

**Special Meeting of Donegal County Council held on 9<sup>th</sup> July 2021  
Queries & Responses**

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| 1.  | <b>What role did Donegal County Council have in relation to the certification and testing of Concrete Products up to 2013?</b> | <p>The Council had no role in the certification of concrete products up to 2013.</p> <p>In accordance with the European Communities (Construction Products) Regulations, 1992, each Local Authority, in its capacity as a Building Control Authority, was assigned by the Department of Environment the role of principal enforcement agency for investigating and prosecuting incidences of non-compliance with the Regulations. The primary objective of the Construction Products Directive was to regulate the placing of construction products on the market and facilitate the free movement of goods. The relevant Government Minister also had powers to regulate the placing of a product on the market.</p> <p>The Council's role in testing of concrete products up to 2013 was limited to having the power to conduct those tests necessary to deal with enforcement around non-compliance with the Regulations. There are no records of the Council having received any specific complaints of non-compliance in this period and there are no records of any tests being carried out by Donegal Co. Council in this period.</p> <p>Local Authorities, like Donegal, generally had been resourced with one member of staff assigned to cover all the Building Control functions including review of plans, commencement notices, inspections, investigations, and enforcement for actual building work. This indicates the limited depth and spread of the role envisaged. It was not intended that they would proactively monitor every construction product covered by the Regulations and placed on the market by the many suppliers. The system was operated on a reactionary basis only, i.e. reacting to complaints received. There is no evidence of any specific complaints having been submitted to Donegal County Council in this period.</p> <p>The 1992 Regulations were superseded by the 2013 Construction Products Regulations.</p> |
| 2.  | <b>What role does Donegal County Council now have in relation to the certification and testing of Concrete Products?</b>       | <p>Donegal County Council does not have a role in certifying concrete products.</p> <p>The Council does not have a role in the general testing and quality control of concrete products. The Council has many powers as the Market Surveillance Authority (MSA) for</p>  |

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|     |   | <p>County Donegal delegated by the Department of Environment under the Construction Products Regulations, 2013. Those powers can include for the testing of non-compliant products and follow-up enforcement measures where concerns have been raised about compliance with the European standards.</p> <p>It is not the role of the market surveillance authority to certify construction products. The manufacturer is responsible for compliance with the CPR and in particular for the Declaration of Performance/CE marking of the construction product he or she is placing on the market, having full knowledge of the raw material (as is legally required by the CPR via the relevant harmonised European Standards) and having regard to the end product's suitability for use in construction works in accordance with the relevant Standard Recommendations published by the National Standards Authority of Ireland.</p> <p>The 2013 Regulations facilitated the implementation in Ireland of Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC. Regulation (EU) No. 305/2011 lays down harmonised conditions for the marketing of construction products in order to ensure the free movement of such products across Member States of the European Union.</p> |
| 3.  | <p><b>What is the role of Donegal County Council since 2013 under Market Surveillance as it relates to concrete blocks?</b></p> | <p>The EU Construction Products Regulations 2013 set out harmonized conditions for the marketing of construction products in order to ensure the free movement of such products across member states of the EU.</p> <p>Where a construction product covered by a harmonised standard is being placed on the EU market, the CPR requires the manufacturer to draw up a 'declaration of performance' and affix a 'CE' marking to the product. In order to do so, manufacturers must test and declare the performance of their construction products using a common technical language prescribed in the harmonised standard.</p> <p>The regulations assigned a role to building control authorities to be authorized officers and</p>  |

