

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na gCruinnithe
Aras an Chontae
LEIFEAR
24 Marta 2015

Beidh Cruinniú Comhairle Chontae Dhún na nGall ar siúl Dé Luain 30 Marta, 2015, 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 Phríomh-Fheidhmeannaigh le feiceáil ag an gcruinniú.

Mise, le meas

**Liam Mac a'Bhaird
Riarthóir Cruinnithe**

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
Lifford
24th March, 2015

NOTICE OF MEETING

A Meeting of Donegal County Council will be held on Monday 30th March, 2015, 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 Chief Executive's Orders will be available for inspection at the meeting.

Yours sincerely

**Liam Ward
Meetings Administrator**

AGENDA

1. Confirmation of Minutes

- a) Confirmation of the Minutes of Meeting of Donegal County Council held on the 26th January, 2015.
- b) Confirmation of the Minutes of Adjourned January Meeting of Donegal County Council held on the 9th February, 2015.

2. Disposal of Land – Section 211 of the Planning and Development Act, 2000

- a) Notice under Section 211 of the Planning and Development Act 2000 (as amended) and under Section 183 of the Local Government Act 2001 – to dispose of land at Meenaneary, Carrick, Co Donegal to Mr Oliver Kennedy.
- 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 land at Moville Green to Moville Bowling Club.

3. Roads and Transportation

- a) “That Donegal County Council hereby resolves to enter into an agreement, under Section 85 of the Local Government Act 2001, with Sligo County Council in respect of improvement works to the N15 Cartronmore Bridge, N15 South Cartronmore Bridge, N16 Castlegal Bridge, N59 Skreen Bridge, N59 Carrowcor Bridge whereby Donegal County Council will be enabled to carry out all work, including preparation of Contract Tender Documents, Supervision of Contract, etc as may be necessary in the Administrative Area of Sligo County Council.”
- b) “That Donegal County Council hereby resolves to enter into an agreement, under Section 85 of the Local Government Act 2001, with Leitrim County Council in respect of improvement works to N16 Shanvaus Bridge, N16 Windy Bridge, N16 Cornstauk Bridge, whereby Donegal County Council will be enabled to carry out all work, including preparation of Contract Tender Documents, Supervision of Contract, etc as may be necessary in the Administrative Area of Leitrim County Council.”
- c) To approve the full implementation of the 2015 Bridge Strengthening Programme.

4. Presentation

To receive presentation on the National Broadband Plan – proposed State led intervention from the Department of Communications Energy and Natural Resources. (12.00 noon)

5. Finance

- a) To note 3 Year Capital Budget 2015 – 2017.
- b) To consider and note report on Irrecoverable Rates 2014.

6. Planning

To consider report from the Planning Authority to An Bord Pleanala in relation to Strategic Infrastructural Development for the construction of up to 49 number wind turbines across 31 townlands within the Donegal & Stranorlar Municipal Districts.

7. Corporate

- a) To consider report on infrastructural priorities for County Donegal.
- b) To consider and adopt the Audit Committee Charter .
- c) To consider and adopt the Audit Committee Report for 2014.
- d) To consider request from the Secretariat of the North West Region Cross Border Group to make a presentation to plenary Council.
- e) To agree date for Annual General Meeting 2015.

8. Endorsement of Minutes

- a) To note the Minutes of Meeting of Corporate Policy Group held on the 21st July, 2014.
- b) To note the Minutes of Special Meeting of Corporate Policy Group held on the 15th September, 2014.
- c) To note the Minutes of Meeting of Corporate Policy Group held on the 26th September, 2014.
- d) To note the Minutes of Special Meeting of Corporate Policy Group held on the 22nd October, 2014.
- e) To note the Minutes of Meeting of Corporate Policy Group held on the 17th November, 2014.
- f) To note the Minutes of Meeting of Corporate Policy Group held on the 19th January, 2015.

9. Authorisation of attendance at Seminar, Training 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, Local Government Act (Expenses of Local Authority Members) Regulations 2014 (S.I. No 236 of 2014)

Training:-

- To approve the attendance of Cllr Jack Murray on the IPA Summer Bridging Studies Course 2015. (To be paid in arrears).
- AILG “In Service” Training Dates 2015.
- AILG – Second Annual Conference 2015 to be held Thursday 12th and Friday 13th March, 2015 in the Nuremore Hotel, Carrickmacross, Co Monaghan.
- LAMA – Spring Training Seminar Housing Provision to be held Friday 10th and Saturday 11th April, 2015 in the Ard Ri House Hotel Tuam Co Galway.

Conferences:-

- Celtic Conferences – The Finance Act 2014 to be held from Friday 10th to Sunday 12th April, 2015 in the Clonakilty Hotel, Co Cork.
- Dundalk Chamber – Attracting a new sort of Tourist in the “Decade of Commerations” to be held Wednesday 15th April, 2015 in the Crown Plaza Dundalk.
- Irish Planning Institute – 40th Anniversary National Planning Conference 2015 to be held Thursday 16th and Friday 17th April, 2015 in the Clarion Hotel, Co Cork.

10. Conference Reports

Cllr Patrick McGowan

Irish Water held Wednesday 29th October 2014 in Carrick-on-Shannon Co Leitrim.

Cllr Terence Slowey

Nuclear Free Local Authorities held Saturday 12th December, 2014 at the Dublin City Hotel.

Cllr Terence Slowey

AILG Governance of Local Authorities Part 1 held Saturday 21st February 2015 at the Arklow Bay Hotel Wicklow.

Cllr Nicholas Crossan

Seminar Protected Disclosures Act 2014 held in the Connacht Hotel, Old Dublin Road, Galway on 12th & 13th December, 2014.

MOTIONS

STRANORLAR MUNICIPAL DISTRICT

Corporate

11. Cllr McGowan

"That a full report on tendering Council projects is brought to Members with the names and addresses of all Contractors who are presently on lists, and or deemed eligible to carry out any jobs including repairs to housing, Roads, Water and Environmental etc."

Community and Enterprise

12. Cllr Liam Doherty

"That this Council consider the tourism potential of Drumboe Woods and surrounding historical grounds and devise a plan for regeneration of the area for a county tourism project, encompassing:-
-public consultation
-town plan
-tourism potential."

Roads and Transportation

13. Cllr McBrearty

"I am calling on the Government to supply Donegal County Council with an exceptional needs grant of €100 million for the local roads network in the county along with the annual yearly allocation for local roads funding, and that this exceptional needs roads grant be allocated on a needs basis which will deal with the horrendous problems we have in the county with our local roads, some which are now undriveable due to the lack of funding over many years."

Planning Control

14. Cllr Gary Doherty

"That Donegal County Council calls on the Minister for the Environment to immediately introduce a moratorium on the granting of planning permission to windfarm developments until a full review of the current legislation and planning guidelines is carried out."

GLENTIES MUNICIPAL DISTRICT

Community and Enterprise

15. Cllr O'Fearraigh

"Go gcuirfaidh an comhairle clár le chéile chun tuarsairí a mhealladh go gnónna agus comhlachtaí atá ag úsáid an ghaeilge mar theanga gnó. Ba Dún na nGall an Ghaeltacht is mó sa tír, go mbeidh branda acu

fhéin agus go mbeidh deis ar chuirteoirí earraí gaelach a cheannacht fríd margaiócht ó gnónna agus comhlachtaí gaeltachta, béim a bheith ar an teanga, greasán a bhúnadh sa ghaeltacht do gnónna gaeilge."

"That the Council produce a programme to attract tourists to those businesses and companies that use the Irish Language as a business language. Donegal is the largest Gaeltacht in the Country, that they have their own brand and that visitors have the opportunity to purchase Irish products through the marketing of Gaeltacht businesses and companies, with an emphasis on the language, and the establishment of a network of Irish language businesses in the Gaeltacht."

16. Cllr M.T. Gallagher

"That this Council outline the process issued by the Department to the LCDC to deliver the Rural Development Programme, and outline the process to proceed to delivering this programme, and further condemn the cut in funding to this programme."

Finance and Information Systems

17. Cllr Mac Giolla Easbuig

"Go ndéanfaidh Comhairle Contae Dhún na nGall tuarascáil a scríobh maidir lena hindéanta agus a bheadh sé cruinnithe de chuid na Comhairle Contae as Leifear agus gach cruinniu de chuid an Cheantair Bhardasaigh a chraoladh ar líne, lena n-airítear an costas agus an trealamh a d'fhéadfadh a bheith de dhith ionas go mbeadh saoránaigh in ann an Chomhairle a fheiceáil agus go gcuirfear an tuarascáil sin faoi bhráid na Comhairle tráth nach déanaí ná cruinniú de chuid ná Comhairle Contae i Mí Iúil."

