

COMHAIRLE CHONTAE DHUN NA nGALL

Oifig Riarthóir na gCruinnithe
Aras an Chontae
LEIFEAR
3 Bealtaine, 2018

FOGRA CRUINNITHE

Beidh Cruinniú Speisialta den Comhairle Chontae Dhún na nGall ar siúl Dé Céadaoin 9 Bealtaine, 2018 ag **10.00 r.n. in Áras an Chontae, Leifear** le plé a dhéanamh ar na hábhair atá sa Chlár leis seo.

Mise, le meas

Seosamh O’Piobla
Riarthóir Cruinnithe

DONEGAL COUNTY COUNCIL

Office of Meetings Administrator
County House
LIFFORD.
3rd May, 2018

NOTICE OF MEETING

A Special Meeting of Donegal County Council will be held on Wednesday 9th May, 2018 at 10.00 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.

Yours sincerely

Joe Peoples
Meetings Administrator

AGENDA

County Donegal Development Plan, 2018-2024 and Environmental Report

- a) Consideration of Proposed Material Alterations to the Draft County Donegal Development Plan, 2018-2024, and of the Chief Executive's Report following the Period of Public Consultation on the Proposed Material Alterations;
- b) Decision of Members on Strategic Environmental Assessment and Appropriate Assessment of the Draft Plan and Proposed Material Alterations;
- c) Consideration of Resolution to make the County Donegal Development Plan, 2018-2024 with or without the Proposed Material Alterations;
- d) Strategic Environmental Assessment Statement.

MINUTES OF SPECIAL MEETING OF DONEGAL COUNTY COUNCIL,
HELD IN THE COUNTY HOUSE, LIFFORD ON 9TH MAY, 2018

C/129/18 MEMBERS PRESENT

Cllrs G Mc Monagle (Cathaoirleach), L Blaney, E. Bonner, CBrogan, J Campbell, P Canning, T Conaghan, G. Crawford, N. Crossan, 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, I Mc Garvey, P McGowan, B McGuinness, J Murray, M Naughton, S O' Domhnaill, J O'Donnell, J S O'Ferraigh, B O'Neill, & T Slowey.

C/130/18 OFFICIALS IN ATTENDANCE

Mr Seamus Neely, Chief Executive, Mr Joe Peoples, Director of Housing, Corporate & Cultural Services, Meetings Administrator, Mr Michael Mc Garvey, A/Director of Water & Environment, Mr Liam Ward, Director of Community & Planning, Mr Eunan Quinn, Senior Planner, Mr Paul Christie, Senior Executive Planner, Ms Sinead Harkin, Executive Planner, Mr Graham Diamond, Executive Planner, Ms Corina Higgins, Assistant Planner, Mr Joe Duffy, Assistant Planner, Ms Anne Marie Conlon, Communications Officer, Mr Sean O' Daimhin, Oifigeach na Gaeilge, Ms Anne Marie Crawford, Staff Officer, Corporate Services.

C/131/18 CONSIDERATION OF PROPOSED MATERIAL ALTERATIONS TO THE DRAFT COUNTY DONEGAL DEVELOPMENT PLAN, 2018 TO 2024, AND THE CHIEF EXECUTIVE'S REPORT FOLLOWING THE PERIOD OF PUBLIC CONSULTATION ON THE PROPOSED MATERIAL ALTERATIONS.

Members considered the Chief Executive's report dated the 2nd April, 2018 circulated prior to the meeting. Mr Liam Ward, Director Community Enterprise and Planning informed members that the proposals before them today were the culmination of a process that had begun back in 2016 and he outlined the sequence of events that had led to the publication of proposed material alterations to the Draft County Development Plan and made available for publication during the period the 9th February 2018 to the 8th March, 2018. He advised that 32 submissions had been received in total, 16 from the public and 16 from statutory consultees and on that basis the Chief Executive's report had been prepared and issued to members on the 2nd April, 2018 together

with the Strategic Environmental Assessment and Appropriate Assessment of the proposed Material Alterations.

Members proceeded to consider the Material Alterations as contained in the Chief Executive's report with Mr Paul Christie, Senior Executive Planner providing an overview of each individual submission. **Vide Appendix 1.**

C/132/18 ADJOURNMENT FOR LUNCH

On the proposal of Cllr Mc Dermott, seconded by Cllr Blaney it was resolved to adjourn the meeting until 2pm.

