing the work of the EU Unit would be included on the agenda of the January Council Meeting.

C/581/13 MOTION UNDER URGENT BUSINESS

A request signed by Clrs Quinn, M Mc Bride, Gallagher, Murray, Mc Garvey, Mc Brearty, and N Mc Bride to have the following motion discussed as urgent business in accordance with Standing Order No 28 was read into the record by the Meetings Administrator:-

“In accordance with the fact that Donegal County Council are unable to confirm from their records, that the road leading to Aghadachor Beach, which has been travelled by many generations of local people is a Public Right of Way, we, the undersigned request the Local Authority to immediately commence the process with the aim of determining this road to be a Public Right of Way”

- Clr Mick Quinn
- Clr Michael Mc Bride
- Clr Marie Therese Gallagher
- Clr Jack Murray
- Clr Ian Mc Garvey
- Clr Frank Mc Brearty.
- Clr Noel Mc Bride.

Clr Mc Brearty enquired as to the legality of the motion and the implications of passing same.

Clr Brogan asked the Executive to provide clarity and advise on the implications, if any, of the route taken to date. He said it was imperative that a meeting take place between the Mayor and the Council Solicitor to ascertain what the options were for the residents in that area. It was important, he added, that the local residents were not misled into trying to achieve something which was not legally achievable.

Members also warned of the fact that there could be specific financial implications for the Council.

Clr Mc Brearty said he was not aware of any meeting with the Council Solicitor and that this should have been disclosed before the motion went to the floor.

The Mayor confirmed that he had not as yet had an opportunity to discuss same with the Council Solicitor.

Mr Eunan Quinn, Senior Planner, responding to a number of queries confirmed that the Planning Department were actively pursuing irregularities with the development in question but that these were unrelated to the road issue. The laneway in question could, he advised, not be identified under the Planning Acts/County Development Plan as a public road, something which negated the benefit of pursuing this matter. He proceeded to advise in relation to the relevant provisions which had to be enacted to proceed with the right of way issue. He said that he was not in a position at this stage to give details on the compensation provision.

Mr Liam Ward, Meetings Administrator following a lengthy debate reminded Members that they were required to take the motion prior to the close of business and in accordance with Standing Order No 28. He reminded Members that for the motion to be passed, the number voting in favour had to be not less than half the total number of the Members of the Council and not less than three quarters of the Members present at the meeting.

He thus advised that as there 16 Members present in the Chamber, the motion could only proceed on the basis that at least 12 Members voted in its favour.

Members thus agreed to defer consideration to the Adjourned Council Meeting and following the meeting between the Letterkenny Electoral Area Members and the developer in question.

C/582/13 MOTION UNDER URGENT BUSINESS

A request signed by Clrs Campbell, M Mc Bride, Mc Brearty, Murray, Gallagher, Farren, G Doherty, Quinn, Larkin, and O' Domhnaill to have the following motion discussed as urgent

business in accordance with Standing Order No 28 was read into the record by the Meetings Administrator:-

“Consideration of the Draft Variation to the Donegal County Development Plan 2012-2018 and that the Members, by resolution propose to make the variation so that the public consultation process be formally commenced” (Vide Appendix 1)

Clr Campbell cited the need to have the motion dealt with under urgent business on the basis that the An Bord Pleanala documentation relating to the refusal of the Killymasney, Newmills permission was not publically available by the Friday week preceding the Monday of the meeting. It was also necessitated, he added, on the basis that the Council had failed to proceed with a variation on foot of the presentation by the Glenties Wind Information Group in October, 2013.

On the proposal of Clr Gallagher, seconded by, Clr Murray it was resolved to deal with the motion prior to the close of business.

C/583/13 REQUEST THAT THE COUNCIL SUPPORT THE RETENTION OF THE MOTOR TAX SERVICE WITH LOCAL AUTHORITIES MOTOR TAX OFFICES

On the proposal of Clr Alcorn, seconded by, Clr Gallagher, the following motion was adopted:-

"Regarding the recent suggestion that Vehicle Motor Tax may be decentralised (Similar to Driving Licence Applications) I ask Donegal County Council to support a proposal that Motor Tax should be left with Local Authorities who have excellent records as far as this work is concerned."