"That Donegal County Council produce a report regarding the feasibility of webcasting meetings of the County Council in Lifford and all Municipal Area meetings, including the cost of equipment that may be required so that citizens may be able to view the Council, and that the report be placed before the Council at a time not later than the July Meeting of Donegal County Council."

INISHOWEN MUNICIPAL DISTRICT

Community and Enterprise

18. Cllr Murray

"That Donegal County Council requests a presentation on the Memorandum of Understanding that was established between Louth County Council and Newry and Mourne District Council in 2011 and

invites representatives from Derry City and Strabane District Council to attend said meeting with the view of establishing a similar arrangement in the northwest."

Water and Environment

19. Cllr Canning

"I understand that Irish Water are responsible for waste water treatment systems within estates but we as a council must put in place a plan of action that will ensure that the location and information on the systems that are not performing are forwarded to Irish Water and that an update and response from Irish Water on these treatment systems is included in the Chief Executive's monthly report."

Housing and Building

20. Cllr Albert Doherty

"That Donegal County Council conclude its investigation into the presence of Muscovite/Mica defective block in its housing stock, including long term leases etc., and present its findings to members at the May 2015 Meeting, and immediately pursue Government if required for a redress scheme for the Council and affected householders."

21. Cllr McGuinness

"That this Council discuss the purchase of houses in the County."

22. Cllr Ryan

"That this Council explore the option of introducing a By-Law that would enable or facilitate the introduction of preferential parking spaces in prearranged public places for people with non-physical disabilities or for parents of children with non-physical disabilities. These designated parking spaces which will be complimentary and in addition to existing disabled parking spaces will be denoted by a new logo which is being introduced on a pilot scheme by a group of students and their teacher in Scoil Mhuire Buncrana. I would also call on Donegal County Council to call on the Minister for Transport, tourism and Sport, Pascal Donohoe, T.D. to amend the legislation governing disabled parking, as those with non-physical disabilities need to be able to access parking as well as those with a physical disability."

LETTERKENNY MUNICIPAL DISTRICT

Corporate

23. Cllr Shiels

"That in circumstances where public monies should not be spent on funding the affairs of political parties, this Council calls on the members of Dail Eireann to bring forward legislation to repeal all existing legislation which facilitates the current system of the State providing exorbitant annual public funding of approximately 12.6 million Euro to 4 political parties, being 4.9 million Euro approximately to Fine Gael Party, 3.1 Million approximately to the Labour Party, 2.8 Million Euro approximately to the Fianna Fail Party and 1.8 Million Euro approximately to the Sinn Fein Party."

24. Cllr Quinn

"Donegal County Council calls for the replacement of the unfair and exploitative JobBridge Scheme by a fair and fit for purpose Internship Scheme."

25. Cllr McMonagle

"That this Council calls on the Irish Government to:
Protect Irish interests in the on-going Transatlantic Trade and Investment Partnership (TTIP) negotiations between the EU and the US.

Take all measures to remove Investor-State Dispute Settlements (ISDS) from the agreement.

Take all measures to ensure that the terms of the living agreement cannot breach Irish Legislation.

Publish the findings of the Copenhagen Economics study on TTIP's potential impact on Ireland.

Initiate a public debate on the consequences of TTIP on Ireland.

Take all measures to protect Irish agriculture in TTIP negotiations.

That this Council also affirms that we will not support any trade agreement that includes Investor-State Dispute mechanisms.

And that this Council recognises with vigilance the construction of a Regulatory Co-operation Council through TTIP and affirms the position that this body's authority and remit should allow only for recommendation and that the implementation of recommendations should be administered by those elected by and accountable to the citizens of Europe.

And finally that this Council does not support any trade mechanism that allows Irish law to be superseded for corporate interest."

Roads and Transportation

26. **Cllr McDaid**

"That this Council write to the Minister to seek funding that will enable the Council to continue with the planning process and CPOs for the Bonagee Link Road and the new bridge, so that if substantial funding becomes available in the next couple of years work could commence straight away without delay."

Community and Enterprise

27. **Cllr McGarvey**

"That this Council with the Government acknowledge the urgent need to stop the downgrading of Rural Donegal."

DONEGAL MUNICIPAL DISTRICT

Corporate

28. **Cllr Jordan**

"I would ask this Council to demand an apology from Pat Kenny of Newstalk around comments suggesting that the people of Donegal were lazy in the celtic tiger economy era, that they wouldn't travel looking for work."

Community and Enterprise

29. **Cllr Kennedy**

"That Donegal County Council together with the LYIT, the Department of Agriculture Fisheries and the Marine and BIM discuss the possibility of completing a needs assessment and following on from that, a conversion course for retraining and upskilling unemployed or low income fishermen to a Marine/Merchant shipping qualification in order to seek sustainable employment in the merchant shipping/offshore industry and for these courses to be completed in County Donegal at a reasonable cost to the unemployed or low income fishermen."

30. **Cathaoirleach's Business**

31. **Chief Executive's Monthly Management Report**

QUESTIONS

STRANORLAR MUNICIPAL DISTRICT

Corporate

32. Cllr Crawford

"How much money is collected annually from road tax in County Donegal?"

33. Cllr McBrearty

"How many complaints a year come into the Council and can you outline the nature of the complaints eg. such as the most popular complaint made to the Council."

Finance

34. Cllr Gary Doherty

"How many members of staff in Donegal County Council were in receipt of salaries over €100,000, including expenses, in 2014?"

Housing and Building

35. Cllr Crawford

"To what standard are houses county wide brought to, before re-letting and how is this standard verified?"

Water and Environment

36. Cllr Crawford

"Has any progress been made with Irish Water in relation to any area of the county where sewerage treatment or lack of it is a problem such as St Johnston?"

Planning Control

37. Cllr McGowan

"Can I have a full list of Estates that have been taken in charge at present or at an advanced stage of taken in charge since the Council agreed a new Take in Charge Policy in 2013?"

Community and Enterprise

38. Cllr McGowan

"Can the minutes of all LCDC meetings be made available to all Councillors immediately following adoption, so that all public representatives are aware of what is going on, and in order that LEADER and other schemes are fully understood and as transparent as possible going forward?"

39. Cllr McBrearty

"What is the delay in the establishment of the new JPC and what recommendations or directions have come from Government for the setting up of the new JPCs."

Roads and Transportation

40. Cllr Gary Doherty

"Can I have an estimate of the number of staff/staff hours dedicated to grass cutting and general gardening duties in each of the five Municipal Districts in 2014?"

GLENTIES MUNICIPAL DISTRICT

Community and Enterprise

41. Cllr M.T. Gallagher

"How is this Council linked with Donegal Local Enterprise Office, and could I be provided with the number of interactions between the LEO and businesses in the County over the past six months?"

42. Cllr Mac Giolla Easbuig

"An bhfuil aon sealuchas no aon talamh ar fail ag Comhairle Contae Dhun na nGall ar fud an chontae, nach bhfuil in usaid, agus a d'fheadfai a chur ar fail do ghrupai ar nos Ghrupa Sugartha Dhun Fionnachaidh?"

"Does Donegal County Council have any property or lands available and not in use throughout the County which could be made available to groups such as the Dunfanaghy Community Playgroup?"

Corporate

43. Cllr M.T. Gallagher

"Could this Council provide in tabular format the breakdown of services in each PSC, including the number of staff in each section delivering each service?"

INISHOWEN MUNICIPAL DISTRICT

Roads and Transportation

44. Cllr Murray

"Will the Council provide monies in order to draw down significant investment in key marine projects such as the Greencastle Breakwater?"

45. Cllr Albert Doherty

"Has the Council forwarded to the Minister of the Marine the County list for funding for Piers and Harbours for 2015, and is pursuit of

resumption of funding for the Greencastle Breakwater Project a priority county listing?"

Housing and Capital

46. Cllr Canning

"Has this council any proposals on upgrading the existing chamber?"

Housing and Building

47. Cllr McGuinness

"How many council owned houses were surveyed for MICA in Donegal? When was the survey done? What was the findings?"

48. Cllr Murray

"Have any other councils in the state decided not to give tenant's information to Irish Water?"

Emergency Services

49. Cllr Canning

"Has this Council any proposals on highlighting awareness on the dangers of gorse fires and the need for landowners to create fire breaks?"

Planning Control

50. Cllr Albert Doherty

"Have problems at Donegal County Council arisen with Irish Water with applicants being denied planning permission as a result of Irish Water rejecting applications where planned structures were over/above Irish Water owned pipes, water/sewerage lines?"

Information Systems

51. Cllr McGuinness

"What actions have the Council taken regarding the provision of broadband in rural areas of Donegal?"

LETTERKENNY MUNICIPAL DISTRICT

Water and Environment

52. Cllr Shiels

"Can the Council confirm (1) how many enforcement notices were received by it from the Environmental Protection Agency in respect of water quality issues for a period of 5 years from 1-1-2009 until 31-12-2013 and (2) provide a copy of each enforcement notice and (3) confirm how many of those enforcement notices had not been

complied with at the date of handover of the Council's water assets to Irish Water and (4) confirm the reasons why such enforcement notices were not immediately complied with when received from the Environmental Protection Agency?"