C/133/18 CONSIDERATION OF THE STRATEGIC ENVIRONMENTAL ASSESSMENT OF PROPOSED MATERIAL ALTERATIONS TO THE DRAFT COUNTY DONEGAL DEVELOPMENT PLAN 2018-2024

Members considered the report in relation to the Strategic Environmental Assessment of the proposed Material Alterations to the Draft County Donegal Development Plan 2018-2024 dated February, 2018 and were provided with an overview of the key considerations.

Members were informed that a submission had been received from the Department of Housing, Planning and Local Government on the 8th March, 2018 raising a number of issues and in particular the contention that a Strategic Environmental Assessment was needed for Technical Standard 6.5 (f), since it was a mandatory development management consideration and thus fell within the framework for development consent as set out in the CDP. Members were further informed that the Department recommendation was that the specified section should be deleted from the Plan at this point.

The Chief Executive advised that the Department recommendation was not agreed and to make such a deletion at this stage would be a material amendment and would therefore be open to legal challenge. It had been necessary therefore to look at other options to resolve the lacuna which the Department had drawn attention to and alluded to in the advice from the Council Solicitor which was circulated to members during the meeting. This advice led to the conclusion ultimately that the most appropriate course of action was to prepare a separate Environmental Report on the entirety of Section 6.5, and not just Section 6.5(f).

This was the background to the circulation of the additional Environmental Report (April 2018) relating to Part B, Appendix 3, Development Guidelines and Technical Standards, Section 6.5 on Wind Energy, as previously circulated to Members.

Members were advised, of the need to be clear as to what they were considering and analyse carefully all relevant documentation.

Cllr Mc Brearty said the document as presented by the Council Solicitor was merely a guidance note and not legal advice and would be subject to public scrutiny. He asked for clarification as to whether this was a legal document.

Cllr Campbell said it was clear from the referenced legal advice that his alternative Environmental Report on Part B, Appendix 3, Development Guidelines and Technical Standards, Section 6.5 on Wind Energy of May 1st could be considered as part of the SEA process. **Vide Appendix 2** (*Cllr Campbell's report herewith attached is the supplementary copy of the said report as circulated to Members in advance of the meeting. This copy contains the identifiable amendments to the Executive's Environmental Report (13/04/2018), which amendments were highlighted for ease of comparison and consideration by Members in their assessment of the matter*)

He thus proposed, seconded by Cllr O' Domhnaill that this be taken into consideration.

The Chief Executive with regard to both reports said that the conclusions were different and that adopting both could give rise to potential conflict.

The Chief Executive referred to a decision made on the 13th December, 2017 to include the policy of ten times the tip height as a baseline of the wind energy policy. It was clear, he noted, that members wanted this policy but on the other hand the Department had confirmed that the associated process at that time was not sufficient as it had resulted in the 'ten times' tip height issue not being addressed in the Strategic Environmental Assessment. The advice received from the Council Solicitor stated that the SEA process could be continued right up until the adoption of the Plan. It was stressed that the Plan needed to be robust and sound and able to withstand any external challenges. The meeting was advised that

the Department was clearly saying that Section 6.5(f) had the potential to conflict with national guidelines whereas Cllr Campbell's submission concluded to the contrary. Cllr Brogan proposed that the recommendation by the Executive be accepted.

A debate ensued with members raising a number of issues namely:-

- Whether or not the carrying out of a SEA would sterilise all of the lands in question for any type of development.
- What area of ground would be left in the County for wind farm development?
- That reference should be to ten times the existing tip height and whether the tip height has increased as more modern turbines were introduced.

Mr Paul Christie, Senior Executive Planner advised that the SEA process did not deal with specific designations. This process, he confirmed, would record the fact that a responsible approach had been taken by the members. The process did not designate lands or attribute any other values, rather it maintained a strategic overview of the situation.

At this juncture Cllr Blaney seconded the proposal by Cllr Brogan to accept the Executive's recommendation.

Members asked for further clarification in relation to the Executive's recommendation.

The Chief Executive said that the basis of the recommendation was to ensure that there was no conflict but that ultimately there was nothing to say that the findings/conclusions of the Members may differ from those presented by the Executive.

C/134/18 ADJOURNMENT OF THE MEETING

At this juncture a brief adjournment was agreed to allow the Executive check a number of issues.