Members were informed that:-

“Donegal County Council made a decision in the late 1990's to decentralise the provision of front line services on an Electoral Area basis. Arising from this decision, purpose built Public Services Centres were developed in 5 locations throughout the County.

In terms of the front line services to be provided, the Motor Taxation service was considered to be of particular significance and importance. The availability of this service from 6 locations in

the County, 5 PSC's and Lifford HQ, offered the public great access and represented a significant part of the footfall by members of the public to these locations.

In terms of the level of service provided, Donegal County Council has consistently performed very well in terms of the 'Over the Counter' service. This is reflected annually in the Local Authority Service Indicator Reports published. The County has not fared as well in terms of the number of people availing of the on-line motox tax system. This is understandable to some degree given the level and availability of the 'Counter Service' in Donegal.

There is no doubt that the provision of the Motor Tax service from 6 locations on a five day per week basis carries with it a significant staffing resource, which in the current climate of reducing staffing numbers is difficult to maintain. The transfer of the Driving Licence function to the Road Safety Authority has reduced the staffing requirement to some degree. The continuation of this level of service is one of the many issues to be considered in terms of the Service Delivery arrangements to be implemented to support the Municipal District arrangements, which are proposed to come into being following the Local Elections in 2014.

In terms of any proposals/suggestions to centralise the delivery of the Motor Taxation service in line with Driving Licence Service, the following is the current position:

The Local Government sector has examined a considerable number of business areas to determine whether or not there are efficiencies to be gained from the delivery of such services on a 'Shared Service' arrangement. The sector established a 'Project Management Office' to progress this initiative. Examples of the types of services that have already been examined include, Payroll, Accounts Payable, Legal Services, Treasury Management to name but a few.

In terms of Motor Tax, the Project Management Office has in recent times requested a number of local authorities to prepare a business case to examine the delivery of the Motor Tax Service as it currently exists, as a shared service, a regional service or as a centralised service.

As part of the process, each Local Authority has been requested to provide information in terms of the level of service provides, the associated staffing levels, and overall indicative costs. Donegal has complied with this information request.

The outcome of this work is awaited and each Local Authority will have the opportunity to examine the business case when developed in draft form. It is likely that this process will not be concluded until well into 2014.”

It was agreed to amend the designation of the motion to county-wide.

Clr Alcorn alluded to the excellent motor tax service provided by Donegal County Council. He was, he said, extremely concerned that this service could end up being centralised.

Members were supportive of the motion and expressed concern that local service delivery was being gradually eroded across the County. Any attempt to reduce the Motor Tax service would, they confirmed, work against the promotion of balanced regional development. Calls were made for the initiation of a dedicated campaign to retain services in Donegal.

This service it was acknowledged had been a vital lifeline for the Public Service Centres and thus Members called on the Executive to do all in their power to ensure its retention.

The County Manager noted that this was one of the many issues to be considered under service delivery arrangements to be implemented in the support of the new Municipal Districts. It was important, he said, that Donegal County Council took the opportunity to articulate its position early in the process.

Motor Tax services, he noted, were intrinsically linked to the agenda of County Councils and this Council, he confirmed, was in a good position to present itself as a lead operator in any Shared Services initiative.

Clr Alcorn thanked all who had supported the motion and asked that it be circulated to all Local Authorities for their attention.

C/584/13

SOURCING OF EU FUNDING STREAM TO FUND THE
RECONSTRUCTION OF MULANTIBOYLE BRIDGE IN
GLENTIES

On the proposal of Clr M.T. Gallagher, seconded by, Clr Slowey, the following motion was adopted:-

"That this Council contact the relevant EU Authority and Investigate the possibility of receiving a funding stream to reconstruct the Mulantiboyle Bridge in Glenties, considering that this project's estimated cost would have been considerably lower, had construction restrictions not been imposed due to the preservation order on the pearl mussel."

Members were informed that:-

"The EU Unit within our Community and Enterprise Section will explore all possible sources of EU funding for this project such as ERDF (European Regional Development Funds) funds and the like."

Clr Gallagher said it was imperative that the issue was addressed immediately as there were serious access difficulties for those travelling into Glenties. Funding options, she noted were diminishing with Interreg funding not accessible until 2015. She enquired as to the possibility of proceeding with interim measures and putting in place a bridge similar to the one in Glenfin.