53. Cllr McGarvey

"Will Donegal County Council ask Irish Water to state their policy regarding new applications for new connections to existing Group Water Schemes?"

54. Cllr McMonagle

"Has this Council given Irish Water the locations of and status of the many pumping and mechanical sewer/water treatment plants across the county and can we as councillors get a copy of that report?"

Roads and Transportation

55. Cllr O'Donnell

"Can this Council get the much needed funding from the OPW for coastal erosion which is happening throughout the County?"

Community and Enterprise

56. Cllr O'Donnell

"What is the update on the ferry service from Rathmullan to Bunrana as its soon will be summer again and nothing sorted?"

57. Cllr Kavanagh

When was the last meeting of the Council's Disability Strategy Group and when do the Council intend to have another meeting of this group?"

58. Cllr Kavanagh

"Is there any update on when full opening hours will be restored to all sections of the County Library in Letterkenny"

59. Cllr McDaid

"What progress has this Council made regarding my motion which got passed in January's meeting to form a Rural Affairs Committee within this Council?"

60. Cllr McGarvey

"Will this Council do more to engage with all Stakeholders to open new Markets in Northern Ireland and the U.K. for small business and others?"

Housing and Building

61. Cllr Kavanagh

"Is the Council installing carbon monoxide alarms in its housing stock in the county on an ongoing basis, if so how many units have now had these alarms installed and how many units are still awaiting installation?"

Finance

62. Cllr McDaid

"Of the total expenditure of 131 million in the 2015 Revenue Budget. How much of this relates to services (such as coroners, veterinary inspection, student grants) over which the Council have no control?"

Corporate

63. Cllr Quinn

"Recruitment of outdoor staff per Electoral Area.

a. Since 2002 how many staff have been employed on 9 month contracts?

b. How many of these staff members have received permanent employment?

c. How many (if any) posts previously filled by outdoor staff have been or are being filled by participants on the JobBridge Programme?"

64. Cllr Quinn

"Since the establishment of the JobBridge Programme how many participants have Donegal County Council employed, in what areas were they employed, what was the longest and shortest duration of employment and how many participants are now in real, full-time employment with the Council?"

DONEGAL MUNICIPAL DISTRICT

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

LIMERICK COUNTY COUNCIL

"That Limerick City and County Council call on the Minister for Justice and the Minister for Children to investigate the alleged movement of sex offenders from Northern Ireland to the 26 County Republic, in particular, Limerick City and County."

WICKLOW COUNTY COUNCIL

“That this Council support the National Association of Regional Game Councils in their request to be fully and meaningfully consulted by any changes made to the firearms licencing system.”

THE MUNICIPAL DISTRICT OF CARRICKMACROSS –
CASTLEBLAYNEY

“That the District call on the Minister for Jobs Richard Bruton, the IDA and Enterprise Ireland that any new factories that are opened are not sold to private commercial groups but are kept in the ownership of the State Agencies.”

OFFALY COUNTY COUNCIL

“As democrats elected by the people of County Offaly, today this Council condemns targeting the President of Ireland Michael D Higgins for any protest or demonstrations. This is an attack on our constitution, and if allowed to continue will lead to a breakdown of normal politics.”

FINGAL COUNTY COUNCIL

“That this Council calls on the Chief Executive to write to the Minister of the Environment to ask him to remove the 15% limit on Local Property Tax reductions on the basis that it is expected that the valuation on property prices mandated to occur in 2016 is expected to reveal that valuations have increased far above 15% and as a result local councillors will be powerless to prevent what may be an unnecessary imposition of higher LPT rates. This motion also calls on the Chief Executive to write to all County and City Councils in Ireland to inform them of this potential issue for their consideration.”

MONAGHAN COUNTY COUNCIL

“That Monaghan County Council requests the Department of Environment Community and Local Government to create a newly funded co-ordinator post for the Public Participation Networks throughout each Local Authority, to enhance its potential for optimum outreach and success and building relations between Local Authorities and the Communities they serve.”

**MINUTES OF MARCH MEETING OF DONEGAL COUNTY COUNCIL,
HELD IN THE COUNTY HOUSE, LIFFORD ON 30TH MARCH, 2015**

C/108/15 **MEMBERS PRESENT**

Cllrs J Campbell (Cathaoirleach), L Blaney, E Bonner, C Brogan, P Canning, T Conaghan, G Crawford, A Doherty, G Doherty, L Doherty, R Donaghey, M Farren, M T Gallagher, M Harley, N Jordan, J Kavanagh, N Kennedy, M C Mac Giolla Easbuig, F Mc Brearty, M Mc Bride, J P Mc Daid, M McDermott, S McEniff, I Mc Garvey, P McGowan, B McGuinness, G McMonagle, J Murray, S O'Domhnaill, J O' Donnell, J S O'Fearraigh, B O'Neill, M Quinn, J Ryan, D Shiels, & T Slowey.

C/109/15 **OFFICIALS IN ATTENDANCE**

Mr Seamus Neely, Chief Executive, Mr Liam Ward, Director of Housing and Corporate, Meetings Administrator, Mr John McLaughlin, Director of Roads & Transportation, Mr Garry Martin, Head of Finance & Director of Emergency Services, Mr Joe Peoples, A/Director of Water & Environment, Mr Michael Heaney, Director of Community, Enterprise and Planning Development, Mr Eunan Quinn, A/Senior Planner, Mr Paul Kelly, A/ Senior Executive Planner, Mr Denis Kelly, Senior Executive Planner, Ms Sinead Harkin, Executive Planner, Ms Ann Marie Conlon, Communications Officer, Mr Sean O' Daimhin, Oifigeach na Gaeilge, Ms Anne Marie Crawford, Staff Officer, Corporate Services.

C/110/15 **OFFICIALS IN ATTENDANCE**

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

C/111/15 **FILMING IN THE COUNCIL CHAMBER**

On the proposal of Cllr McGowan, seconded by Cllr McBride it was resolved in accordance with Standing Order 28 to suspend Standing Order 62 and allow TG4 film for a brief period in the Council Chamber.

C/112/15 **VARIATION IN THE ORDER OF BUSINESS**

It was unanimously agreed in accordance with Standing Order No 28 to vary the order of business and deal with Item No 6 immediately after the confirmation of the minutes.

C/113/15 CONFIRMATION OF THE MINUTES OF THE JANUARY MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 26TH JANUARY 2015

On the proposal of Cllr Donaghey, seconded by, Cllr McGarvey, the minutes of the January Meeting of Donegal County Council held on the 26th January 2015 were approved. Cllr G Doherty queried the accuracy of Minute C/33/15 and advised that the commentary should have reflected the fact that the public in general could not see the benefit of such trips rather than reflecting his own personal opinion.

C/114/15 CONFIRMATION OF THE MINUTES OF THE ADJOURNED JANUARY MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 9TH FEBRUARY 2015

On the proposal of Cllr Donaghey, seconded by, Cllr Farren, the minutes of the Adjourned January Meeting of Donegal County Council held on the 9th February, 2015 were approved.

C/115/15 CONSIDERATION OF REPORT FROM THE PLANNING AUTHORITY TO AN BORD PLEANALA IN RELATION TO STRATEGIC INFRASTRUCTURAL DEVELOPMENT FOR THE CONSTRUCTION OF UP TO 49 NUMBER WIND TURBINES ACROSS 31 TOWNLANDS WITHIN THE DONEGAL AND STRANORLAR MUNICIPAL DISTRICTS

Mr Liam Ward, Director Housing, Corporate & Planning Control informed Members that they were obliged to consider the report dated 23rd March, 2015 from the Acting Senior Executive Planner, Mr Paul Kelly in accordance with Section 37E of the Planning & Development Act, 2000, as amended.

Alluding to Section 37E(4) of the Act, he advised that “ The Planning Authority for the area (or, as the case may be, each Planning Authority for the areas) in which the proposed development would be situated shall, within 10 weeks from the making of the application to the Board under this section (or such longer period as may be specified by the Board), prepare and submit to the Board a report setting out the views of the Authority on the effects of the proposed development on the environment and the proper planning and sustainable development of the area of the authority, having regard in particular to the matters specified in Section 34(2).

The Chief Executive of the Planning Authority was, he advised, before submitting any report in relation to the proposed development, obliged to bring a report to the Members of the Authority and seek their views on the proposed development. Members could then, he added, decide to attach recommendations to the report of the Authority, and if so decided, then these recommendations together with the Meetings Administrator's Report would be attached to the Planning Authority's Report and submitted to the Board under Subsection 4 of the aforementioned act.

