

**MINUTES OF THE MAY MEETING OF DONEGAL COUNTY COUNCIL  
HELD ON MONDAY 31<sup>st</sup> MAY, 2021 (ONLINE)**

**C/98/21 MEMBERS PRESENT**

Cllrs R Donaghey (Cathaoirleach), L Blaney, K Bradley, C Brogan, P Canning, T Conaghan, D Coyle, G Crawford, N Crossan, T Crossan, A Doherty, G Doherty, L Doherty, M Farren, M T Gallagher, M Harley, N Jordan, J Kavanagh, D M Kelly, N Kennedy, M C Mac Giolla Easbuig, F Mc Brearty Jnr, M Mc Bride, M Mc Clafferty, M McDermott, I Mc Garvey, N Mc Garvey, P Mc Gowan, B McGuinness, M McMahan, G Mc Monagle, A Molloy, J Murray, M Naughton, J O'Donnell, J S Ó Fearraigh, and B Sweeny.

**C/99/21 OFFICIALS IN ATTENDANCE**

John McLaughlin, Chief Executive, Joe Peoples, Director of Housing, Corporate and Cultural Services / Meetings Administrator, Liam Ward, Director Community Development & Planning Services, Brendan O'Donnell, A/Director of Roads & Transportation, Richard Gibson, Head of Finance, Garry Martin, Director of Economic Development, Information Systems & Emergency Services, Michael Mc Garvey, A/Director of Water & Environment, Eunan Quinn, Senior Planner, Paul Christie, Senior Executive Planner, Seán O'Daimhin, Rannóg na Gaeilge, Frances Friel, Communications Officer, Anne Marie Crawford, Staff Officer, Corporate.

**C/100/21 STREAMING OF COUNCIL MEETINGS**

Cllr Mc Brearty enquired as to why Council meetings were not streamed live and proposed, seconded by Cllr Mc Gowan that consideration be given to the live streaming of meetings going forward.

Mr Joe Peoples, Meetings Administrator advised that members of the public had general access to Council Meetings. The decision required the amendment of Standing Orders to facilitate same. The Council would examine what arrangements needed to be made to enable the meetings to be streamed live.

Cllr Mc Brearty said that this was something that needed to happen as soon as possible.

**C/101/21 SUSPENSION OF STANDING ORDERS**

Cllr Blaney called for the suspension of Standing Orders so that the business on the agenda could be varied and the 5 motions directly related to mica dealt with in order at the beginning of the meeting. He thus proposed, seconded by Cllr Donaghey that Standing Order No 28 be suspended to deal with Items 12, 14, 18, 27 and 28. This was unanimously agreed.

The Cathaoirleach called on the proposers and seconders of the motions to address the meeting and that following same all members would get an opportunity to contribute to the debate.

**C/102/21 RECORDING OF THE MEETING**

The Cathaoirleach reminded all attendees that recording of the meeting was prohibited under Standing Orders.

C/103/21 **100% REDRESS SCHEME FOR ALL MICA PROPERTIES**

*Motion 12*

On the proposal of Cllr McBride, seconded by Cllr McBrearty it was resolved to adopt the following motion:-

*"That Donegal County Council look for a 100% Redress Scheme for Mica in respect of all properties affected".*

He received a response from the Director of Housing, Corporate & Cultural Services in relation to the above.

Cllr Mc Bride said that nothing short of 100% redress was warranted given the humanitarian aspect of the problem. The families affected, he said, had shown great courage, and he thus called on Minister Darragh O' Brien and his colleagues to act with urgency in relation to the mica situation. Spiralling building costs and failed building control procedures, he said, were adding to the problem. Asking home owners to reuse windows and doors was, he advised, an infringement of their civil rights. He expressed concern that the issue was not getting widespread national attention

Cllr Mc Brearty seconding the motion confirmed that he had written to all the party leaders including those in opposition requesting the amendment of the scheme to provide 100% redress together with the establishment of an independent judicial public enquiry into the defective blocks saga.

There was no opposition to the motion.