It was noted that the EU funding had been discontinued for new projects. Clr Slowey asked that the matter be further examined and progressed as an ongoing issue. He cited the need to pursue all aspects of European funding and advised that it should also be raised at the Border Midlands & Western Regional Assembly with a view to getting works done in 2014.

Mr John Mc Laughlin, Director Roads & Transportation alluded to the various options available which included:-

1. The top slicing of discretionary funds, a feature which necessitated the agreement of the full Council.
2. Top slicing of funds at Electoral Area level though there was a difficulty here in that only existing commitments would be honoured.

He informed Clr Gallagher that it would be possible to examine the cost of installing a Bailey Bridge similar to the one in Glenfin.

It was noted also that presently there were no specific provision at EU level to acquire monies for urgent cases such as this.

C/585/13 CALL FOR WAYLEAVES AND ESTABLISHED RIGHTS AND AGREEMENTS ENTERED INTO BY DONEGAL COUNTY COUNCIL AND LANDOWNERS SUCH AS THAT AT MINDORAN CLONMANY ARE PUT ON THE RECORD PRIOR TO THE TAKEOVER BY IRISH WATER

On the proposal of Clr McGuinness, seconded by, Clr Mc Bride, the following motion was adopted:-

"That Donegal County Council puts on record agreements entered into with landowners at Mindoran, Clonmany (regarding water from Mindoran Lough) and at other locations throughout the County regarding wayleaves, established rights and agreements prior to the takeover by Irish Water."

Members were informed that:-

“The arrangements for the provision of water services down the years has required the agreement of landowners throughout the County to provide sites for the purpose of providing water services infrastructure- treatment plants, pumphouses and the grant of wayleaves to enable pipes to be laid through property. The positive engagement by the public has enabled the Council to extend services incrementally over the years.

Agreements entered into with landowners took various forms including the acquisition of the land, wayleaves, future connections to the service and other considerations which are unique to individual cases. The Council will clearly be honouring any such agreements and will ensure that an appropriate due diligence is carried out including in relation to the specific case referred to in the motion. As with any agreement/contract between parties it can only be changed with the consent of those who are party to the agreement/contract.

In any transfer to Irish Water which would have implications for existing contracts/agreements that the Council has with third parties

the contract would transfer on the existing terms and conditions and third parties will be contacted by the Council in the first instance should this arise.”

Clr Mc Guinness advised of the necessity of documenting the agreement made with landowners at Mindoran Lough. This he said had particular significance because a number of the occupiers in question had recently received water rate bills from Donegal County Council. He said that he had been assured at the time that landowner’s rights to water would be honoured in the long-term. There was, he indicated an increasing need to document same, given the impending takeover by Irish Water. It was acknowledged that there were a number of agreements of this nature in operation throughout the County.

Clr Mc Guinness thus proposed, seconded by Clr N. Mc Bride that the Council honour this and any other such agreements which are in existence.

Clr N Mc Bride advised of a similar type situation in the Tullyconnell area.

Mr. Joe Peoples, Acting Director Water & Environment said that the Council was favourably disposed to honouring such agreements and making Irish Water aware of their existence. He called on Members to submit details of any such agreements that might be in existence, advising that efforts could then be made to trace the appropriate records and follow-up on individual cases.

C/586/13 WATER SUPPLY PROBLEMS IN SOUTH INISHOWEN

On the proposal of Clr Murray, seconded by, Clr Ryan, the following motion was adopted:-

"That this Council discusses the ongoing problems to the water supply in south Inishowen."

Members were informed that:-

“The 400mm diameter pipe from the Eddie Fullerton Dam to supply South Inishowen was laid around 14 years ago. In the past the majority of bursts on this pipeline were through the Slabland at Burt and were mostly caused by the salt content in the soil corroding the steel bolts. This will be addressed by the

replacement of the bolts with stainless steel bolts. However customers have also been affected in the past six months by four bursts in the Lisfannon and Fahan areas. Two of these bursts were related to what could be described as minor faults that were relatively easily repaired but two were attributable to the pipe itself failing. Since the network has been laid relatively recently the frequency of bursts is something that would not have been anticipated. The Council takes all reasonable measures to minimise the interruptions to service including both the frequency and the duration through ongoing monitoring and will continue to do so to minimise interruptions to service in south Inishowen.”