The Meetings Administrator's record, he confirmed, was the record prepared by the Meeting's Administrator (within the meaning of Section 46 of the Local Government Act, 2001) outlining the views expressed by Members in relation to the proposed development.

There was now, he said, an opportunity for Members to express their own views in relation to the matter and that these would be forwarded with the report to An Bord Pleanála.

The meeting was opened to the floor with Members expressing the following views:-

Cllr Mc Gowan

Cllr Mc Gowan said that he was not against wind mills or the generation of wind energy, but that the size, scale and potential impact of this development gave rise to a number of concerns particularly as one off development in this area had been subjected to many planning constraints over the years. He queried also the potential benefit of such a development for the community at large.

He cited the necessity of having an oral hearing.

He called on Donegal County Council to recommend a refusal on the basis that the area in question was a highly populated area and not an area of small population density as alluded to in the Environmental Impact Statement.

The issue of Shadow Flicker, he noted, had not been adequately addressed, nor indeed the whole area of visual impact. Concern was also expressed that the potential for contamination of Lough Mourne had not been adequately dealt with in the application.

Due concern, he said, had not been given to the overall human impact and the close proximity of the development to homes in the area. He noted also the potential impact on walks /cycle lanes in the area expressing concern that there would be no change in the Bridge Investment Programme to allow the developer proceed with the initial development phase.

The Planning Section, he noted, had also limited scope in which to operate and assess the impact of the development.

Cllr Mc Garvey

Cllr Mc Garvey said it was imperative that such developments were located in areas where there was minimal impact on both the environment and the local population and that no-one should be adversely affected by this type of development. He expressed concern that Hydro Power was continually being sidelined in favour of wind energy. He had, he said, in the past advocated that turbines of this nature should be located no less than one mile from any residence and that in his opinion this was still a valid **position**.

Cllr G Doherty

Cllr Doherty commended the Planning Section for their report and said that he supported the recommendations as outlined including their contention that permission be refused. It was important, he said, to note that no political party or group were opposed to wind development but that there was need for a proper way of dealing with and protecting the landscape and all the citizens concerned. He was, he confirmed, of the opinion that the development in question would harm the people and landscape of the Finn Valley and the surrounding areas. The DCC submission, he noted, acknowledged that there would be potential harm to a number of designated sites. He alluded also to the fact that the current Planning Guidelines operational from 2006 were now vastly outdated and offered little or no protection.

The turbines associated with this development were, he said, huge compared to those in use in 2006 and that the guidelines relating to noise level and shadow flicker were considerably out of date. The DCC submission was clear, he added, in that 39 houses would be affected by shadow flicker and that one house would have shadow flicker imposed for over 104 days per year.

He contended also that the development would have an effect on Lough Mourne which supplied water to over 17,000 people in the Finn Valley area on a daily basis.

Concern was expressed also that night-time noise levels whilst complying with Departmental Guidelines did exceed recommended international guidelines.

He noted also that the development would have an impact on a large scenic area of the County from Barnesmore Gap to beyond Castlefin.

He drew Member's attention to the fact that he had a motion listed for debate later in the meeting which effectively called for the introduction of a moratorium on the granting of planning permission for wind farm developments until a full review of current legislation and planning guidelines was carried out.

Sinn Fein, he advised, had worked with other groups/bodies to secure funding for Greenways in East Donegal & in Tyrone, a project which, it was noted, had links also to the Riverine Project. He queried in particular the impact on the proposed Greenway encompassing the route from the Derg Line to Barnes.

Cllr Doherty alluding to the developer's contention that property values would not be affected said this was not the case, and that a number of studies had shown that property values were adversely affected by wind farm development. He said that a number of residences were close to the turbines which were 156.5 m in height.

He acknowledged also the fact that the route to the proposed development would take in Castlefin Bridge and that this was not strong enough to cater for the level of development, HGV traffic levels etc proposed. Alluding to the public meeting which had taken place recently in the Cross Hall, he called on fellow members to make it clear if they had met with Planree Development, the matters discussed and the purpose of any such meetings.

Cllr Mc Gowan at this juncture confirmed that he had attended the public information session and had discussed with Planree Ltd the benefits of a community gain fund which could assist the local community. He had, he advised, sought documentary evidence in relation to same from the Planning Department. Overall, he said,

that he had taken every opportunity to meet with all sides concerned and that both Cllr Harley and himself had met with the developer in Jacksons Hotel to discuss the development.

He advised that the Riverlinks Project alluded to earlier was a community led programme and not aligned to any political grouping in particular.

Cllr Crawford

Cllr Crawford welcomed the conclusive and independent report and cited the need to look at alternative energy methods. The fact that the Planning Report recommended that 30 of the wind turbines be omitted was, he contended, a significant statement in itself. It was clear, he noted, that those making the application were not aware of the visual impact of the development or the resulting adverse affect on the landscape. There was a complication nationally, he noted, in that Ireland was obliged to provide 25% of its electricity supply using alternative energy means. Failure it was acknowledged would result in heavy penalties. This, he said, clearly impacted on the mindset of those who wished to pursue developments of this nature.

Cllr Mc Monagle

Cllr Mc Monagle said that the reasons for refusal had been well documented. It was wrong, he said, that private companies came in and made massive profits from this type of development. He said it was imperative that Councillors and local communities took charge and there was a need to investigate the possibility of developing Council led wind farm initiatives. This type of community co-operation would, he said, not only generate electricity but also create income for the Local Authority. He called on Donegal County Council to explore the possibility of same and work in partnership with the people of Donegal so that development could take place in areas where there would be no impact on the local population. This would, he said, see the Council well placed to invest in the future of Donegal. Further discussion, was, he added, warranted otherwise the County would be obliterated by this type of development. He concurred with Cllr G Doherty's call for a moratorium on such development.

Cllr L Doherty

Cllr Doherty noted that there had been very little engagement and consultation with the local communities concerned. Noting the

failure to adequately pursue hydro energy in the County, he queried whether the process was really about renewable energy or simply making money for large developers.

Members in the past had, he said, called for wind turbines to be located a distance of ten times the tip height from any dwelling. Reference to this, he said, should have been included in the report.

Cllr Mc Brearty

The report as circulated, he noted, merely contained a range of observations and comments. The Members, he added, had in 2014 made changes to the Development Plan which had been subsequently overturned by the Minister for the Environment Community & Local Government. He was, he confirmed, not against wind farms, but against such instances where local communities would be badly affected by wind farm development. There was an onus on this Council, he contended, to challenge any decision by An Bord Pleanála to approve this development.

This Council needed, he said, to show the communities concerned that they were being adequately represented. He said that if permission was granted, that he would be calling on Donegal County Council to pass a resolution approving a High Court challenge to overturn this decision.

The developer in this case had, he said, gone by the back door and made the application directly to An Bord Pleanála as it would more than likely have been rejected if placed before the Elected Members of Donegal County Council.

Cllr Harley

Cllr Harley welcomed the comprehensive report and the proposal to reject. Whilst not against wind energy, he was, he said, not in favour of locating this development at the back door of some 39 residencies.

He had he advised, attended the meeting in the Cross Hall and with Cllr Mc Gowan had met Mr Niall O' Brien from Planree Ltd. Both Cllr Mc Gowan and himself had been contacted, he said, as they were the closest and most personally impacted by the development in question. This informal meeting, he added, afforded an opportunity to represent all members of the community and to outline for the developer concerned the full impact on the

community at large. It was, he confirmed, hard to assess what impact turbines of over 150m would have as this was the first for the County.

Concern was expressed in relation to the potential impact on tourism in an area from Ballybofey to Donegal Town. He welcomed the proposal to reject in the interests of the local community, the environment and the future economic and tourism development of the Finn Valley area.

Cllr O' Domhnaill

Cllr O' Domhnaill also supported the proposal to reject and asked Members to be mindful of the fact that the Spire in O' Connell Street in Dublin extended to 120m yet the turbines proposed here were 156.5m in height.

Donegal, he contended, was often seen as a soft touch when it came to such development. He applauded the Planning Department for their recommendation to refuse as the development in question would impact on families and the community at large.

Cllr O Domhnaill formally seconded Cllr Mc Gowan's proposal calling for An Bord Pleanála to reject the Planning Application for a Strategic Infrastructure Development at the site approx 5km south of the Twin Towns of Ballybofey and Stranorlar and approx 22km northeast of Donegal Town for the reasons outlined in the Planner's Report and with due concern for the concerns expressed by the Elected Members themselves.

Cllr Mc Brearty on a point of order asked if this effectively rejected this wind farm.

The Mayor advised that all relevant resolutions would be considered at the conclusion of the debate, and when all Members who wished to do so had an opportunity to contribute to the debate.

Cllr Gallagher

Cllr Gallagher said she supported the resolution that Donegal County Council put an addendum to the report, and that this clearly outlined the fact that Donegal County Council unequivocally rejected the application.