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|     |                      | <p>provided a wide range of powers to authorized officers. The powers like those with many enforcement agencies, are centered around enforcement action for breaches of compliance.</p> <p>There are over 450 harmonised European norms relating to construction products and many suppliers with each of them giving rise to a huge number of products being placed on the market.</p> <p>In practice, building control officers in counties like Donegal had already been covering a range of other activities on building work such as:</p> <ul style="list-style-type: none"> <li>(i) Reviewing Plans</li> <li>(ii) Managing Commencement Notices</li> <li>(iii) Inspections (12-15% target)</li> <li>(iv) Investigations</li> <li>(v) Enforcement</li> </ul> <p>This was usually resourced by one staff member. No additional funding or resources was provided under market surveillance and the work was intended to be at a high level and carried out in response to complaints about the compliance of individual products from particular manufacturers. There was no particular programme of work or inspection targets. It was operated as a reactive service in response to complaints made about non-conformance with EU regulations. While the role carried very significant powers, it was not envisaged at the time of the assignment of the function that the role would require extra resources.</p> <p>Donegal County Council received complaints regarding concrete lintels and concrete septic tanks over the years and pursued those through the established system.</p> <p>Following the introduction of CPR in 2013, Donegal County Council wrote to concrete and</p> |

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|     |                      | <p>steel product manufacturers in Donegal, outlining their obligations under the new regulations.</p> <p>In terms of the manufacture of concrete blocks, the responsibility for the quality and conformance with the standards rests with the manufacturer. This extends to the geology analysis of the quarry materials, the concrete design and composition, materials technology specialists and the production process. In order to be in a position to apply the “CE” marking to their product as required by the regulations, manufacturers must have a factory production system which is independently certified by NSAI as the official certifying body (Notified Body) and a declaration of performance which is produced by the manufacturer after they have the relevant technical documentation and test reports in place. It can be noted that Cassidy’s quarry had the NSAI certified factory production system and declaration of performance in place when the Council wrote to manufacturers in 2013.</p> <p>More recently in 2020 and linked to Brexit, the Minister has prescribed Dublin City Council as a Market Surveillance Authority for construction products for the Country. In this new role, they have been assigned extra resources and are already undertaking activities. They will be carrying out active market surveillance on a nationwide basis. They have led out on recent visits to quarries in Donegal and are in the process of arranging testing. This is being done as part of a national campaign.</p> <p>In terms of ensuring quality products, the primary obligation rests with the manufacturers and the legislation and penalties are written accordingly. The role of market surveillance is much broader and at a higher level and would be quite secondary under the current arrangements in ensuring the quality control of products.</p> <p>Market Surveillance Authorities do not have obligations for the quality and compliance with standards and specifications for products but are part of a chain of enforcement for investigating and prosecuting incidences of non-compliance. Donegal County Council did</p> |

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|     |  | not have any specific engagement under market surveillance on the matter of Mica and Defective Concrete Blocks. It should be noted that the identification of the issue around Mica and the Defective Concrete Blocks would have required very specialist knowledge and technical know-how which was well beyond what could have been expected from a local authority under its Market Surveillance responsibility.  |
| 4.  | On what basis did Donegal County Council grant a 25-year extension to the operators of the quarry at the centre of the MICA issue? | <p>Planning Ref No. 19/51534 by Cassidy Brothers Concrete Products Ltd for the continuation of quarry at Gransha and Luddan, Bunrana.</p> <p>An application for planning permission was made by Cassidy Brothers Concrete Products Ltd for the continuance of quarrying activity over an area of approximately 17.8 ha for the extraction of rock by blasting and rock breaking means from an area of 11.3 ha; processing of rock using fixed and mobile plant and washing of material; continuation of use of existing workshop, office, canteen, toilet facilities, weighbridge, wheelwash, settlement lagoons and all other ancillary facilities; construction of refuelling area and attenuation and settlement lagoons; landscaping and restoration of the site and all associated ancillary facilities works under planning reference no. 19/51534.</p> <p>The application was accompanied by an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS).</p> <p><b>Context</b></p> <p>In assessing the application, the planning authority had, inter alia, regard to the established and authorised quarrying activity within the development site. There is extensive planning history for quarrying at this location extending back to the 1980s and 1990s. From a review of the planning history most of the planning authorities' decisions to Grant Permissions were appealed to An Bord Pleanala and subsequently upheld by the Board.</p> <p>The most recent planning history includes an approval for quarrying activity under planning reference no. 09/70467 which permitted quarrying until 5th April 2020.</p> |

