

MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL  
HELD IN THE COUNTY HOUSE, LIFFORD  
ON 24<sup>TH</sup> APRIL, 2019

C/140/19 MEMBERS PRESENT

Cllrs S Ó'Domhnaill (Cathaoirleach), L Blaney, E Bonner, C Brogan, P Canning, T Conaghan, G Crawford, N. Crossan, A Doherty, G Doherty, L Doherty, M Doherty, R Donaghey, M. T. Gallagher, A Glackin, M Harley, N Jordan, J Kavanagh, N Kennedy, F McBrearty Jnr, M Mc Bride, J P McDaid, I Mc Garvey, P McGowan, G McMonagle, J S O' Fearraigh, and T Slowey,

C/141/19 OFFICIALS IN ATTENDANCE

Seamus Neely, Chief Executive, Joe Peoples, Director of Housing, Corporate and Cultural Services / Meetings Administrator, Liam Ward, Director of Community & Planning Services, Richard Gibson, A/Head of Finance, Mr John Mc Laughlin, Director Roads & Transportation , Mr Damian Mc Dermott, Senior Engineer, N.R.O., Mr Eunan Quinn, Senior Planner, Mr Paul Christy, Senior Executive Planner, Ms Aine Mc Hugh, Senior Executive Engineer, N.R.O., Anne Marie Conlon, Communications Officer, Sean O' Daimhin, Oifigeach na Gaeilge, Anne Marie Crawford, Staff Officer.

C/142/19 APOLOGIES

Apologies were received from Cllr Eugene Gallagher and Cllr Bernard McGuinness who were unable to attend the meeting.

C/143/19 VOTE OF SYMPATHY

The Cathaoirleach offered his sympathy to the partner, family and friends of the late Lyra Mc Kee who had been brutally murdered in Derry on the 18<sup>th</sup> April, 2019. It was important, he said, that there was a public outcry as foolish acts such as this could not be condoned under any circumstances.

Members offered their condolences and said that it was important that the message went out that such a cowardly and despicable act was not carried out in the name of the ordinary people of Ireland.

Acknowledging the unique relationship that existed between Donegal County Council and Derry City & Strabane District

Council it was essential, they added that any necessary support and assistance was provided at this point in time. It was generally acknowledged that a renewed effort was required at this point in time to ensure the restoration of the Northern Ireland Assembly.

The Chief Executive echoed these sentiments and extended sympathy on behalf of the executive and staff of Donegal County Council.

C/144/19 TO APPROVE THE CARRYING OUT OF HABITAT RESTORATION AND SUSTAINABLE ACCESS ON ERRIGAL MOUNTAIN IN THE TOWNLANDS OF DUNLEWEY NEAR, BELTANY MOUNTAIN, PROCKLIS AND MONEYMORE IN THE GLENTIES MUNICIPAL DISTRICT.

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

On the proposal of Cllr O' Domhnaill, seconded by Cllr O' Ferrraigh, the carrying out of habitat restoration and sustainable access on Errigal Mountain so as to improve access and provide amenity facilities in the townlands of Dunlewey Near, Beltany Mountain, Procklis, and Moneymore in the Glenties Municipal District under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) was approved.

C/145/19 TO APPROVE THE CARRYING OUT OF WORKS FOR THE DEVELOPMENT OF A RECREATION FACILITY, CONSISTING OF A PUBLIC PARK, RECREATION AREA, ALL WEATHER MULTI-PURPOSE PITCH, MULTI-USE BUILDING, CAR PARK AND ASSOCIATED WORKS AT DRUMBOE AVENUE IN THE TOWNLAND OF DRUMBOE LOWER IN THE STRANORLAR MUNICIPAL DISTRICT. (THE PROPOSED DEVELOPMENT IS CONTAINED WITHIN A 5.2HA SITE CONTAINING THE DRUMBOE MARTYRS MEMORIAL (REG NO. 40838001) ADJACENT TO DRUMBOE AVENUE (L-2754-2), LOCATED TO THE WEST OF DRUMBOE WOODS)