She was she said worried that wind energy seemed to be taking precedent over hydro power, a resource owned by all the people of the state.

Health and Safety issues, she added, were paramount and alluded to a number of recent incidences whereby turbines had collapsed in the northwest region. It was wrong, she, said, that there was no national policy in place, only national guidelines which were long out of date and continually failing communities across the Country.

She alluded to the fact that the new national guidelines were supposed to have been issued over three years ago and called on the Minister, the Government and the Chief Executive to do everything possible to ensure that the guidelines in question were issued as soon as possible.

Particular concern was expressed that there was no specific policy to deal with the decommissioning of wind turbines. She outlined also the need to progress a new Development Contribution Scheme given that developments of this scale were exempt from such charges.

Cllr Mc Bride

Cllr Mc Bride advised that he too was not against wind farm development but that there were specific concerns in this instance with regard to the height of the windmills, especially those closest to residential developments. There was a need, he said, to explore areas throughout the County which would be suitable for such development and to develop these then in terms of roads infrastructure and other amenities such as downhill cycle tracks, walkways etc all of which would impact positively on the economy and the community. He supported the need for a decommissioning plan.

Cllr Shiels

Cllr Shiels said he was of the opinion that Section 25.6 of the report was more pro granting than refusing. The report could, he advised, go to An Bord Pleanála but all that could accompany it were the recommendations made by the Members. He expressed concern that the Member's views would not get the same respect as those expressed by the Planners. He advised that the initial resolution should recommend refusal and that the alternative view proposed should reflect the need to seek further information.

If wind farms were to be located in Donegal, it was imperative, he said, that the process was controlled by the Council and the communities themselves. This, he noted, would give all concerned ownership of the process and access to the scale, location and any benefits which might accrue.

Members, he contended, should have been informed at a much earlier stage in relation to this development.

He noted also that there was no provision in the Development Contribution Scheme to impose development charges. Thus he proposed the introduction of a Community Gain Fund to benefit local communities.

He said it was in his opinion preferable that the report recommended refusal of the development as not to do so would mean that all that would go to the Department would be a record of the issues raised by Members today.

Cllr Bonner

Cllr Bonner said that the report clearly identified the issues at hand in black and white. He said that whilst he had abstained previously in relation to the vote on the variation of the County Development Plan, it was clear that in this instance, and with the sheer size of the development that restrictions needed to be put in place. He outlined the necessity of having a specific charge in place for each windmill relative to what he perceived to be unfair charges on individuals seeking to build a single house in a rural location.

Cllr O' Donnell

Cllr O' Donnell said he was not against wind farm development per say and that consideration had also to be given to the many benefits associated with this type of development. It was imperative, he added, that any decision taken by the Council was for the betterment of the community at large. He advised also of the need to provide clean energy. There was also an opportunity here, he said, to ensure that the countryside/landscape was not damaged. He advised of the need to look at the negatives and the positives and the fact that there was considerable community gain for the local population. He noted also that the lands in question had been designated "Open to Consideration" in the County Development Plan. Alluding to Member's efforts to amend the

County Development Plan and the subsequent rejection by the Minister was, he said, a clear indication that the matter was now out of Member's hands. There was clearly a need, he added, for further information to be sought.

Cllr Ryan

Cllr Ryan said it was possible that An Bord Pleanála would grant the application in its present form. Referring to the Planning Authorities contention that 30 of the turbines were not suitable, he enquired as to what would happen the remaining 19. Other queries raised included the timeframe applicable to the bond alluded to in Section 26.0- Pt 7 and the fact that €131,250 was a small annual community gain sum considering the scale of the area affected, and the fact that any monies received when allocated would be of little benefit to such a large area.

There was some concern also as to what would happen if the company in question changed hands and whether or not the new owner would be bound by the relevant planning conditions.

He asked for specific clarification with regard to the satisfactory restoration of the site.

Cllr Mc Brearty at this juncture proposed that the application be rejected and that the report be amended to reflect the fact that Donegal County Council supports the communities concerned who had made submissions to An Bord Pleanála. Donegal County Council should as a Council, he said; take legal action if permission was granted by An Bord Pleanála.

Cllr Mc Gowan said it was imperative that Option 2 was selected and the application rejected.

Cllr Mc Guinness queried whether the Landscape Character Assessment had been completed and how this impacted on the report in question.

Mr Liam Ward, Director Housing, Corporate & Planning Control said it was not a case of rejecting the report or adopting it but rather providing Members with an opportunity to express their views on the matter. If Members wished to pass a resolution then that together with the relevant commentary from the Members would be attached to the report in the form of an addendum and forwarded to An Bord Pleanála.

Cllr Mc Garvey asked if the company in question needed to have full ownership of the land to make a planning application.

Cllr Campbell

Cllr Campbell advised that he too had major concerns in relation to a number of items including:-

The grid connection in the EIS runs through the Lough Eske, Ard na Mona SAC yet Ref 25.5 alludes to the fact that a development footprint is removed from encroachment on NATURA 2000 Sites.

Cllr Campbell added that it was unclear as to where the areas and locations earmarked for replanting were. Cllr. Campbell added that it was unclear as to where they were located. He noted that the area proposed in the Environmental Impact Statement was incomplete.

Need for grid connection to be completed as one project. Query as to the agreement with Eirgrid regarding the route of the grid connection.

Noted that it was important also to ensure that the application does not give rise to the potential for project splitting, contrary to recent legal judgement.

Query with regard to reference on page 9 7.1 to the Regional Planning Guidelines for the Midlands Region.

The Mayor advised at this juncture that he had taken an action in a personal capacity with regard to the recent Ministerial Direction and that this could possibly in the future have a bearing on proceedings.

The report as presented was, he confirmed, the Planning Authority's view.

Cllr Mc Gowan called on Members to accept the alternative view as outlined in the report.

Mr Liam Ward, Meetings Administrator, again confirmed that any resolution passed together with the Meetings Administrator's record, and Member's commentary would be submitted to An Bord Pleanála as an addendum to the Planning Authority's report.

Cllr Mc Brearty said that the report as presented, if submitted to An Bord Pleanála would ultimately assist Planree Ltd in getting planning permission.

Mr Paul Kelly, A/Senior Executive Planner then proceeded to advise in relation to the following:-

- That in the event that An Bord Pleanála decided to grant planning permission for the development, the report of the Planning Authority included conditions in respect of site restoration. These conditions would require a restoration plan for the site to be agreed with the Planning Authority. If permission was granted for the wind farm its operational lifetime would be 25 years, after which the wind farm would be decommissioned. The site restoration plan would then be implemented post decommissioning of the wind farm. In the event that the site was not satisfactorily restored in accordance with the restoration plan, then a security bond was also recommended in the sum of €27,000 x49 (or the number of permitted turbines) to ensure the satisfactory restoration of the site. The figure provided had been reached on the basis of previous experience with this type of development.
- Conditions of permission are binding on the person who takes the benefit of that permission, irrespective of whether that is the applicant or not and irrespective of whether or not there is a change in the owner or operator during the operational lifetime of the permission.
- With regard to the community gain aspect for the local community, he noted that the contributions as proposed by the applicant were more favourable than those imposed by An Bord Pleanála in respect of previous decisions in respect of similar SI developments. Accordingly the Planning Authority considered it reasonable to accept the terms proposed by the applicant.
- It is not necessary that an applicant is the owner of the land (site) in order to make an application, however where an applicant is not the owner the written consent of the owner is required to make the application. In this regard the consent(s) necessary to make the application appeared to be in order,

however this was essentially a validation issue and was for An Bord Pleanála to be satisfied as to the applicants legal interest in the land concerned

- Responsibility for the Environmental Impact Assessment including any transboundary impacts, he advised, rested with An Bord Pleanála.
- In relation to Grid Connection he advised that any post decision issues which might arise in relation to the matter of Grid connection were presently unknown. What was clear was the means of Grid connection proposed as part of the application and it was this proposal that was considered in the Planning Report. The Planning Authority was satisfied therefore that any issue of ‘project splitting’ did not arise in respect of the proposal presented. He also advised that the route of the Grid connection was essentially along the hard shoulder of the National Road, which did not present ecological concerns.
- With regard to replanting, the Authority, was, he said, satisfied that all was in order.
- The Landscape Character Assessment had, he advised, not as yet been adopted or been presented in draft form and therefore it would not be appropriate to materially consider same with regard to this application.

Cllr Mc Brearty said he was of the opinion that there should be a second aspect to the resolution, and that it needed to be made clear that planning permission if granted, would be met by a legal challenge by the Members of Donegal County Council.

C/116/15 ADJOURNMENT FOR LUNCH

On the proposal of Cllr Campbell, seconded by Cllr Mc Gowan it was resolved to adjourn the meeting until 2.00pm.