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|     |                      | <p><b>Assessment of application</b></p> <p>In considering the application for continuance and extension to an existing quarry, the planning authority had regard to the proper planning and sustainable development of the area, to the objectives set out in the County Development Plan 2018-2024, to the Quarries and Ancillary Activities – Guidelines for Planning Authorities 2004, potential environmental and ecological impacts, visual impact on the landscape, residential amenity issues including assessment of noise and dust nuisance and to the extant permission approved under reference no. 09/70467.</p> <p>The scope of the assessment of any application under the Planning and Development Act 2000 (as amended) relating to quarrying activity does not extend to consideration of matters governed by other regulation or legislation.</p> <p>The planning authority considered that the principle of quarrying had been long established at the subject site with the quarry being registered for the purposes of Section 261A of the Act wherein at the time of registration the quarry had the benefit of a permission which had been the subject of an environmental impact assessment. The principle of the quarry was not in question and the matter under consideration was the continuance of extraction previously approved under reference no. 09/70467.</p> <p>The planning authority having regard to:</p> <ul style="list-style-type: none"> <li>(i) the location of the subject site outside of and removed from any sensitive designations</li> <li>(ii) the existing authorised quarry facility operating at the location</li> <li>(iii) the nature and scale of the development, and</li> <li>(iv) the policies of the current development plan,</li> </ul> <p>considered that, subject to conditions, the proposed development would not injure the residential, natural heritage or scenic amenities of the area, would not be prejudicial to the environment and ecology of the area and would not endanger public safety by reason of a</p> |

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|     |  | <p>traffic hazard and a decision was notified to the applicant by the planning authority on 28th November 2019 with a formal decision to grant permission made on 3<sup>rd</sup> June 2020 following a withdrawn appeal to An Bord Pleanála on the matter.</p> <p>The duration of the permission was for a period of 25 years which is consistent with the "Quarries and Ancillary Activities – Guidelines for Planning Authorities 2004".</p>  |
| 5.  | <p>What progress has been made in relation to Planning Regulations which would permit a MICA property to be rebuilt on the existing footprint without need for a Planning application?<br/>How can Donegal County Council assist in this regard?</p> | <p>Donegal Co. Council is awaiting specific guidance from the relevant Department within Government, in relation to potential exemption being afforded to MICA affected homes.</p> <p>As the matter is one informed by national legislation and regulation any changes have to be made at a national level.</p> <p>Donegal Co. Council has made specific recommendations in relation to potential amendment to regulations that may afford MICA affected homes specific exemptions from having to formally apply for permission to demolish and rebuild. In the absence of any such changes the Planning Service will continue to determine MICA related applications promptly in the interests of affected homeowners.</p>   |
| 6.  | <p>How can we be sure that concrete products being used today are not defective? What process is in place to ensure this?</p>  | <p>Responsibility for the quality of any construction product rests with the manufacturer. The Council is not in a position nor does it have a responsibility to provide assurance about the quality of concrete products.</p> <p>There are a number of new measures in place now that were not in place when the defective blocks issue was developing in so far as we understand.</p> <p>Concrete blocks are covered by Construction Products Regulations (2013) which require the blocks to meet the requirements of AVCP (assessment and verification of constancy of performance) system 2+. System 2+ requires the manufacturer to have in place a Factory Production Control (FPC) system and a Declaration of Performance (DoP) for their products. The FPC is required to be independently certified by the Notified Body for the country. In Ireland the National Standards Authority of Ireland (NSAI) is the Notified Body.</p> |