*Motion 14*

On the proposal of Cllr Blaney, seconded by Cllr Coyle it was resolved to adopt the following motion:-

*"That this Council discuss the MICA Redress Scheme and explore the possibilities of improving its efficiency in processing applications and that we direct the management to put protocols in place to ensure that this Council do not purchase any products from quarries that are known to have had defective materials."*

He received a response from the Director of Housing, Corporate & Cultural Services in relation to the above.

Cllr Blaney called for fair and equal treatment for all and said that the banking sector had got away scot free in that many of the home owners in question had taken out mortgages for properties that were now worthless. These, he said, would increase significantly in value as the scheme progressed.

He called for fair and equal treatment for all involved.

It was imperative, he added, that the Council clarify the position in relation to the administration of the scheme and issue guidance regarding the processing of applications.

He asked for an update in relation to the three week processing target discussed at the recent Mica Redress Committee meeting and confirmation that all concerned would be kept informed of the relevant developments.

Engineer fees, he noted, were beyond the reach of many applicants and he thus called for an arrangement to be put in place to allow fees to be paid directly through the Council.

There was a need also, he added, to make provision for those whose homes had been self-build.

Cllr Blaney said that he was not satisfied with the reply in respect of the legal advice and had never asked for same in respect of particular suppliers. He said that he had asked for advice with regard to not purchasing any material directly or indirectly from quarries who have historically sold defective materials. He asked that a response be provided in relation to same.

Cllr Coyle seconded the motion and said that what we were dealing with was in effect a national emergency and that many homes without urgent remedial action would collapse and fall. The current funding method, he said, was not fit for purpose as families concerned were not in a position to pay the costs involved. He said that an emergency cabinet meeting should be called and that the relevant health supports needed to be put in place to deal with the stress being experienced by mica affected families.

There was no opposition to the motion.

#### *Motion 18*

On the proposal of Cllr McBrearty, seconded by Cllr McBride it was resolved to adopt the following motion:-

*"That Donegal County Council call on the Government to establish an independent judicial public inquiry into the Mica scandal and that the Council rejects the current redress scheme of 90%, and that Government amend the scheme to 100% redress, plus any building or structure affected by Mica to be allowed into the scheme."*

He received a response from the Director of Housing, Corporate & Cultural Services in relation to the above.

Cllr Mc Brearty read into the record the following statement:-

*“Justice: What is justice In its broadest sense, it is the principle that people receive that which they deserve, with the interpretation of what then constitutes “deserving” being impacted upon by numerous fields, with many differing viewpoints and perspectives, including the concepts of moral correctness based on ethics, rationality, law, equity and fairness. Consequently, the application of justice differs for the people of Donegal.*

*Robert Nozick and others said that property rights, also within the realm of distributive justice and natural Law, maximizes the overall wealth of an economic system, Theories of retributive justice say that wrongdoing should be punished to insure justice. The closely related restorative justice (“also sometimes called reparative justice”) is an approach to justice that focuses on the needs of the victims. Where has the needs of mica victims and their search for justice been to date?*

*Some words associated with justice: fairness, fair play, equality, impartiality, honour, decency, integrity, honesty, ethics, morals, trustworthiness, principles and accountability, where are these words in this scandal.*

*A concern for justice, peace and general respect for the people of Donegal has been ignored by the state so far but that stops today. I first heard the rumours of mica back in 2010, in 2013 I meet with individual home owners and in 2014 the MAG gave a presentation to Donegal County Council on the scandal. My advice to them in 2013/14 was and still is that anyone with mica take civil proceedings against the state and demand a public inquiry into this scandal. My advice is the same today and my first objective after today's meeting is for the people affected by mica to take a judicial review in the public interest against the current redress scheme and I am asking all affected home owners and property owners to donate what they can afford in order for us to start the process of achieving justice for the people of Donegal.*

*We all thought that this was an Inishowen problem at the start and when it came out that Cassidys blocks were and are the problem some of us were still in denial and today some of us are still in denial. The simple way to describe how the thousands of people affected by mica is fight or flight. We now know that anyone who used Cassidys blocks could have mica. Some people wanted to isolate this as an Inishowen problem just like the Garda corruption in Ireland was only a Donegal problem.*