C/117/15 REPORT FROM PLANNING AUTHORITY TO AN BORD PLEANÁLA IN RELATION TO STRATEGIC INFRASTRUCTURAL DEVELOPMENT FOR CONSTRUCTION OF UP TO 49 NUMBER WIND TURBINES ACROSS 31 TOWNLANDS WITHIN THE DONEGAL & STRANORLAR MUNICIPAL DISTRICTS

On resumption the following the following motion was proposed by Cllr Mc Gowan and seconded by Cllr Crawford:-

“We the Members of Donegal County Council following lengthy discussion and having regard to all information available to us request An Bord Pleanála to reject this planning application for the reasons outlined in the Planners Report and the concerns expressed by the Elected Members themselves”

Cllr Shiels proceeded to propose the following:-

“This Council recommends the refusal of the planning permission for reasons relating to the following:

- (1) Injury to residential amenity from excessive occurrences of shadow flicker in excess of the recommended limits.
- (2) Injury to residential amenity as a result of disparity of scale and spatial and visual dominance of the transitional marginal landscape types in the eastern Lismullyduff Cluster.
- (3) Injury to visual amenity as a result of disparity of scale and spatial and visual dominance of the transitional marginal landscape types in the eastern Lismullyduff Cluster,
- (4) Injury to a designated view and prospect over Lough Mourne as a result of blade sets cutting the skyline/line/ horizon in a manner contrary to the recommendations of the Guidelines and contrary to Policy NH-P-14 of the County Development Plan,2012-2018 (as varied).
- (5) Injury to designated Areas of Especially High Scenic Amenity (EHSA) as a result of excessive turbines numbers of excessive scale and height in undue proximity to Barnesmore Gap and in a manner contrary to Objective NH-O-5 of the County Development Plan, 2012-2018 (as varied),
- (6) Prejudiced to the integrity, quality and augmentation of a public water supply by reason of a failure to have due and proper regard to same in the EIS and the assessment of the potential impacts of the proposed development on same,
- (7) Prejudice to public safety by reason of a traffic hazard as a result of the failure to carry out a structural analysis of (i) the local road network and (ii) bridges on the delivery route, as a result of the failure to designate construction routes for the delivery of steel and concrete, as a result of the failure to propose adequate public traffic management arrangements,

as a result of the failure to provide junctions designs (both local and national) to the required standards, and as a result of the undue proximity of turbines to local roads contrary to the recommended separation distances of the 2006 Wind Energy Guidelines.

Furthermore that should An Bord Pleanála decide to grant the planning application, then in respect of the proposed Community Gain Fund this Council recommends an initial contribution of €20,000 per MW upon commissioning and a further €5000 per MW over the 25 year operational lifetime of the wind farm, such fund to be paid directly to and be administered directly by the Council.

He noted that the Council did not impose development fees on wind turbines and said he was of the opinion, that the €3.2m Community Gain Fund proposed by Planree Ltd was to say the least inadequate.

Cllr Mc Brearty said that the two proposals did not stand up and that what was needed was a resolution totally rejecting the application.

Cllr Mc Monagle contended that Cllr Mc Brearty had a fair point and that Cllr Shiels motion while worthwhile did not deal directly with the issues and concerns raised by the residents. He cited the need for further discussion in relation to the development of wind farms in the County.

Cllr Shiels reminded Members that they could only at this stage put recommendations to An Bord Pleanála and that the ultimate decision lay with that body. This recommendation to increase the Community Gain Fund was, he confirmed, warranted at this stage in the process and needed to be in place should permission be granted.

The Mayor informed the meeting that there were now two resolutions before the Council and read into the record the motions outlined above as submitted by Cllr Mc Gowan and Cllr Shiels.

Cllr Mc Brearty said that if An Bord Pleanála granted permission then the door would be closed to the community groups involved. At this juncture, he advised, there would only be two options, (1)

for the residents to take on the fight themselves or (2) for the Members to take a legal action on their behalf.

Mr Liam Ward, Director Housing, Corporate & Planning responding to a query on the available options confirmed that An Bord Pleanála was the decision maker here and that as a Planning Authority; Donegal County Council was obliged to present a report to the Members on the development in question. Member's he confirmed could make suggestions/recommendation which could be attached to the report accompanied by any resolution or amalgamation of resolutions.

Mr. Ward confirmed that there was no right of appeal to the decision and that any suggested legal challenge to the High Court could only be taken on a point of law or procedural matter but not in relation to planning grounds.

Cllr Mc Brearty referred to the current high court action being taken by Cllr Campbell in relation to the variation of the County Development Plan and said that any judgement in Cllr Campbell's favour would set a precedent and have specific implications for the communities concerned.

The Mayor called on Members to proceed with the business at hand. As no seconder was received for Cllr Shiels Motion it was deemed to have fallen.

Calling for a show of hands he then put the motion as submitted by Cllr Mc Gowan to the floor.

Members thus unanimously agreed the following motion:-

“We the Members of Donegal County Council following lengthy discussion and having regard to all information available to us request An Bord Pleanála to reject this planning application for the reasons outlined in the Planners Report and the concerns expressed by the Elected Members themselves”

It was thus agreed that the report from Mr Paul Kelly, A/Senior Executive Planner in respect of the application for a Strategic Infrastructure Development (05 PA0040/ P622/791 be submitted to an Bord Pleanála together with the resolution outlined above, and accompanied by the Meetings Administrator's record in

accordance with Section 37E(6) of the Planning & Development Act 2000, as amended.

At this juncture Cllr G Doherty confirmed that he was willing to second the additional part of Cllr Shiels Motion which recommended an increase in the Community Gain Fund package.

Cllr Mc Monagle on being informed that the motion was specific to the Planree application advised of the need to develop a policy specific to all potential wind farm developments.

Cllr Mc Garvey and Mc Brearty expressed concern that the insertion of such a clause would create the wrong perception and give the impression that Donegal was open for wind farm development at any price.

C/118/15 ADJOURNMENT OF THE MEETING

On the proposal of Cllr Gallagher, seconded by Cllr Donaghey it was resolved to adjourn the meeting for a ten minute recess.

C/119/15 REPORT FROM PLANNING AUTHORITY TO AN BORD PLEANÁLA. IN RELATION TO STRATEGIC INFRASTRUCTURAL DEVELOPMENT FOR CONSTRUCTION OF UP TO 49 NUMBER WIND TURBINES ACROSS 31 TOWNLANDS WITHIN THE DONEGAL & STRANORLAR MUNICIPAL DISTRICTS

On resumption of the meeting, Cllr G Doherty advised that he no longer wished to second the resolution as submitted by Cllr Shiels.

Cllr Mc Brearty then called on An Bord Pleanála to delay its decision in relation to the application until such time as the legal challenge by Cllr Campbell was heard in the High Court. He asked that this comment be noted and included in the report.

C/120/15 VARIATION IN THE ORDER OF BUSINESS

On the proposal of Cllr Donaghey, seconded by Cllr Mc Gowan it was resolved in accordance with Standing Order No 28 to vary the order of business and deal with Item No 4 at this juncture.

C/121/15 PRESENTATION OF THE NATIONAL BROADBAND PLAN

Members welcomed Ms Ciara Bates, Assistant Principal Officer, Department of Communications, Energy & Natural Resources to the meeting. She proceeded to update Members in relation to the

National Broadband Plan. The presentation dealt with current market trends and highlighted the fact that a huge growth in traffic was expected over all networks in the period 2014 -2020, with many online services now consuming greater bandwidth.

The overall aspiration, she confirmed, was for 100% of premises in Ireland to have access to high speed broadband through a combination of commercial investment and state-led intervention. An overview of the various arrangements being put in place to support the commercial roll-out of the programme was provided.

It was noted that up to €2.5b of commercial investment was earmarked for spending in the period in question. Ms Bates outlined in detail the concentrated level of engagement undertaken to date with regard to state-led intervention, and advised that the focus was now on the development of long term future proofed infrastructure. This, she stated, would be capable of delivering a network to meet the future demands of a rapidly evolving market. This, she said, was a work in progress.

An overview of the existing fibre links in Donegal together with the Donegal Commercial NGA Plans were provided.

There was further confirmation that :-

- Of the circa 2.3m addresses in the State, the plan was to have upwards of 1.6 million addresses receiving high speed broadband over the lifetime of the plan. This to include approximately 700,000 addresses in the intervention area (100,000 commercial and 600,000 residential).
- The intervention area to include very small villages (less than 900 pop), rural ribbon developments and rural one-off houses, together with 100,000 km of road network with houses along most roads.
- 2000 strategic locations had been identified for connections in rural areas e.g primary schools, business parks, farmer's marts, Garda Stations etc.

Members were informed that the next stage in the process was to-

1. Review submissions received through public consultation process.
2. Proceed with consultation on the proposed intervention strategy.