Clr Murray expressed concern in relation to the two recent serious bursts at Lisfannon and the consequences for the general public and businesses in the area. He asked what could be done in relation to preventing incidences such as this in the future given that the fault lay with the pipe joints and not the pipes themselves.

Members applauded the efforts of Mr Pat Gillespie, Senior Engineer and his team who had worked late into the night to sort the problem.

It was acknowledged that the pipe network in question was relatively new and as such a concerted effort was needed to address the problem given the implications for the entire South Inishowen Area.

Members asked if a sample of the pipe had been checked and whether the pressure had been increased to allow water to get as far as Manorcunningham.

Mr Joe Peoples, Acting Director, Water & Environment said that the frequency of the burst was not something that was anticipated in a scheme that was only 14 years old. There was, he confirmed, no obvious reason for the frequency of the bursts.

Every effort, he confirmed, would be made to secure the supply on a 24 hour basis. He agreed to highlight the matter as part of the ongoing engagement with Irish Water.

Responding to a query from Clr Murray, he confirmed, that staffing resources had not been an issue in the length of the remedial works but rather the overall scale of the project.

C/587/13 TO DISCUSS IRISH WATER AND THE IMPLICATIONS FOR DONEGAL COUNTY COUNCIL AS A LOCAL AUTHORITY AND THE IMPLICATIONS FOR STAFFING

Clr Brogan agreed to the deferral of the motion to the Adjourned Council Meeting.

C/588/13 ADJOURNMENT OF MEETING

Members unanimously agreed to defer any remaining business to the Adjourned Council Meeting on Monday 9th December, 2013 at 2pm in the County House, Lifford.

C/589/13 TAKING OF DECISION WITH REGARD TO THE REPLACEMENT OF THE EXISTING COLLAPSED TWIN SPAN COMPOSITE BRIDGE WITH A NEW SINGLE SPAN CONCRETE STRUCTURE SPANNING 24M OVER THE OWENEA RIVER ON THE L2693 IN THE TOWNLANDS OF MULLANTIBOYLE AND GORTMUCKLAGH IN THE GLENTIES ELECTORAL AREA

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

On the proposal, of Clr Gallagher, seconded by, Clr Campbell, the carrying out of works under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) with regard to the replacement of the existing collapsed twin span composite bridge with a new single span concrete structure spanning 24m over the Owenea River on the L2693 in the townlands of Mullantiboyale and Gortmucklagh in the Glenties Electoral area was approved.

C/590/13 TAKING OF DECISION WITH REGARD TO THE CONSTRUCTION OF A NEW SINGLE SPAN PRECAST CONCRETE BEAM AND SLAB DECK BRIDGE SUPPORTED ON REINFORCED ABUTMENTS AT COCKHILL BRIDGE AND APPROACH ROADS IN THE TOWNLANDS OF TULLYARVAN AND BALLYMACARRY

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

On the proposal, of Clr Gallagher, seconded by, Clr Campbell, the carrying out of works under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning &

Development Regulations 2001(as amended) with regard to the construction of a new single span precast beam and slab deck bridge supported on reinforced abutments at Cockhill Bridge and Approach Roads in the townlands of Tullyarvan and Ballymacarry was approved.

C/591/13 TAKING OF DECISION WITH REGARD TO THE REPLACEMENT OF THE EXISTING CORRODED STEEL BRIDGE DECK ON TYRCONNELL BRIDGE IN THE TOWNLANDS OF DONEGAL AND MULLANS, AND SPANS THE ESKE RIVER IN THE CENTRE OF DONEGAL TOWN

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

On the proposal, of Clr Gallagher, seconded by, Clr Campbell, the carrying out of works under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) with regard to replacement of the existing corroded steel bridge deck on Tyrconnell Bridge in the townlands of Donegal and Mullans, and spans the Eske River in the centre of Donegal Town was approved.

C/592/13 TAKING OF DECISION WITH REGARD TO THE CONSTRUCTION OF AN INTEGRATED CONSTRUCTED WETLAND FOR THE PRIMARY TREATMENT OF SEWAGE THROUGH A SERIES OF SHALLOW, INTERCONNECTED EMERGENT-VEGETATED, SURFACE FLOW WETLAND COMPARTMENTS AT ARDMORE, MUFF, CO DONEGAL

It was unanimously agreed to defer consideration of this item to the Adjourned Council Meeting on the 9th December, 2013.