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

On the proposal of Cllr Mc Gowan, seconded by Cllr Harley, the carrying out of works for the development of a recreation facility,

consisting of a public park, recreation area, all weather multi-purpose pitch, multi-use building, car park and associated works at Drumboe Avenue in the townland of Drumboe Lower in the Stranorlar Municipal District under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) was approved

Mr Liam Ward, Director Community & Planning Services, drew members attention to the fact that the proposed multi-use pitch was being omitted and substituted with a multipurpose activity area/public space that was materially smaller in surface area.

Members welcomed the fact that the Council could now move forward with plans to purchase the lands in question and that the proposed park was being kept for walks, children's playground, recreational and open space area.

C/146/19 ADJOURNMENT OF THE MEETING

On the proposal of Cllr Harley, seconded by Cllr Crawford it was resolved to adjourn the meeting for a short recess.

C/147/19 ADOPTION OF THE PREFERRED ROUTE CORRIDORS FOR THE TEN-T PRIORITY ROUTE IMPROVEMENT PROJECT IN DONEGAL

Members were informed that legal advice had been received in relation to the above.

On the proposal of Cllr O' Domhnaill, seconded by Cllr Gallagher it was resolved to adjourn the meeting for a short period so as to afford the various groupings an opportunity to meet with the executive and consider the aforementioned legal advice.

C/148/19 PRESENTATION FROM IRISH NATURA & HILL FARMERS ASSOCIATION

Members welcomed Mr Henry O' Donnell and Mr Phelim Molloy to the meeting.

The presentation, it was confirmed, would centre on the review of the Common Agricultural Policy for the next round of payments and the implications for the farming community in Donegal.

Mr O' Donnell said that the INHFA had been formed as a means of providing support to farmers and to assist them in improving

agricultural productivity. Their specific aim, it was noted, was to ensure that EU Farmers had access to a reasonable living taking cognisance of climatic change and the sustainable management of resources.

The need to maintain the rural way of life and the promotion of all associated agricultural activity was also acknowledged.

An update was provided in relation to the make-up of Pillar 1 CAP Schemes. It was noted that the previous reform of CAP had seen minimal redistribution of income as farmers with larger/higher payments were protected under the guise of protecting the more productive farming element. Reform at this time, it was noted, had also seen significant cuts to REPS and DAS payments and a shift in payments to more intensive farmers in other areas.

Mr O' Donnell said that proposed changes in the next round of CAP would have significant impact for hill farmers. These proposals, he contended, could lead to a situation whereby farmers on dryer soils would be allowed to move forward and increase production whilst lowland farmers on wetter soils and hill farmers would effectively take on the full burden of climate change.

He proceeded to provide an outline of the INHFA Pillar 1 proposal which, he contended, would deliver a maximum payment of €60,000 per farmer with no allowance for labour units resulting in an additional €17m in Pillar 1 payments for Donegal and increased payments for 73% of farmers.

The INHFA analysis of the various scheme proposals under the CAP Programme were outlined in detail. These included the ECO-Scheme, National Reserve and Young Farmers Top-Up, ANC and Natura Payment, Suckler Cow Welfare/ Sheep Welfare Scheme, Agri-Environmental Scheme and the TAMS – Farm Improvement and Safety Scheme etc.

There was recognition of the fact that legislative proposals under the CAP process were being discussed at present and that there were issues surrounding what farmers would ultimately need to do in order to receive their basic payment. This combined with the stringent conditions attached to many of the other schemes would, he confirmed, present problems in the long-run.

Concluding the presentation Mr O' Donnell said that the INHFA were committed to securing a radical re-distribution of farming

payments under Pillar 1 of the programme and greater accessibility to the various schemes and targeted incomes under Pillar 2.