*My father and some family members have mica, My friends have mica, My constituents have mica, Donegal has mica and I might have mica too. I never envisaged that a scandal bigger than the Garda corruption exposed by my family would ever happen again. The true scale of this scandal is now only coming to the surface. Why this happened, why that happened, why why why doesn't matter anymore*

*What does matter is Justice, justice for everyone who is affected by mica I demand the following from Government:-*

- 1) 100% redress with no cap and all properties to qualify for 100% redress
- 2) Free mental health services for anyone affected by mica
- 3) Legislators to legislate
- 4) Independent judicial public inquiry
- 5) Compensation for PTSD and any other mental health issues associated with this scandal

*“The failure of the state in this scandal is no surprise to me or my family or any other family that have suffered injustices. When the MAG first exposed this corruption, the state then started the cover up with appointing the expert panel to review the mica problem and the state, public office, Government ministers, Government TDs, Donegal Co Co and many more continue today with this cover up. The state and the political establishment keep digging the hole and we the people of Donegal, tunnel tigers, ground workers, steel fixers, shutter's, brick layers, plasterer's, joiners, plumbers, electricians, Nurses, teachers, and the many other workers will fill the hole in on top of you. We won't allow the state to tell their version of this scandal or cover it up like other scandals. We the people of Donegal will expose the true version of this scandal and the state won't stop us. Politician's here today have to back my calls 100% and if they don't, then stay out of the way of the people of Donegal in their fight for justice”.*

He called on the Government to immediately provide the following:-

1. 100% redress with no cap and all properties to qualify for 100% redress
2. Free mental health services for anyone affected by Mica.
3. Legislators to legislate
4. Independent judicial public inquiry
5. Compensation for post traumatic stress disorder and any other mental health issues affecting mica affected owners.

Cllr Mc Brearty said that there had effectively been a cover up by the political establishment over the years. His fear was, he said, that the matter would be used as a political football at the next election.

Alluding to the legal advice received in relation to the procurement of materials, he said, that it was worthless. The advice, he contended, should have clarified the relevant case law that would have allowed the Council to stop buying materials and products from particular suppliers.

Cllr Mc Bride said that it was imperative that the scheme was extended to include all properties affected by mica including rental and commercial buildings as not to do so would create serious anomalies.

There was no opposition to the motion.

### *Motion 27*

On the proposal of Cllr Crossan, seconded by Cllr Bradley it was resolved to adopt the following motion:-

*“That Donegal County Council call on the Government to introduce a scheme targeted at owners of vacant properties who cannot afford or access the funding needed to bring their properties up to the required building standards and regulations so that these properties could be brought back into use and offered to householders affected by Mica for a specified period of time until their homes are remediated or rebuilt.”*

He received a response from the Director of Housing, Corporate & Cultural Services in relation to the above.

Cllr Crossan said it was clearly apparent that the redress team had not been given the proper criteria to work with and that what was now apparent was that there was going to be a significant demand for houses in Donegal over the next ten to fifteen years whenever mica affected homeowners have to vacate their houses. Such a scheme, he contended, could run in tandem with the mica scheme and would help regenerate our towns and villages. It was imperative, he added, that the Oireachtas lobby the Taoiseach and the Cabinet to amend the current redress scheme which was not fit for purpose. He thus called on the Executive and the Council to write to the relevant government departments seeking the introduction of a scheme to bring vacant properties up to the required building standards and the make same available to householders affected by mica.

Cllr Bradley seconding the motion concurred with this assessment. He said many of the families affected were not able to afford the testing and engineering costs and that nothing short of 100% redress was required.

There was no opposition to the motion.

### *Motion 28*

On the proposal of Cllr Murray, seconded by Cllr A Doherty it was resolved to adopt the following motion:-

*“That this Council acknowledges the outpouring of frustration, heartbreak and anger from the people of Donegal affected by the defective blocks saga, stands in full solidarity with all those impacted, states that the current redress scheme must be reviewed so that 100% of necessary funding is provided and commits to writing to the Minister for Housing to request a full public enquiry into the matter”.*

He received a response from the Director of Housing, Corporate & Cultural Services in relation to the above.