C/593/13 REVIEW OF THE BUNDORAN AND ENVIRONS DEVELOPMENT PLAN 2009 – 2015 (AS VARIED)/ELECTORAL, LOCAL GOVERNMENT AND PLANNING AND DEVELOPMENT ACT 2013

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

On the proposal of Clr Brogan, seconded by, Clr McBride, it was resolved not to review the Bundoran and Environs Development Plan 2009 - 2015 as varied.

- C/594/13 REVIEW OF THE LETTERKENNY AND ENVIRONS DEVELOPMENT PLAN 2009 – 2015 (AS VARIED)/ELECTORAL, LOCAL GOVERNMENT AND PLANNING AND DEVELOPMENT ACT 2013
Members considered the report circulated with the agenda in relation to the above.
- On the proposal of Clr Brogan, seconded by, Clr McBride, it was resolved not to review the Letterkenny and Environs Development Plan 2009 - 2015 as varied.
- C/595/13 TO AGREE DATE FOR THE OFFICIAL OPENING OF THE N56 CLOGHBOLIE TO BOYUGHTER SCHEME
On the proposal of Clr Alcorn, seconded by, Clr Slowey, it was resolved that a date be selected at the Glenties Electoral Area Meeting scheduled for 26th November, 2013.
- C/596/13 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF DONEGAL ELECTORAL AREA COMMITTEE HELD ON THE 10TH SEPTEMBER, 2013
On the proposal of Clr Boyle, seconded by, Clr Campbell, the Minutes of the Meeting of the Donegal Electoral Area Committee held on the 10th September, 2013 were endorsed.
- C/597/13 ENDORSEMENT OF THE CONFIRMED MINUTES OF MEETING OF STRANORLAR ELECTORAL AREA COMMITTEE HELD ON THE 17TH SEPTEMBER, 2013
On the proposal of Clr McGowan, seconded by, Clr Harley, the Minutes of the Meeting of the Stranorlar Electoral Area Committee held on the 17th September, 2013 were endorsed.
- C/598/13 TO NOTE THE CONFIRMED MINUTES OF MEETING OF THE CORPORATE POLICY GROUP HELD ON THE 14TH OCTOBER, 2013
Members noted the Confirmed Minutes of Meeting of the Corporate Policy Group held on the 14th October, 2013.
- C/599/13 CONSIDERATION OF THE REPORT ON PROCEDURES CURRENTLY IN PLACE TO AUTHORISE ATTENDANCE OF ELECTED MEMBERS AT CONFERENCES, SEMINARS AND EVENTS
On Proposal of Clr Alcorn, seconded by, Clr Donaghey, Members noted the report on Procedures Currently in Place to Authorise

Attendance of Elected Members at Conferences, Seminars and Events.

Having noted the revised arrangements under Section 142 5(d) of the Local Government Act, 2001, introduced by the Local Government (Expenses of Local Authority Members) Regulations 2006 and 2010 and directives issued by the Minister in that regard, on the proposal of Clr Alcorn, seconded by, Clr Donaghey, 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
- Focus Ireland Annual Conference – Working to End Homelessness: “New Solutions to Finding Homes” to be held Wednesday 27th November, 2013 in the Vavasour Suite, of the Aviva Stadium, Dublin.
 - Training Seminar – Local Government Bill 2013 to be held on Friday 29th and Saturday 30th November, 2013 at the Millrace Hotel, Bunclody, Co. Wexford.
 - Training Seminar – SIPO & Councillors’ Obligations to be held from Friday 29th November to Sunday 1st December, 2013 at the Louis Fitzgerald Hotel, Newlands’s Cross, Naas Road, Dublin 22.
 - Tgr Seminars – Councillor information Seminar and Professional Development Day – Contemporary Overview of immigration into Ireland to be held Friday 6th and Saturday 7th December, 2013 at the Bunratty Castle Hotel, Bunratty, Co Clare.
 - Elected Member’s Training Seminar – Preparing a Development Contribution Scheme to be held Friday 6th and Saturday 7th December, 2013 at the Connacht Hotel, Dublin Road, Galway.
 - Elected Member’s Training Seminar – Housing Grants and Schemes to be held Friday 13th and Saturday 14th December, 2013 at the Connacht Hotel, Dublin Road, Galway.
 - Celtic Conferences – Tourism Technology & Competitive Strategies for 2014 to be held from Friday 13th to Sunday 15th

December, 2013 at the Celtic Ross Hotel, Rosscarbery, West Cork.