C/135/18 CONSIDERATION OF THE STRATEGIC ENVIRONMENTAL ASSESSMENT OF PROPOSED MATERIAL ALTERATIONS TO THE DRAFT COUNTY DONEGAL DEVELOPMENT PLAN 2018-2024

On resumption the Cathaoirleach opened the meeting to the floor and the following issues were raised by members:-

- That the Plan needed to meet the social, material and economic needs of the population and allow people to live in their own communities.
- Need to ensure that there was no reduction in rural housing and that the rural housing policy accommodated those who wanted to live and work in Donegal. It was suggested that current housing guidelines were contributing to rural depopulation .
- Need for protection for rural areas and clarification as to the definition of “Ribbon” and “ Piecemeal” Development.
- Clarity was needed with regard to Policy TP4 and as to what the definition of the “Extended Family” actually included. Additional clarification from the T.I.I. warranted as the policy impacted on potential job investment in the Letterkenny area.
- Further information needed with regard to the building of clusters of houses and the applicable criteria.
- Additional clarification needed with regard to the “Border Corridor”
- Concern that the County would be effectively shut down to wind farm development. Noted that there were specific areas in Donegal which were acceptable to wind farm development yet considerable energy was spent on showing areas that were not permissible.
- Marine Energy options needed to be explored.
- That consideration be given over the lifetime of the plan to looking again at the 20% ratio for Holiday Homes.
- Need to accommodate returning emigrants as many holiday homes will be maturing into retirement homes.
- The possibility of excluding lands in the Downings area from EHSA.
- The need to ensure that where vision lines are in line with national standards that the sons and daughters , brothers and sisters of those living on the sites in question are permitted to avail of planning permission.
- Ribbon Development should effectively allow up to 5 houses to be built in approved locations.
- Highlighted the need for “Backland Development” and a proper definition of the term “ Suburban Development”.

- Issues in relation to “One Off” Development need to be addressed.
- Outlined the need to review the plan within an 18 month timeframe given that many of the more vibrant rural businesses would not get planning permission under current guidelines.
- Rural industry needs to be developed with the assistance of the relevant government agencies and a renewed focus needed in terms of potential employment opportunities. Donegal it was acknowledged needed to be in a position to attract fledgling and existing industries.
- Irish Water’s role in infrastructure development needs to be taken into consideration and active engagement pursued.
- Town Centre Development a priority and a pilot scheme needed to oversee necessary refurbishments.

Cllr O’ Domhnaill proposed, seconded by Cllr Canning that the word “Adverse” be added to Policy TP4 so as to add a new level of intensification. This was unanimously agreed.

Mr Eunan Quinn, Senior Planner , informed members that there would be an opportunity in late June/ early July for the Planning Department to sit down with members and discuss how policy issues, terms and definitions were to be interpreted.

Mr Quinn advised that whereas the NPF had effectively resulted in many authorities around the country being instructed to defer County Development Plan work, this did not apply to Donegal given how advanced the process was in this County.

With regard to rural holiday home proposals, the meeting was advised that the policy mitigated against single one off development and this was influenced by the significant number of vacant properties available in the county to meet the demands of the holiday home market.

Rural depopulation, he confirmed, was a challenge and was impacted upon by a number of other drivers including the economy and emigration. The plan, it was acknowledged, aimed to deal with this in a positive manner and as such focused on the whole area of micro-enterprise. There were, he advised, a number of opportunities along the border area in towns and villages where currently there was a capacity to accommodate inward investment.

It was noted that there was a need also to be geared up to maximise all available opportunities that arose from the National Planning Framework particularly in relation to Town and Village regeneration.

Members were informed that there would be an opportunity to deal with issues in relation to clusters of housing at the next scheduled workshop.

Mr Quinn advised of the need for continuing engagement with Irish Water in relation to service provision and where possible to align plans with their processes.

Responding to further queries from Cllr Mc Brearty in relation to the legal advice, the Chief Executive confirmed that the documentation circulated was essentially a commentary and summary of the situation and had been issued as a guide for the members.

He informed the meeting that Department Wind Energy Guidelines were expected to issue in quarter 3 of this year, but the reality was that the Council was statutory bound to proceed with the adoption of its Development Plan.