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|     |  | <p>In addition to the above, the Building Control (Amendment) Regulations 2014 introduced the requirement for construction works be signed off by an Assigned Certifier as an additional safeguard against sub-standard building practices.</p> <p>It should be noted however that where the owner of a one-off dwelling chooses to “Opt-out” of the certification process then they are declaring themselves as being competent to certify compliance with the Building Regulations.</p> <p>Notwithstanding the above, in the case of an issue similar to the defective blocks issue arising now, where the defect emerges over time with the product apparently showing no signs of defect at the point of manufacture, it is not known if this would get picked up in advance.</p> <p>It is important that the required standards, quality controls, and management audits and testing including verified independent checking are in place at the point of manufacture. That will give better assurance than a reliance on state bodies to later detect defects which quite often get picked up after failures are realised.</p> |
| 7.  | When was the use of defective blocks stopped in Donegal?                                       | Donegal County Council have no specific information on how long defective blocks may have been in use in the county. Based on the information provided to the Expert Panel they concluded in their 2017 report that properties constructed up to 2011 were showing signs of being affected.  |
| 8.  | Who attended the meeting with the Expert Panel in 2017, why were some councillors not invited? | The Expert Panel was established by Government in April 2016. It is understood that they held their first meeting on 15 <sup>th</sup> April 2016. As part of their work, they met with many people, groups and bodies.   |
| 9.  | Who on behalf of the Irish Concrete Federation met with the Expert Panel?                      | Specifically, in relation to meeting Donegal County Councillors, based on our records, it is understood that all 37 Elected Members were invited to meet the Expert Panel in Lifford on 12 May 2016. The invite was issued to the Councillors by letter on 26 April 2016.  |

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| 10. | What was the representation from Mayo County Council?   | The Expert Panel met separately with staff from Donegal County Council on 12 <sup>th</sup> May 2016. The staff attending included Joe Peoples, Eunan Kelly, Brenda Ferguson, Aideen Doherty & Aidan McGrenra. This meeting with the Expert Panel was early in the process and quite some time before they reached their conclusions and published their report in June 2017.   |   |
| 11. | Did Councillors Brogan and Mc Monagle in their capacity as Cathaoirleach of Donegal County Council meet with the Expert Panel?  |  | It can be confirmed that Cllrs Brogan and Mc Monagle in their capacity as Cathaoirleach did not attend the meeting with the Expert Panel. |
| 12. | How many of those that met with the Expert Panel supported the 90/10 solution?  |  | The Expert Panel had no role in relation to the terms and conditions of the Defective Concrete Blocks Grant Scheme.                       |
| 13. | Please advise what Donegal Co Council are doing to prevent companies from still selling bricks/concrete products containing more than the accepted 1% mica content as per Statutory Instrument Number 288 of 1949 Standard Specification (Solid concrete building blocks made with natural aggregate) Order, 1949.  | The Council's role in relation to construction products is as the Market Surveillance Authority for County Donegal and limited to enforcement around compliance of construction products with the applicable harmonised European Norm (hEN). The Council does not have any authority or responsibility beyond this. The applicable current hEN for aggregates for concrete is EN 12620 and, as far as we know, this hEN does not impose any limits on the mica content of concrete products. As such the Council has no authority to regulate the amount of mica in any concrete product.  |   |
| 14. | Please clarify what assessment has been carried out at the Aura Leisure Centre in relation to defective blockwork and safety of the centre<br>What blocks were used in the construction of the Aura Leisure Centre?<br>Why are remedial works taking place at the Aura given that no engineer can sign off on remedial works?<br>Were any tests done in relation to the | <p><b>Initial findings and Actions Taken to date:</b></p> <ul style="list-style-type: none"> <li>• Some cracking in the flume tower of the Aura Leisure Centre became noticeable in early 2020</li> <li>• Passively observed and monitored for 12-16 months</li> <li>• Following a detailed inspection on 25<sup>th</sup> May 2021 it became clear that the blockwork in and around the cracking was of poor structural quality and was not fit for purpose.</li> <li>• Note:<br/>The structure of the tower is formed with a cavity wall comprising an inner reinforced concrete cast in place, stairwell shaft, a rigid insulation board filled</li> </ul> |   |