The Cathaoirleach thanked Mr O' Donnell for the informative and thought provoking presentation. It was astounding, he said, that not only the Irish Government, but also some of the larger farming organisations had in the last CAP reform supported the proposals for minimal redistribution under the guise of needing to protect more productive farmers. He cited the need for a fair and equitable distribution of farming payments so that those farming on poorer and marginal lands could have access to a sufficient income stream. He was, he said fully supportive of the work of the INHFA and their efforts to bring about a mindset change in the distribution of farm payments.

Cllr Blaney said it was imperative that when the next round of Strategic Policy Committees were being established, that the INHFA were contacted with regard to sectoral representation.

C/149/19 ADJOURNMENT OF THE MEETING

It was unanimously agreed the meeting for lunch.

C/150/19 ADJOURNMENT OF THE MEETING

On resumption of the meeting Cllr Mc Gowan proposed, seconded by Cllr Crawford that the meeting be adjourned for a further 10 minutes.

C/151/19 ADOPTION OF THE PREFERRED ROUTE CORRIDORS FOR THE TEN-T PRIORITY ROUTE IMPROVEMENT PROJECT IN DONEGAL

Mr John Mc Laughlin, Director Roads & Transportation read into the record advice received from the Council Solicitor and Senior Counsel. He drew attention to the fact that a review of landowners affected by the project had indicated that only a minimal number had not been engaged with to date. Alluding to the discussion at the Special Meeting on the 15<sup>th</sup> regarding the presence of swans on lands at Tullyrap and Drumnabraday, he said that there were specific obligations to be met with regard to the habitat directives. A survey carried out over one calendar year had, it was confirmed, recorded 40 swans at the location in question. It would be possible, he advised, to get further clarity in relation to the matter.

The legal advice, he informed members, was clear in that the decision on the selection/adoption of the preferred route corridors for the scheme was not a reserved function of the members and that copies of the submissions received to date could not be circulated. Members were not, he added, required to formally adopt the preferred route corridors at this stage. Over the coming weeks, he confirmed the final stages of the option selection would be carried out including the publication of the route selection report and the public display of the preferred route corridors in order to inform members of the public and the landowners concerned in accordance with TII Project Management Guidelines. At this juncture a variation of the County Development Plan would have to be initiated as the Ten-T priority Route Improvement Project was an important objective of the Donegal County Development Plan 2019-2024. This, it was noted, would have no impact on the overall timeframe for the completion of the project.

The Cathaoirleach said that cognisance needed to be taken of the fact that members were obliged to remain independent from the proceedings until such time as they were tasked with considering a variation to the County Development Plan. Any interference up until that point, he said, might prejudice the public consultation element of the Plan. He commended members for their earlier decision to defer the item.

The Cathaoirleach then invited commentary from the floor.

Cllr Mc Brearty said that he fully supported the need for improved access in the County but that there was clearly a need for expert opinion in relation to the swan issue at Tullyrap. The Stranorlar MD members, he contended, had not been made aware at any time of a study being conducted in that area. Clarity was thus requested as to who/ how this designation had arisen and why a long-term study had not been carried out. He cited the need for members to be adequately and accurately briefed in relation to the situation.

He said that the advice presented to members was an abstract from a legal document and not proper legal opinion. There was merit, he said, in going back to the plans for the original route which had been drawn up over 20 years ago. It was imperative, he added, that the correct route was chosen and people accommodated where possible. Members, he said, had a

responsibility to be upfront in relation to every single aspect of the project.

Cllr Mc Monagle said that while it was clear that members did not have a say at this particular juncture they would work with the Executive to progress the project. He queried the inclusion of the stretch of road from Lurgybrack down to the Dual Carriageway given that no satisfactory explanation had been provided for including same.

Cllr Blaney contended that the situation had not been handled correctly and that it was intended to plough on with the suggested route preferences. People, he said, had put their submissions into a public forum which they believed Councillors could see. He asked that acknowledgements be provided to all those who made submissions and answered accordingly.