Members were being asked at this stage to make the Strategic Environmental Assessment and the Appropriate Assessment of the CDP taking into consideration, inter alia, the Executive's Section 6.5 Environmental Report dated the 13th April. This Report had concluded that the adoption of the Plan with Section 6.5(f) would result in probable conflicts with the Air and Climate strategic environmental objectives (SEO's) of the Plan that were unlikely to be mitigated to an acceptable level. Members were reminded of the alternative Section 6.5 Report submitted and proposed by Cllr Campbell, seconded by Cllr Ó Domhnaill. Cllr Campbell's document concluded that the cumulative effects would have Potential Conflict with the Status of the SEOs (but that these were likely) to be mitigated to an acceptable level.

Cllr Campbell proposed, seconded by Cllr Ó Domhnaill that both documents be considered. His proposal, he said, could be attached as an addendum.

The Chief Executive advised that members should resolve to settle on either the Executive's Report or Cllr. Campbell's document.

At this juncture Cllr Brogan asked for direction from the Executive.

Responding, the Chief Executive said that the report of the 13th April contained the clear rationale and recommendation of the Executive but that Cllr Campbell's document also provided a clear rationale for the different conclusions contained therein. Therefore, the task for the Members now was to consider the merits of each document.

There was general agreement in the Chamber at this point that there was no issue in relation to Section 6.5(a) to (e) inclusive in that both the Executive Report and that of Cllr Campbell contained the same conclusions ie. that these provisions would not give rise to any significant adverse effects on the environment.

Cllr Campbell proposed, seconded by Cllr Gallagher that his Environmental Report of Part B: Appendix 3; Development Guidelines and Technical Standards; Section 6.5(f) of the Draft County Donegal Development Plan 2018-2024 be accepted.

Cllr Brogan proposed, seconded by Cllr Blaney that the Executive's Environmental Report of Part B: Appendix 3; Development Guidelines and Technical Standards; Section 6.5 (f) of the Draft County Donegal Development Plan 2018-2024 (April, 2018) be accepted.

A recorded vote was taken by the Meetings Administrator in relation to Cllr Brogan's amendment and resulted in 11 voting for the motion with 21 voting against.

Those voting in favour were:-

Cllrs Blaney, Bonner, Brogan, Canning Conaghan, Donaghey, Mc Bride, Mc Daid, Mc Dermott, Mc Garvey, and Naughton. (11)

Those voting against were:-

Cllrs Campbell, Crawford, Crossan, A Doherty, G Doherty, Farren, Gallagher, Harley, Jordan, Kavanagh, Kennedy, Mac Giolla Easbuig, Mc Brearty, Mc Gowan, Mc Guinness, Mc Monagle, Murray, Ó Domhnaill, Ó Fearraigh, O' Neill and Slowey. (21)

Thus the amendment was lost.

The Meetings Administrator proceeded to take a recorded vote on Cllr Campbell's proposal as seconded by Cllr Gallagher. This resulted in 11 voting against and 21 voting for.

Those voting in favour were:-

Cllrs Campbell, Crawford, Crossan, A Doherty, G Doherty, Farren, Gallagher, Harley, Jordan, Kavanagh, Kennedy, Mac Giolla Easbuig, Mc Brearty, Mc Gowan, Mc Guinness, Mc Monagle, Murray, Ó Domhnaill, Ó Fearraigh, O' Neill and Slowey. (21)

Those voting against were:-

Cllrs Blaney, Bonner, Brogan, Canning Conaghan, Donaghey, Mc Bride, Mc Daid, Mc Dermott, Mc Garvey, and Naughton. (11)

Thus it was resolved to finalise the Members' Strategic Environment Assessment of the Plan inclusive of the conclusions of the submission made by Cllr. John Campbell as circulated on Tuesday 1st May, relating to Part B, Appendix 3, Development Guidelines and Technical Standards, Section 6.5 (f) on Wind Energy.

On the proposal of Cllr Kennedy, seconded by Cllr Campbell it was resolved to finalise the Appropriate Assessment of the Plan.