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|     | <p>concrete foundation at the Aura?<br/>           What reports are there in relation to the dangerous Chimney at the Aura?</p> | <p>cavity, and air gap, and a 100mm rendered concrete blockwork outer leaf.<br/>           The remainder of the main building generally consists of:</p> <ul style="list-style-type: none"> <li>▪ Fair faced blockwork (from a different source than the flume tower blockwork) used internally</li> <li>▪ e.g. Main Sports Arena and changing rooms</li> <li>▪ No evidence of cracking in these areas</li> <li>▪ Large part of the external façade either glazed or covered with panelling / external insulation and not exposed to prevailing weather elements</li> <li>▪ No evidence of cracking in other internal block work noticed so far</li> </ul> <ul style="list-style-type: none"> <li>• Following a structural and cost-benefit assessment a decision was taken to remove the blockwork (outer leaf) from the tower and reconstruct this outer leaf with new blockwork to address public safety concerns. The underground structure is reinforced concrete piles and ground beams. In the case of the flume tower the blockwork was removed fully down to ground beam level.</li> <li>• A further visual inspection of the exterior of the centre did reveal some cracking in other areas though not to the extent of the flume tower and not of cause for immediate concern though noteworthy of further monitoring, including:               <ul style="list-style-type: none"> <li>▪ Another area near the flume tower</li> <li>▪ The external single storey storage area annexed to the main sports arena has some visible cracking</li> <li>▪ Not deemed to be structurally significant but likely to deteriorate further</li> <li>▪ Further assessment of these areas is being progressed to determine appropriate steps to be taken</li> </ul> </li> </ul> <p><b>Safety of the Aura Leisure Centre</b></p> <ul style="list-style-type: none"> <li>• DCC has assessed the building and has concluded that the centre is safe for use by the public and staff as a result of the actions taken (outlined above)</li> </ul> |

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|     |  | <ul style="list-style-type: none"> <li>• DCC has engaged an independent assessment of the building by Consulting Engineers               <ul style="list-style-type: none"> <li>▪ To further confirm that the building is safe for use by the public and staff</li> <li>▪ To make recommendations for the rest of the building with regard to further monitoring, possible remedial action and testing of blockwork / structure.</li> </ul> </li> </ul> <p>Notwithstanding the report by the Consulting Engineers it is important to note that from a structural point of view the building is supported via piled reinforced concrete foundations with an RC / Steelwork superstructure. The blockwork is predominantly infill panelling and as such is non-loadbearing and cosmetic. Any future replacement of this blockwork will not impact on the overall structural integrity of the building.</p>  |
| 15. | Have other public buildings been checked for safety and deterioration from the presence of Mica? | <p>Donegal County Council has outlined the monitoring and examination that it has already undertaken, the construction repair work underway on the flume tower and the further examinations that are about to be undertaken at the Aura Centre in Letterkenny.</p> <p>Property owners are required by law to make sure that their property does not contain any dangerous structures. They have obligations to take steps to remedy the situation if structures become dangerous. The Council as a property owner is no different to other property owners and in terms of public buildings where the Council is the owner; there are increased requirements in terms of access and use by the public.</p> <p>Donegal County Council routinely carries out visual inspections of its public buildings and periodically conducts maintenance activities. The Council have a heightened inspection regime in the region where Mica has been identified. That will intensify in the coming period and eventually all Council buildings will be tested where it is reasonably suspected that Mica could be present.</p> <p>It should be noted that like the Aura Centre reported on at the meeting, many public buildings have core steel or structural concrete frames with infill block work or other</p> |