Cllr Murray said that all political differences needed to be put aside at this juncture. The campaign for 100% redress was, he noted, gaining

momentum and emotions were running high as families struggled to live in homes that were crumbling due to the presence of mica.

Action was needed, he advised, as many of these homes were now in danger of collapsing. The exorbitant test fees and the manner of application, he said, were unacceptable. A common sense approach was needed to address such issues including the possible consideration of phased remedial works where appropriate.

He outlined his support for a full public enquiry.

Cllr Albert Doherty, supporting the motion said that it was clear that there was little appreciation of the scale or severity of the problem at national level. He alluded also to the fact that the community campaign for redress was gaining momentum backed by international support. Officials, he said, needed to walk in the shoes of those affected to understand the seriousness of the matter. Homeowners, he stated, had been passed from pillar to post by the banks, insurance companies and this had been compounded by inaction at national level.

There was no opposition to the motion.

The Cathaoirleach said that the mica issue was a national emergency and one of the single biggest issues affecting Donegal. The impact, she said, was widespread and the financial and mental health impacts are devastating for families with young children, who had struggled to build their own homes.

She reiterated the need for 100% redress.

The banks, she added, needed to pay their fair share as many of the homes in question were in effect assets belonging to the bank.

She agreed with the suggestion that home owners be asked to pay only a percentage of the engineer's fee. A number of other issues she said needed to be taken into consideration including:-

- Exemption from the Local Property Tax for mica affected homes.
- Exemption from Planning where a house is demolished and rebuilt to the original specification.
- The need to include investment housing in the scheme.

Concluding Cllr Donaghey acknowledged that the Council had a significant amount of social housing with mica and that there was a huge workload ahead in terms of alleviating the problem.

Cllr Mc Brearty at this juncture said that he wanted a response from the Chief Executive and the opportunity to deliver the closing summary on his motion.

The Cathaoirleach said however that it had been agreed to take the mica related motions and then allow any member who wished to take part in the debate. She consulted with the proposers of the other four motions, all of whom confirmed that they were happy to wait to later in the meeting for the response from the executive.

Mr Joe Peoples, Meetings Administrator welcomed the contributions from members and said that it was clear that the issue was an emotive one for many families. He said that a number of issues had been raised at the two recent Mica Redress Committee meetings together with additional items raised in the course of the meeting today.

Members were informed that a request for a meeting had been forwarded to Minister O' Brien's office and that an invitation had been extended also to the Oireachtas members. He said that he would send a reminder to the Minister's office.

It was noted that there had been 788 registrations to date on the Council's Website for the Defective Concrete Blocks Grant Scheme. 352 registrations had been received and a total of 183 grant applications approved to date.

In relation to Cllr Blaney's motion, it was confirmed that legal advice had been sought in relation to the procurement and purchasing of products. The advice, he said, was clear in that where a tender is advertised and a response submitted in compliance with the tendering conditions, then same would have to be treated as valid and assessed accordingly.

It was also confirmed that the Mica Redress Committee meeting would be brought forward if clarification was received in relation to the date for the meeting with the Minister.

Mr Peoples further advised that approximately 30-35 of the Council's vacant social housing stock had been tested for mica and that plans were well advanced with regard to the costing of the remedial works. Once the testing and analysis were complete, he confirmed, that an application for funding of the remedial works would be made to the Department of Housing, Local Government & Heritage. He said that it was hoped to come back to members shortly in relation to the strategy for dealing with same.

Cllr Mc Brearty said that the Council was not in a position to help anybody until the Government amended the scheme. He cited the necessity to take a legal challenge and proposed that the Elected and Oireachtas members contribute to a fund which could be used to assist the mica homeowners in commencing such a process. Cllr Mac Giolla Easbuig seconded this proposal.

Alluding to the procurement issue, he said that there was a mechanism in Irish case law which would allow the Council to stop purchasing products from manufacturers of defective products.