Mr Liam Ward, Director of Community & Planning informed members that they were now being asked to make the County Donegal Development Plan 2018-2024 in accordance with Section 12(10) of the Planning and Development Act 2000 (as amended), having considered the Chief Executive's Report dated 2nd April 2018 and the recommendations therein subject to the recorded decisions of the elected members in relation to the 40 Proposed Material Alterations on the basis of having :-

1. Completed the Strategic Environmental Assessment process taking account of the information contained within, inter alia
 - (i) The Environmental Report (May 2017) of the Draft Plan and;
 - (ii) The addendum Environmental Report relating to the Proposed Material Alterations (February 2018) and;
 - (iii) The additional Environmental Report (April 2018) relating to Part B, Appendix 3, Development Guidelines and Technical Standards, Section 6.5 on Wind Energy.
 - (iv) The submission made by Cllr. John Campbell to (iii) above, as circulated on Tuesday 1st May, relating Part B, Appendix 3, Development Guidelines and Technical Standards, Section 6.5 (f) on Wind Energy.

2. Completed the Appropriate Assessment process taking account of the information contained within, inter alia
 - (i) The Natura Impact Report (May 2017) of the Draft Plan and;
 - (ii) The addendum Natura Impact Report relating to the Proposed Material Alterations (February 2018) and;
 - (iii) The additional Natura Impact Report (April 2018) relating to Part B, Appendix 3, Development Guidelines and Technical Standards, Section 6.5 on Wind Energy.

On the proposal of Cllr Mc Bride, seconded by Cllr Harley it was resolved to make the County Donegal Development Plan 2018-2024 in accordance with Section 12(10) of the Planning and Development Act 2000 (as amended), having considered the Chief Executive's Report dated 2nd April 2018 and the recommendations therein subject to the recorded decisions of the elected members in relation to the 40 Proposed Material Alterations and having :-

1. Completed the Strategic Environmental Assessment process taking account of the information contained within, inter alia
 - (i) The Environmental Report (May 2017) of the Draft Plan and;
 - (ii) The addendum Environmental Report relating to the Proposed Material Alterations (February 2018) and;

- (iii) The additional Environmental Report (April 2018) relating to Part B, Appendix 3, Development Guidelines and Technical Standards, Section 6.5 (a) to (e) on Wind Energy.
 - (iv) The document entitled additional Environmental Report (May, 2018) relating to Part B, Appendix 3, Development Guidelines and Technical Standards, Section 6.5 (f) on Wind Energy submitted by Cllr. John Campbell.
2. Completed the Appropriate Assessment process taking account of the information contained within, inter alia
- (i) The Natura Impact Report (May 2017) of the Draft Plan and;
 - (ii) The addendum Natura Impact Report relating to the Proposed Material Alterations (February 2018) and;
 - (iii) The additional Natura Impact Report (April 2018) relating to Part B, Appendix 3, Development Guidelines and Technical Standards, Section 6.5 on Wind Energy.

Mr Liam Ward, Director Community & Planning said that following the completion of the Strategic Environmental Assessment process it was incumbent on the Executive to prepare the associated Environmental Statement within four weeks of the Plan being adopted. He confirmed that this would now be progressed.

C/136/18 DATE FOR THE ANNUAL GENERAL MEETING
On the proposal of Cllr Brogan, seconded by Cllr Mc Gowan it was resolved that the 2018 Annual General Meeting of Donegal County Council would take place on the 14th June, 2018 at 3pm in the County House, Lifford.

C/137/18 FREEDOM OF THE COUNTY – DANNY MC DAID
On the proposal of Cllr Mc Gowan, seconded by Cllr Mc Daid it was resolved to award the Freedom of the County to Danny Mc Daid in recognition of his outstanding athletic achievements as an Irish Olympian and national marathon champion. It was further agreed that the ceremony would take place on the 28th May, 2018 at 6pm in the County House, Lifford.

C/138/18 COUNTY DONEGAL DEVELOPMENT PLAN 2018- 2024

The Chief Executive thanked all who had engaged with the process and assisted in the completion of this complex piece of work. It was hoped, he said, that it would act as a conduit to drive employment, create growth and assist with youth retention. Issues such as access and connectivity were, he advised, very much to the fore. The document itself, it was acknowledged, was an excellent starting point for realising the potential of Donegal and the North West region as a whole. He thanked Mr Eunan Quinn, Senior Planner together with Mr Paul Christie, Senior Executive Planner and his team for their excellent work and commitment to the process.

The Cathaoirleach thanked the public for their contribution to the process and acknowledged the help and assistance provided by both members and staff.

Cllr Mc Gowan drew members attention to the fact that many members of the public had been unaware of the potential impact of the Ten T routes. Further consultation, he said, was warranted so that all concerned were briefed in relation to the impact of same.

This concluded the business of the meeting.