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|     |   | <p>panels within the framed structure. This will reduce the dependence on block work for carrying the loads from the roof and other components.</p> <p>In terms of other public buildings such as schools, halls, hospitals and so on, it is a matter for their respective owners to perform inspections and consider any matters arising.</p>   |
| 16. | How are the applications for the Defective Concrete Blocks Scheme being processed and how are specific conclusions reached? | <p>Applications under the Defective Concrete Blocks Scheme are being administered by Donegal County Council on behalf of the Department of Housing, Local Government &amp; Heritage in line with the provisions of the Dwellings Damaged by the use of Defective Concrete Blocks in Construction (Remediation)(Financial Assistance) Regulations 2020 and associated Administrative Guidelines prepared by the Department and issued to Donegal County Council and Mayo County Council.</p> <p>The Government scheme sets out the rules applicable to remedial measures and the grant payable in each case. The National Standard to be followed is IS465: 2018. The Council staff are required to follow the rules and criteria set out in the scheme, which has been widely published.</p> <p>The Minister for Housing, Local Government and Heritage has established a working group to review the scheme.</p> <p>The Department have confirmed an extension of the working group until the end of September 2021 at the request of homeowners.</p> |
| 17. | What directions have been provided by the Department with regard to the Defective Concrete Blocks Scheme?                   | The Regulations and the Administrative guidelines referred to in the previous section were provided by the Department to both Donegal and Mayo in relation to the implementation of the grant scheme.  |
| 18. | Why are remedial works being recommended when demolition is the only obvious solution?                                      | Applications are being considered in accordance with the provisions of the Regulations and the relevant national standard which in this case is I.S. 465:2018 – Assessment , testing and categorisation of damaged buildings incorporating concrete blocks containing certain deleterious materials published by the National Standards Authority of Ireland.  |

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| 19. | Can a Mica Testing Laboratory be set up within Donegal County Council or in conjunction with the LYIT?            | <p>The purpose of sampling and testing is to obtain representative samples of the concrete block material and samples may be subjected to; petrographic, chemical and strength testing in a Laboratory to help provide guidance on remedial works. The Laboratory proceeds to undertake a petrographic analysis incorporating a detailed examination and description of rocks using specialised microscopes, rock thin sections and techniques such as electron microscopy undertaken by a competent Petrographer who has significant experience in the analysis and evaluations of concrete making materials and products. The Laboratory Professional Geologist reports on the outcome of the testing and gives a detailed evaluation for mica degradation and a risk factor assessment for potential mica degradation in concrete blocks. The risk factor assessment determines whether the sample has; Negligible, Low/Medium, High, or Critical susceptibility to deterioration. The Chartered Engineer in consultation with the Professional Geologist reviews the test results and the potential for future degradation of retained concrete blocks when recommending remedial works. The recommended remedial action forms part of the Engineers Report which is submitted by the applicant.</p> <p>The Council recognise the specialised equipment required to carry out this testing and the requirement for a competent Petrographer and Professional Geologist to assess the test results and the laboratory to have the requisite accreditation. The Council do not plan on setting up and staffing such a specialised laboratory. There is also value in having a number of these independent specialised laboratories available to applicants.</p> |
| 20. | Who decided on the composition of the Special Working Group and why were Donegal County Councillors not included? | <p>It is understood that the Minister for Housing established the working group to examine a range of issues and to report back to him. The composition of the Working Group is made up of:</p> <ol style="list-style-type: none"> <li>1. Senior Department Staff</li> <li>2. Representatives from affected homeowners in Donegal</li> <li>3. Representatives from affected homeowners in Mayo</li> </ol> <p>Donegal and Mayo Staff, while not on the working group, were invited to attend the</p>   |

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|     |   | <p>meetings to provide information on the status of grant applications in each county that they have been administering on behalf of the Department.</p> <p>The staff in attendance from Donegal County Council do not have a role or remit to lobby or represent the view points of the homeowners or the Department. That is the role of the two respective sides on the Working Group.</p> |
| 21. | Can clarification be provided around the purchase by the Council of 5 houses in Buncrana which contained Mica?                            | A special report has been prepared and presented separately at the July Council Meeting.  |
| 22. | Can Donegal work in solidarity with other affected counties such as Clare, Mayo, Limerick and Sligo?                                      | It is accepted that similar issues are arising in homes in these other counties. While there is some communications directly, the Department of Housing is the body that brings these issues and counties together in a streamlined approach.   |
| 23. | What is the position where a homeowner now replaces their outer leaf and in a number of years time, the outer leaf fails?                 | This is not a matter that the Council can address. It is understood that the Working Group are looking at this issue and it expected to be addressed by the Government at the conclusion of the working group.  |
| 24. | Can temporary housing such as log cabins or the like be constructed to temporarily house homeowners while their homes are being repaired? | It is accepted that there will be huge demand for temporary housing and temporary solutions will be required. It is understood that some companies are also looking at options that might be part of an overall solution.   |
| 25. | How can affected people access mental health services?  | It is accepted that many people are under huge pressure and strain. The full range of Mental Health Services are available on the HSE website ( <a href="http://www.hse.ie">www.hse.ie</a> ) and are best accessed through the normal referral process following a visit to your Doctor / GP.   |
| 26. | What is being done to assist those in rental accommodation, those with second homes etc and all adversely affected by the Mica scandal?   | Under the grant scheme an owner can only apply for one dwelling and the dwelling must be the individuals' principal private residence. The Council do not have a role in expanding the scheme to others. That ultimately will be decided by Government.   |