The Chief Executive said that the Executive fully understood the anxiety and fear that was out there, and that many council staff were also affected by mica. He acknowledged the emotional distress involved in having to demolish family homes.

He noted that the Council had been asked by the Government to administer the scheme and was doing so outside of its normal functions. Additional staffing, he said, would be sought if required.

With regards the implications for social housing, he said it was important to note that this was being followed up. He referred also to the role of the wider community in dealing with the matter.

It would be possible, he confirmed to organise a workshop with the various agents involved so as to further streamline the process. The appointment of liaison personnel was something, he said, that could be looked at and consideration given to their most effective location.

Concluding, he said, that on foot of the motions agreed today correspondence would be sent to the Minister, requesting a judicial enquiry into the matter and affirming the decision of the members that the scheme be amended to provide 100% redress. This to include a request for free mental health services for families affected by mica and compensation for those suffering post-traumatic stress as a result of the ongoing failure to deal with the situation.

As regards the procurement issue the legal advice, he noted, had been sought from the Council Solicitor. He said that a second opinion could be sought if that was what the members wanted.

Cllr Mc Brearty thus proposed, seconded by Cllr Mac Giolla Easbuig that a second legal opinion be sought.

Cllr Blaney summing up on his motion said that the legal advice had been circulated at the recent Mica Redress Committee meeting and that Cllr Mc Brearty had raised no issues in relation to same at that meeting. Responding Cllr Mc Brearty said that advice received referred to buying goods from a particular supplier and that his query had specifically referred to buying from a quarry or quarries that sold defective materials.

Cllr Brogan addressing the meeting acknowledged the emotive nature of the problem and said that ultimately members would be held to account by the public regarding the suitability and effectiveness of the scheme. He outlined the need for the implementation of more effective and a less time consuming application and approval process. A few small changes, he said, would make the world of difference and asked that consideration be

given to moving forward on issues such as planning exemptions, streamlining the application process to three weeks and reducing to 10% the fee payable by homeowners to the participating engineers.

Concluding the Cathaoirleach thanked members for their patience and contributions to the debate. It was clear she said that the 37 members were united in their call for the redress scheme to be revised.

She noted that there was some capability for the Partnership Companies in the county to assist with the digital documentation and that this was something that could be explored as a means of speeding up the process.

C/104/21 **ADJOURNMENT OF THE MEETING**

It was unanimously agreed to adjourn the meeting for short recess

C/105/21 **CONFIRMATION OF THE MINUTES OF THE MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 29<sup>TH</sup> MARCH, 2021.**

On the proposal of Cllr Kennedy, seconded by Cllr Brogan the Minutes of the Meeting of Donegal County Council held on the 29<sup>th</sup> March, 2021 were adopted.

C/106/21 **CONFIRMATION OF THE MINUTES OF THE SPECIAL MEETING OF DONEGAL COUNTY COUNCIL HELD ON THE 19<sup>TH</sup> APRIL, 2021.**

On the proposal of Cllr Sweeny, seconded by Cllr Kennedy the Minutes of the Special Meeting of Donegal County Council held on the 19<sup>th</sup> April, 2021 were adopted.

C/107/21 **DISPOSAL OF PLOT OF LAND AT ORCHARD GROVE, LETTERKENNY TO ENDA & DEBBIE MCCARRON.**

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

On the proposal of Cllr Kavanagh, seconded by Cllr Coyle, it was resolved to dispose of property at Orchard Grove, Letterkenny to Enda & Debbie McCarron in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and under Section 183 of the Local Government Act 2001, (as amended).

C/108/21 **DISPOSAL OF LAND AT LISNENNAN INDUSTRIAL ESTATE, LETTERKENNY BY WAY OF LEASE TO NBI INFRASTRUCTURE DAC**

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

On the proposal of Cllr McBride, seconded by Cllr Coyle, it was resolved to dispose of land at Lisnennan Industrial Estate, Letterkenny by way of lease to NBI Infrastructure DAC in accordance with the provisions of Section 211 of the Planning & Development Act, 2000 (as amended) and under Section 183 of the Local Government Act 2001, (as amended).