- Professional Development Seminar for Councillors – ‘Putting People First – Update on Local Government Reform to date’ to be held Friday 13th and Saturday 14th December, 2013 at the Grainne Suite, Bunratty Castle Hotel, Bunratty, Co Clare.
- Preliminary Notice LAMA Spring Seminar – Friday 31st January and Saturday 1st February 2014 at the Four Seasons Hotel, Monaghan.

C/600/13 CONFERENCE REPORTS

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

Clr John Campbell

Sport Aiding Mental Health held Friday 31st May, 2013, in Jacksons Hotel, Ballybofey.

Clr Martin Harley

Ace Training – European Legislation held from Friday 7th to Sunday 9th June, 2013, Carlingford, Co Louth.

Clr. Martin Harley

LAMA Autumn Seminar 2013 held Friday 11th and Saturday 12th October, 2013, Falls Hotel, Ennistymon.

C/601/13 AUTHORISATION AT CONFERENCES

Mr. Liam Ward, Meetings Administrator informed Clr Quinn that the Item 26(a) had already been proposed and seconded and thus could not be revisited at the reconvened meeting.

C/602/13 MOTION UNDER URGENT BUSINESS

Mr Liam Ward, Meetings Administrator proceeded to read into the record the attached motion which Members had agreed previously to consider prior to the close of business. (Vide Appendix 1)

Clr Campbell proposed, seconded by, Clr Gallagher that the motion be adopted.

He called for the amendments as outlined to be put out to public consultation thus giving all concerned the opportunity to make a submission. He expressed concern that many of the decisions made to date by Donegal County Council in relation to Wind Farm Development had been overturned by An Bord Pleanála.

The current policy, he advised, did not sufficiently protect local communities or their environment. He alluded to the fact that other Local Authorities such as Kildare, Offaly, and West Meath were currently sending changes to their wind farm policy out to public consultation.

Clr Campbell stated that there was ongoing confusion with regard to the operation of the National Planning Guidelines and how they operated at County level. The new proposed Guidelines, which were due to issue from the Department, would, he confirmed, deal only with shadow flicker and noise. The variations as outlined, would, he advised protect the habitat of the fresh water pearl mussel and allow for a suitable set back distance from human habitation.

He expressed concern that the Wind Farm industry in Donegal was becoming developer driven and that the developers in question were being driven more and more to areas “Open to Consideration”.

Mr. Michael Heaney, Director Community, Culture & Planning advised that there had been ongoing discussion at the SPC level in relation to matter. Further discussion, would, he confirmed, take place on receipt of the new national guidelines and after the ensuing period of public consultation. An update on the Landscape Character Assessment was, he added, due to be presented to the Planning SPC on the 28th November.

Members were in agreement that there were many complex issues involved and that there was an obligation on the Council to ensure that developments of this nature were properly situated.

On the proposal of Clr Blaney, seconded by, Clr Mc Guinness, it was resolved to hold a Workshop in January 2014 to address the issues as raised and review the operation of the Donegal County Development Plan.

The County Manager informed Members that they now needed to consider the following:-

1. The variations to the County Development Plan as encompassed in the motion introduced by Clr Campbell.

2. The fact that the new Planning Guidelines were due to issue shortly with provision for a six week consultation process.

A lengthy debate ensued during which the pros and cons of proceeding with the motion were debated.

The County Manager advised that the policy changes as proposed could migrate into other areas to which the Council and the public in general did not want them to migrate. There was the possibility also, he noted, that when the associated environmental sensitivities were addressed that they too would impact on all types of development.

It was essential, he said, that a holistic approach was taken in relation to overall policy review.

Members thus agreed to defer consideration of the motion to the Adjourned Council Meeting on the 9th December, 2013 pending further discussion on the matter by the Community, Culture & Planning, Strategic Policy Committee.