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| 27. | Can all further information requests be looked at and an effort made to ensure that one comprehensive request only for additional information is sent back to the applicant? | <p>A profile of the applications received at the 6<sup>th</sup> September is set out below:-</p> <p>In total there are 1326 applicants registered on the system. 446 of those have actually submitted an application.</p> <p><b><u>Stage 1:</u></b></p> <ul style="list-style-type: none"> <li>• 446 applications received.</li> <li>• 327 approved.</li> <li>• 61 awaiting FI</li> <li>• 58 under assessment</li> </ul> <p><b><u>Stage 2:</u></b></p> <ul style="list-style-type: none"> <li>• 49 applications received.</li> <li>• 30 approved.</li> <li>• 4 awaiting FI</li> <li>• 15 under assessment</li> </ul> |
| 28. | Can the Mica Redress Committee Meeting minutes be circulated to all the elected members?   | The Minutes of the meetings of the Mica Redress Committee can be circulated to all elected members and will be posted on the Council's website.  |
| 29. | Has contact been made with the Department in relation to additional staffing resources?  | A number of staffing sanction requests have been made to the Department and they have approved the recruitment of the staff including two additional Liaison Officer posts.  |

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| 30. | How many houses Have been identified for remediation from within our own housing stock?  | <p>The Council has carried out some works to our own houses that were exhibiting cracking in recent years. At this time, the Council has identified just over 1,000 houses within our housing stock that have defective blocks. This has been established through visual inspections with houses exhibiting cracking consistent with the use of defective blocks. In the absence of testing each house, the Council cannot say definitively the overall number of houses that will require remedial works. It is expected that the number will rise as some houses may not yet be exhibiting signs of deterioration consistent with the use of defective blocks. Because of the scale of the work involved, it is intended to establish a dedicated Project Team to manage and deliver the necessary programme of works. There are significant logistical challenges. The Council has commenced the testing and assessment process on 33 houses, similar to the scheme for private houses, in various locations, primarily in the Bunrana, Carndonagh, Moville, Malin Head and Letterkenny areas. The process involves a range of steps including the taking of core samples from external walls, submission of the samples to the laboratories for testing, the preparation of building condition assessments and the preparation of remedial works plans. While there have been ongoing discussions, a formal application for funding will be submitted to the Department of Housing, Local Government and Heritage shortly and a programme of remedial works will be prepared for the affected houses. This will require significant funding and resourcing over the next number of years and there are a number of major associated issues such as the availability of alternative accommodation, supplies and building contractors.</p> |
| 31. | What arrangements have been made to draw down funds?   |  |
| 32. | What Council resources are available to facilitate this?   |  |
| 33. | What tests to date have been carried out on the Council's housing stock  |  |
| 34. | What is the overall plan for Council tenants?  |  |
| 35. | Why is the Council Solicitor recommending going to the District Court for an injunction against a specific quarry owner when it should be a High Court injunction? | <p>In relation to the quarry in question at Islandmore, Lifford, Donegal Co. Council has pursued this matter through the Circuit Court (not the District Court) on a number of occasions and had obtained a Court Orders in 2013 to cease all quarrying activities at this location. An undertaking was given to the Circuit Court in December 2019, by the quarry owner that they would comply fully with the 2013 Order.</p> <p>The Circuit Court and High Court have a concurrent jurisdiction in planning injunction matters but obviously the latter tends to be much more costly.</p>  |