C/109/21 **CONSTRUCTION OF 1 NO. 1½ STOREY, 7 BEDROOM DWELLING AT THE MEADOWS, BUNCRANA**

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

On the proposal of Cllr Murray, seconded by Cllr A Doherty, the construction of 1no. 1½ storey, 7 bedroom dwelling at The Meadows, Buncrana 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/110/21 **CONSTRUCTION OF 34 NO. SOCIAL HOUSING UNITS AT KILMACRENNAN ROAD (ORAN HILL), LETTERKENNY INCLUDING ALL ASSOCIATED SITE DEVELOPMENT WORKS.**

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

On the proposal of Cllr McMonagle, seconded by Cllr Harley, the construction of 34 no. social housing units at Kilmacrennan Rd (Oran Hill), Letterkenny including all associated site development works under Part XI of the Planning & Development Act, 2000 (as amended) and Part 8 of the Planning & Development Regulations 2001(as amended) was approved. Cllr Brogan noted that there was concern in relation to the boundary, the inclusion of an additional wall and additional planting.

It was acknowledged that the issues in question would be dealt with by the housing section.

C/111/21 **TO APPROVE THE DONEGAL COUNTY MUSEUM POLICIES AND STRATEGIES APPLICABLE FOR FULL ACCREDITATION UNDER THE MUSEUM STANDARDS PROGRAMME FOR IRELAND (MSPI).**

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

On the proposal of Cllr Gallagher, seconded by Cllr Sweeny, it was resolved to approve the following:-

Donegal County Museum policies and strategies applicable for full accreditation under the Museum Standards Programme for Ireland (MSPI): -

- The Donegal County Museum Collection Policy 2021 - 2026
- The Donegal County Museum Loan Policy 2021 - 2026.
- The Donegal County Museum Disposal Policy 2021 - 2026.
- The Donegal County Museum Disaster Plan.
- The Donegal County Museum Care of Collections Strategy 2021 – 2023 together with 1 year Implementation Plan.
- The Donegal County Museum Education Policy 2021 – 2023 together with 1 year Implementation Plan.

- The Donegal County Museum Exhibitions Policy 2021 and procedures for Temporary Visiting & Travelling Exhibitions.

C/112/21 **TO CONSIDER AND APPROVE THE ADOPTION OF THE DONEGAL COUNTY COUNCIL ANNUAL SERVICE DELIVERY PLAN 2021.**

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

On the proposal of Cllr Harley, seconded by Cllr Kennedy it was resolved to adopt the Donegal County Council Annual Service Delivery Plan 2021.

C/113/21 **TO FIX A DATE FOR THE 2021 ANNUAL GENERAL MEETING OF DONEGAL COUNTY COUNCIL**

On the proposal of Cllr Harley, seconded by Cllr McBride it was resolved to hold the 2021 Annual General Meeting of Donegal County Council on Wednesday 30<sup>th</sup> June, 2021 at 3pm.

Mr Joe Peoples, Meetings Administrator confirmed that the venue for same had yet to be decided and that this would be dependent on the prevailing public health guidelines.

C/114/21 **PROPOSED VARIATION TO THE COUNTY DONEGAL DEVELOPMENT PLAN 2018-2024 IN RESPECT OF THE TEN-T PRIORITY ROUTE IMPROVEMENT PROJECT, DONEGAL (VARIATION NO 1) IN ACCORDANCE WITH SECTION 13(6) OF THE PLANNING & DEVELOPMENT ACT, 2000 (AS AMENDED)**

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

Mr Liam Ward, Director Community Development & Planning Services informed members that they were obliged to consider the proposed variation and the Chief Executive's report issued on the 28<sup>th</sup> April in accordance with the requirements of Section 13(5) of the Planning and Development Act, 2000(as amended). He confirmed that there was also a requirement to:-

- 1) Complete the Strategic Environmental Assessment of the Proposed Variation in accordance with Article 13P of the Planning and Development Regulations 2001 (as amended).
- 2) Complete the associated Appropriate assessment of the Proposed Variation and the making of a determination in accordance with Section 177V(1) of the Act that the proposed variation will not adversely affect the integrity of a European site such that in the event the determination is made, it will enable to Council members to proceed to make the variation below.
- 3) Complete the flood risk assessment process by noting the contents of the Strategic Flood Risk Assessment Report.