Cllr Brogan said that to the best of his knowledge funding had not to date been received from Europe in relation to the project. Clarity was needed, he said, in relation to the role to be played by the elected members and the steps to be taken going forward. This was essential, he added, if the public were to have confidence in the project. Funding was needed, he said, to progress the Bonagee Link with the aim of improving the traffic management situation in Letterkenny.

Cllr Crawford queried when the submissions would be put into the public domain and asked for clarity in relation to the aforementioned survey as it was generally acknowledged that swans were transient birds.

Cllr Mc Gowan noted that the Twin Towns Bypass as alluded to was in effect the through road from Letterkenny to Sligo. He queried the status of the review of the Town Plan for Ballybofey/Stranorlar and whether or not the future variation of the County Development Plan would include a variation in relation to wind energy.

Cllr Mc Bride said that it was important that the Ten-T Route proposals were allowed to progress in terms of improving traffic flow and accessibility issues within the County. Residents along the route, he advised, needed to be accommodated where possible.

Cllr Bonner said that there was merit in separating the three projects and said that an immediate review of the proposed routes was needed in order to give some clarification to the affected landowners.

Cllr Harley said that by and large he was in favour of the project given the connectivity benefits going forward. There was an opportunity, he noted, over the coming months to review the issues raised and accommodate all of those affected in the best possible way. Infrastructural improvements such as overpasses, he said, needed to be explored further.

Cllr Mc Brearty asked that he be provided with an unedited version of the legal advice received from Senior Counsel and the Council Solicitor. The Council and the NRO, he contended, did not have the power to engage with any landowners other than in a CPO process.

Mr John Mc Laughlin, Director of Roads & Transportation said that the aim going forward was to ensure that those most severely impacted by the selection process were dealt with in a sensitive manner. The report which he read earlier was the legal advice and the content and thrust of same was clear. Whilst it was not what was expected, there was now an obligation, he said, to proceed in the manner directed by the legal advice.

The consultants, he confirmed, had carried out various types of surveys in relation to the swan population and these were generally walkover type investigations. In this instance, he confirmed 40 swans had been detected. If the National Parks and Wildlife Services were satisfied that the lands in question were not within a designated area for swans, then cognisance would have to be taken of this information, he confirmed. Otherwise, he said, the decision would ultimately be a matter for An Bord Pleanála. The NRO, he stated, would continue to work with the public and all affected landowners. The variation of the Plan when initiated would, he advised, be a reserved function of the elected members and they would in due course have an opportunity to consider the access to the CE's report on submissions /observations received from the public.

Cllr Mc Brearty again requested that all legal documentation sent by the Council Solicitor to Senior Counsel and vice versa together with that provided to the Director of Service be made available,



given that the document provided earlier in the meeting was merely an interpretation of same.

The Chief Executive informed members that the design process when rationally completed would lead the way as to what needed to be included in the variation. This he said would be progressed through the planning process.

C/152/19

GORSE FIRES –ROSSES/GWEEDORE AREA

Cllr Gallagher at this juncture commended the fire service for their excellent work in dealing with the recent gorse fires in the Rosses and Gweedore area. She cited the importance of keeping fire hydrants cleared of silt at all times and every effort made to ensure that hydrants were not tarred over. This was endorsed by the Glenties MD members. There was acknowledgement also of the excellent level of community support available. Cllr Mc Bride suggested that a press release be sent out to the local papers acknowledging the efforts of all of those who had volunteered and assisted in any way in tackling the fires.

C/153/19

WATER SUPPLY ISSUES IN LETTERKENNY

Cllr Mc Monagle called on the Chief Executive to ensure that every effort was made to deal with the water supply issues in Gort na Greine and Glean Tain in Letterkenny as the residents were suffering both mentally and physically as a result of the delay in tackling the outage problem.

This concluded the business of the meeting.