3. Pursue associated state aid approval.

It was noted that there plans were in place to advance the procurement process and to appoint a company or companies to roll out the network.

Concluding the presentation Ms Bates said that there would be ongoing engagement with all Government Departments, agencies, businesses, local communities etc in order to ensure that the full benefits of the this high speed network were realised.

Members welcomed the informative and comprehensive presentation. A lengthy debate ensued and a range of issues raised including;-

- The fact that 75% of the population in Donegal lived in rural areas yet broadband coverage was presently insufficient to meet the needs of both the community and the business sector at large. Concern also with regard to mobile and telephone network.
- Broadband a necessity for Island communities. Lack of broadband on Aranmore highlighted.
- Necessity of having all households connected.
- Need to address excessive connection costs to the MANS Network as these are proving to be a burden on what is a valuable piece of infrastructure.
- Outlined need for access to shared resources based on the fact that Donegal has continually shown itself to be proactive in pursuing broadband initiatives.
- Lack of broadband driving away potential employers and essential for ongoing job creation and tourism development.
- Concern as to how locations would be identified for the initial phase of the project.
- Suggested that Donegal be considered as a primary focus for the roll-out of the programme with specific consideration being given to rolling out broadband to small local businesses and making same available at a range of community centres county-wide.
Call for WI-FI Hub to be located in Dungloe.
- Concern that Eircom had placed E-Fibre pillars in residential areas yet neglected town centre locations. Noted that intervention needed to address this issue.

- Advised of the need to discriminate positively in favour of Donegal, in the interest of securing proper investment and job creation.
- Issue of fibre optic broadband in Carndonagh and the fact that the area of the town with the highest concentration of industry had no access to the network.
- Contended that Eircom has no intention of taking broadband to rural Ireland.
- Suggested that a scheme similar to the Roads LIS Schemes be introduced to assist with broadband connection in rural areas. This would involve a 25% local contribution and could be supervised by the Local Authority. Some concern expressed however that this would be an excessive burden on rural dwellers who were already paying above the odds for many services.
- Assistance required so as to allow small local businesses thrive and also accommodate personnel working from home if required.
- Possibility of taking an All Ireland approach to sort out current deficiencies.
- Concern that the 24 megabyte upgrade promised by Eircom in fact deliverable.
- Noted that St Johnston which had been covered by the National Broadband Scheme had not yet been upgraded to ISDL. Outlined need for small businesses in towns across the County to be offered 8/12 megabyte connections to allow them conduct their business in a reasonable manner.
- Query as to what percentage of the County would have high speed broadband after the 2020 plan was complete.
- Suggested that a specific budget be allocated for telecommunications issues.
- Query as to service provision in the Tamney area of the Fanad peninsula and whether the area would be covered by Eircom or the Department under state-led intervention.
- Highlighted the need for ongoing co-operation between Donegal County Council and the Department and the setting up of a dedicated taskforce to progress this initiative.
- Query as to whether electricity lines could be used and the projected coverage figures for Donegal by the end of 2016.

Cllr Brogan advised of the need for follow-up in relation to broadband provision and asked that this be actively pursued over

the next six months. It was agreed to email a copy of the presentation to all the Elected Members.

Ms Bates confirmed that she would relay the issues and concerns raised by Members to the Department. She stated that those living in areas outside those served by commercial operators would be covered by state-led intervention and that this included the Islands. It was hoped, she said, that everyone would have the same level of connectivity by 2020 with 30MB broadband as a minimum and that this would be upgraded as applicable. It was planned she said to put the works out to tender and thus find the most efficient way of developing the infrastructure.

Acknowledging Member's frustrations, she said it was not possible at this juncture to say whether the infrastructure would come to Donegal first as cost efficiencies and value for money would have to come into play. She said it was anticipated that the majority of houses would be connected by 2018 with 48% of Donegal homes having high speed broadband by the end of 2016.

With regard to the overall cost to the consumer it was noted that costs would vary from area to area and would depend on the commercial operator involved. It was not possible at this stage, she confirmed, to provide a list of the 70 providers involved in the key stakeholder engagement process. There was acknowledgement also that commercial operators would not go into an area with less than 900 premises. Concluding, she said, it was imperative that the customer received the service they paid for. The Department, she confirmed, would continue to work with Donegal County Council in relation to the MANs thus promoting and enhancing small business access to broadband services.

C/122/15 DISPOSAL OF LAND AT MEENANEARY CARRICK CO DONEGAL TO MR OLIVER KENNEDY

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

On the proposal of Cllr Kennedy, seconded by, Cllr Jordan, it was resolved to formally dispose of land at Meenaneary, Carrick, Co Donegal to Mr Oliver Kennedy 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/123/15 DISPOSAL OF LAND AT MOVILLE GREEN TO MOVILLE BOWLING CLUB

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

On the proposal of Cllr Farren, seconded by, Cllr McGuinness, it was resolved to formally dispose of land at Movice Green to Movice Bowling Club 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/124/15 SECTION 85 AGREEMENT WITH SLIGO COUNTY COUNCIL

On the proposal of Cllr O'Neill, seconded by, Cllr Donaghey, it was resolved that Donegal County Council enter into an agreement with Sligo County Council under Section 85 of the local Government Act, 2001, with Cavan County Council, in respect of improvement works to the N15 Cartronmore Bridge, N15 South Cartronmore Bridge, N16 Castlegal Bridge, N59 Skreen Bridge, N59 Carrowcor Bridge whereby Donegal County Council will be enabled to carry out all work, including preparation of Contract Tender Documents Supervision of Contract etc, as may be necessary in the Administrative Area of Sligo County Council.

C/125/15 SECTION 85 AGREEMENT WITH LEITRIM COUNTY COUNCIL

On the proposal of Cllr O'Neill, seconded by, Cllr Donaghey, it was resolved that Donegal County Council enter into an agreement with Sligo County Council under Section 85 of the local Government Act, 2001, with Leitrim County Council, in respect of improvement works to the N16 Shanvaus Bridge, N16 Windy Bridge, N16 Cornstauk Bridge, whereby Donegal County Council will be enabled to carry out all work, including preparation of Contract Tender Documents Supervision of Contract etc, as may be necessary in the Administrative Area of Leitrim County Council.

C/126/15 APPROVAL OF THE FULL IMPLEMENTATION OF THE 2015 BRIDGE STRENGTHENING PROGRAMME

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

On the proposal of Cllr McDermott, seconded by, Cllr Farren the 2015 Bridge Strengthening Programme was approved.

Cllr Mc Gowan expressed concern that Logue's Bridge had not been included.

C/127/15 TO NOTE THE 3 YEAR CAPITAL BUDGET 2015 – 2017

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

Mr John Mc Laughlin responding to Members concerns said that he was happy to put a new sub-group in situ at the next meeting of the Council to deal with issues in relation to a new/interim Council Chamber.

A lengthy debate ensued with Members identifying a wide range of issues which, they contended, warranted consideration. These included:

- Access issues at the Dry Arch Roundabout
- Lack of planned expenditure on the Coolboy to Kilmacrennan Road and the Doon Well Crossroads and the lack of progress on the Bluebanks to Kilmacrennan Road.
- Need to look at internal link roads.
- Whether Rannagh Pier would have to be funded from own resources?
- West Donegal plan needed to develop Mount Errigal as a flagship project.
- Clarification needed with regard to the prioritisation of capital schemes particularly those projects to be progressed by Irish Water and the role of the Elected Member in this process.
- Identified need for priorities to be agreed at district level.
- Necessity of finding a permanent location for Ballyshannon Library. Status of Ramelton Library queried.
- Concern in relation to the lack of Arts Funding for the Abbey Arts Centre.
- Discussion warranted with regard to the Town & Village Renewal Programme.
- Wider discussion needed on the Tourism Product at district level and greater emphasis on smaller medium sized projects.
- Status of Ballyshannon/ Bundoran and Glenties Fire Stations.
- Procurement of Housing Stock.
- Need to progress works at Greencastle Pier.

- Clarification with regard to works on the N56 Bououghter to Kilkenny and Donegal to Glenties.
- Outlined need to complete plans for the takeover of the former army barracks in Lifford.
- Need to progress Greenways and identify funding mechanisms.
- Need to address concerns in relation to water /wastewater infrastructure and clarity provided with regard to specific liabilities.
- Concerns as to how Group Water Schemes will be regulated going forward.
- Permanency of positions for those who transferred to Irish Water.
- Highlighted the need to deal collectively with local roads issues. Noted that the Manor to Lifford Road should not be dependent on the A5 being delivered.
- Query as to whether recent works at the Central Library were covered by the Council's own insurance.
- Clarity requested as to whether Donegal County Council would have to revisit the whole planning process with regard to vision line easement.
- Need for survey of Piers needs to be carried out.
- Identified number of projects in the Stranorlar area requiring attention including works at Kilross, the Link Road between Glenfin Road and Donegal Road and the footpath along the Ballybofey/ Stranorlar Bridge. Major tourism project needed for the east of Donegal. Balor Theatre needs to be supported and promoted.
- Query as to when the Housing & Building Programme will commence again.
- Need for a footbridge in Bunbeg over the Clady River.
- Magheraroarty Pier , Groyne and Breakwater to be progressed and update requested for the Glenties MD Members.
- Additional information requested with regard to the Housing Programme and the proposed location of the new 186 housing units identified as being required between now and 2017. Query as to whether a social clause could be included at the tendering stage to encourage and assist small business enterprises in the County.
- Time-frame needed as to the commencement of works at Rathmullan and Portsalon Piers.