4) Consider the Proposed Variation in accordance with Section 13(6) of the Act and if appropriate make the variation as per that proposed at the public consultation stage subject to the modifications contained in the recommendation at the end of the report, which are not material alterations.

Cllr Coyle asked if the variation related to the route corridor only and as whether or not it applied to the access and link roads. He queried whether or not the Bonagee Link and the bridge access were moving at the same pace as the Section 2 works.

Cllr Harley said that he was happy to support the proposals and asked that the planners work in conjunction with businesses along the route corridor to ensure that they were able to continue trading for the duration of the works.

Cllr Brogan called for more engagement with landowners in the areas concerned and said he was slightly apprehensive that this was all being rushed through at the eleventh hour.

Mr Liam Ward, Director Community Development & Planning Services clarified that members were being asked to make a decision in relation to the proposed variation of the County Development Plan 2018-2024 so as to allow the TEN-T Priority Route Improvement Project to proceed. He reminded all present that they were not being asked to make any decisions in relation to the detailed design of the project. It was simply, he noted, a matter of varying the County Development Plan to allow the project to proceed. The existing zoning on the southern option of the Ballybofey/Stranorlar By-Pass would, he noted, be subject to the variation if proposed and adopted. The previous decision in relation to the southern corridor would, he advised, cease to have effect and the land zoning would remain until the Ballybofey/Stranorlar Local Area Plan was amended.

He said that the variation would allow the Bonagee Link to go forward at the same pace as other elements in Stage 2. It was also acknowledged that going forward there would be a review of the Ballybofey/ Stranorlar Local Area Plan.

Having considered and completed the matters outlined below;

1. Considered the Proposed Variation and the CE Report in accordance with the requirements of Section 13(5) of the Act.
2. Completed the Strategic Environmental Assessment of the Proposed Variation in accordance with Article 13P of the Planning and Development Regulations 2001 as amended.
3. Completed the associated Appropriate Assessment of the proposed variation and the making of a determination in accordance with Section 177V(1) of the Act that the Proposed Variation will not adversely affect the integrity of a European site such that in the event the determination

is made, it will enable the Council members to proceed to make the variation as below.

4. Completed the flood risk assessment process by noting the contents of the Strategic Flood Risk Assessment Report.
5. Considered the Proposed Variation in accordance with Section 13(6) of the Act and make the variation as per that proposed at the public consultation stage but subject to the modifications as recommended which are not material alterations.

On the proposal of Cllr Harley, seconded by Cllr Mc Bride it was resolved to make the Proposed Variation to the County Development Plan 2021-2024 in respect of the TEN-T Priority Route Improvement Project, Donegal (Variation No 1) as outlined above.

Mr Liam Ward, Director Community Development & Planning Services thanked the members for their support and acknowledged the work and contribution made by the entire Planning team.

C/115/21 **PROPOSED VARIATION TO THE COUNTY DEVELOPMENT PLAN 2021-2024 TO PROVIDE FOR A WIND ENERGY STRATEGY**

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

Cllr Canning noted that the Working Group had been looking at a number of other variations and it was imperative that these were given adequate consideration. He asked that a date be selected to look at the results and findings of the working group.

Mr Liam Ward, Director Community Development & Planning Services said that the report from the working group in relation to the scheduling of further variations was due to be considered at the Planning SPC on the 23<sup>rd</sup> June.

On the proposal of Cllr Mc Monagle, seconded by Cllr Mc Gowan it was resolved to hold a Plenary Workshop on Monday 21<sup>st</sup> June, 2021 at 2pm to consider the contents of the variation in relation to the Wind Energy policy and to set out future timelines for the consideration of the variation.

C/116/21 **ADJOURNMENT OF THE MEETING**

It was unanimously agreed to adjourn the meeting to 11.00am on Monday 14<sup>th</sup> June, 2021