- Contended that it had been agreed within the Service Level Agreement that Irish Water would be responsible for all DCC Wastewater treatment Plants whether stand alone or connected to the public sewerage system.
- Highlighted need for a full design for a berth for the RNLI Lifeboat in Buncrana.

The Chief Executive advised that it had been difficult to take the necessary steps back in November 2014 when the Capital Programme was approved given the absence of specific allocations at the time. Many of the projects identified presently, he confirmed, were covered under the revenue programme as distinct from the Capital Programme. Key tourism projects it was noted would be advanced separately to this programme. There was, he said, a legislative requirement to inform Members of the capital spend but that there was nothing in the report which prevented other projects from being considered during the course of the year.

Members, he noted, had indicated on a number of occasions that the programme did not reflect current needs and there was now an opportunity, he said, to establish processes for the management of the Capital Programme. It was acknowledged that there were several areas of activity which required additional focus.

The Mayor took leave of the meeting at this juncture.

Members outlined the need for an update in relation to the proposed Works Programme for Public Safety Works – Unfinished Housing Estates specifically in relation to the eight sites to be progressed under the Special Resolution Fund. Concern was expressed in relation to the lack of funding for mechanical plant and an update requested. It was acknowledged that the compilation of a definitive list of infrastructural priorities was the first step in the implementation of a Donegal Plan and that what was needed now was continuous interaction between the Department and Donegal County Council.

The Mayor returned to the meeting.

The need for a meeting with Senior Government Members was deemed necessary in order to highlight the need for additional infrastructural funding in the County. There was a request also that local Oireachtas Members be contacted and asked to lobby on behalf of the County at national level.

Mr Liam Ward, Director Housing, Corporate & Planning Control advised that there was provision in the National Housing Programme for the purchase of housing stock. He confirmed that it would also be possible to supply details at MD level in relation to the Special Resolution Fund. The Housing Capital Budget, he confirmed, encompassed a broad programme. It would not be possible, he added, to give any indication as to what could be progressed until the 2015 allocation had been received from the Department.

Mr Michael Heaney, Director Community, Culture & Planning Development advised of the need to look for a permanent solution in respect of Ballyshannon Library.

With regard to tourism development, he cited the need to create dedicated development centres / tourism hubs together with the identification of medium to long –term tourism projects and the sourcing of funding through a dedicated development action plan.

He confirmed that there were no plans to develop a library service in Glenties but that Ramelton Library would be kept on the agenda.

Ongoing discussion with regard to Greenway Projects, it was acknowledged would be progressed at SPC level and in conjunction with available funding under the Leader Rural Development Programme. He agreed to liaise with colleagues in Derry City Council with regard to cross-border funding.

Mr Joe Peoples, A/ Director Water & Environment said that any decisions in relation to specific projects and when they were to be prioritised was a matter for Irish Water. He confirmed that all contract staff employed by the Council to service the Service Level Agreement were contracted to Donegal County Council. The programme for taking in charge wastewater infrastructure in private estates had, he advised already been circulated to members. He referred to the memo of understanding which existed between the Local Government Sector, Irish Water and the Department of the Environment, Community & Local Government with regard to the taking in charge of infrastructure connected to the public infrastructure system. Each estate, he added would be looked at on a case by case basis and in conjunction with the available resources. Responding to a query as to whether there would be additional charges involved, he confirmed, that Director of

Housing, Corporate & Planning intended to present a report on the “Taking in Charge Policy” at the next meeting of Council.

The Special Resolution Fund, it was noted, was a two to three year project and that a separate process would be invoked in respect of those estates not connected to the public water service infrastructure. Cognisance was taken also of the fact that a pilot project to address these issues was being undertaken at national level.

Group Water Schemes, he advised, were not part of the Capital Scheme.

Mr John Mc Laughlin, Director Roads & Transportation advised that the N14/N15 and the Bonagee Link would be progressed in the context of the Ten-T Network and that every effort would be made to maintain a presence on these items.

Monies it was noted had been provided for land acquisition and the progression of the tendering process in respect of the N56 Coolboy to Kilmacrennan.

Rannagh Pier, he advised, was not included on the list for co-funding in 2015 but that if and when monies were available from the Department, then issues with regard to piers and harbours would be brought back to Members on a case by case basis.

€135,000 for storm damage at Bunagee, he confirmed, had been restored.

The footbridge in Bunbeg could be progressed under Item 7(a) infrastructural requirements in the County.

Rathmullan Pier refurbishment and the Life-boat berth at Buncrana were included in the Marine Capital Budget

Members were informed that :-

- (1) A small sum had been allocated in 2015 to complete the statutory process for the N14/N15- A5 Link. should the statutory process in respect of the A5 WTC be completed.
- (2) An allocation of €500,000 has been provided in 2015 to carry out a needs study on the Ten-T Network in the County.

- (3) A list of the main Marine Projects for consideration would be provided under Item 7(a) on the agenda.
- (4) Efforts to continue to augment the Council Housing Land Bank and progress the Draft Housing Programme with cognisance of the demands at district level.
- (5) Difficulties inserting a social clause in works tenders as criteria are determined at national and EU level.

The Chief Executive informed Members that the discussion had been useful in terms of the infrastructural requirements for the County that were due to be discussed under item 7(a).

The process undertaken today, he confirmed, was necessary to underpin the capital programme as per the overall allocation. A more in depth conservation, was needed, he said, to prioritise the relevant projects. A range of projects, he advised, could be selected the next day when considering Item 7(a).

On the proposal of Cllr Brogan, seconded by Cllr A Doherty the 3 Year Capital Budget 2015-2017 was considered and noted.

C/128/15 WORKSHOP WITH REPRESENTATIVES FROM THE VALUATION OFFICE

Members unanimously agreed to meet with representatives from the Valuation Office in a workshop to be held on Wednesday 8th April, 2015 at 11am in the County House, Lifford.

Mr Liam Ward, Director Housing, Corporate & Planning informed Members that he had received correspondence from Dr Nader Farvardin, confirming his availability to address the Council in relation to the fluoridation of the water supply.

Contact, he advised, had also been made with the Freedom from Fluoride Group who were opposed to this practice. Depending on the availability of both parties, it was, he said intended to hold a workshop on fluoridation immediately after the meeting with the Valuation Office. He agreed to circulate details as soon as the relevant confirmations were obtained.

C/129/15 DATE FOR THE ADJOURNED MEETING

Members unanimously agreed to adjourn the meeting until 10am on Monday 13th April, 2015 in the County House, Lifford.

Cllr Quinn asked that motions and questions be circulated at the beginning of the next meeting.

The Chief Executive advised that he intended to take Item 31 in the Chief Executive's Report at this juncture.

The Mayor left the meeting and Cllr Mc Bride took the Chair for the remainder of the Meeting.

C/130/15 CHIEF EXECUTIVE'S MONTHLY MANAGEMENT REPORT
Members considered the addendum circulated during the meeting in relation to the above.

The Chief Executive drew attention to item no 1 , the High Court Judicial Review 2014/712jr – John Campbell - V –The Minister for the Environment, Community and Local Government (Respondent) and Donegal County Council (Notice Party).

He informed Members that it would not be appropriate for Donegal County Council as body to get involved in this matter, even though technically there was an opportunity to do so. It was a matter, he said, for the two parties concerned and that the Council's participation, could only add to the overall substantial cost of the proceedings.

Cllr Slowey proposed, seconded by Cllr Mc Dermott to accept the Chief Executive's recommendation and leave the matter to be litigated between the parties concerned.

Cllr Mc Brearty expressed concern that the matter was only coming before the Members today and said that he was of the opinion that Members did have a part to play in the proceedings. He was he said shocked that Cllr Campbell had proceeded with this challenge without consulting Members. The challenge, he said, should technically have been taken by the Members of Donegal County Council.

Cllr Mc Monagle noted that the Mayor had taken the challenge in a personal capacity and that the decision not to get involved was the correct one.

Concluding the debate, the Chief Executive said that this had been the first opportunity to bring the matter to Council and his recommendation had been based on the premise that any involvement in the matter could possibly lead to unplanned expenditure for the Council.