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|     |  | <p>It is accepted that quarrying has continued on an intermittent basis at this location, in direct contravention of the 2013 Order and the Undertaking given in 2019.</p> <p>These breaches of Court Orders are again before the Circuit Court at this time and further comment is not appropriate until the matter has been dealt with.</p>  |
| 36. | Was any action taken by the Council against the offending Quarry?  | <p>It is understood that the offending Quarry referenced in this question refers to Cassidy's Quarry in Bunrana.</p> <p>The Council is of the view that the 2017 Expert Panel Report does not establish any clear grounds that could be used as a basis for follow-up action on a supplier. It is noted that Cassidy Bros Concrete Products have in place the Certificates of Factory Production Control required under the Construction Products Regulations (CPR) in relation to their products and aggregates. These certificates were issued by the National Standards Authority of Ireland, who are the Notified Body for the purposes of the CPR, following their own independent assessment of the processes and controls in place at the quarry.</p> |
| 37. | Has there been an update in relation to the second legal opinion sought at the meeting on the 31 <sup>st</sup> May, 2021 on procurement? | A second legal opinion has been provided to the elected members and will be considered when the Adjourned July council meeting reconvenes.   |
| 38. | Who was responsible for the licensing of quarries in the past and who has current responsibility?  | <p>Local Authorities have primary responsibility for the licensing of the Quarry sector.</p> <p>The regulation process is complex for both operators and local authorities as regulators.</p> <p>Quarrying is an activity rather than a development. It is unlike other developments which are regulated by a grant of planning permission, in which the principle for development can be established and remains fairly unchanging.</p> <p>As an activity quarrying results in daily outputs many of which fall within environmental pollution parameters such as the control of noise, dust and water discharge.</p>   |

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|     |                      | <p>New significant quarry applications are being granted with up to 25 years duration of permission in accordance with the Quarry Guidelines for Planning Authorities.</p> <p>While the principle of quarry operation activity can be reasonably determined for this length of time, the current planning and enforcement legislation and processes are not sufficiently robust or reactionary to respond to the evolving day to day operations and outputs of the quarry industry.</p> <p>Donegal has the highest number of registered quarries in the state with 186 quarries registering in 2012 under Section 261A.</p> <p>The quarry industry must be regulated to meet the country's need for a steady supply of quality certifiable material in order to support economic recovery, government capital spend targets and the construction and other sectors. It is also necessary to ensure a level playing field for businesses while ensuring the public good by addressing public health, safety, pollution concerns and quality of materials being produced.</p> <p>In the Irish context, given the number of quarries and the makeup of the sector, consideration should be given to reviewing the legislation and processes regulating the industry, particularly in light of the current complexity, challenge and ineffectiveness that exists. Rather than relying on planning enforcement, which is effective in land use and development regularization, licensing and ongoing monitoring of projected and permitted activity may be a more efficient, effective and reactive means of overseeing the industry.</p> <p>Direct engagements have been undertaken with the relevant government departments to progress the matter and to underline the need for a renewed basis for the regulation of the quarry sector.</p> |

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| 39. | Please clarify available options for dealing with waste products arising from the MICA redress initiative                              | The issues and difficulties in dealing with waste products arising from addressing the MICA redress initiative in Donegal were discussed at the Donegal County Council (DCC) Climate Action and Environment Strategic Policy Committee meeting on Wednesday 14 <sup>th</sup> July 2021.   |
| 40. | What plans are in place to deal with the demolition material and have locations been identified for the dumping of construction waste? | The DCC Environment Office set out the proactive steps it has taken at local, regional and national level. A number of follow up meetings were held with representatives from the Connacht Ulster Waste Enforcement Regional Lead Authority, the Regional Waste Planning Office, Mayo County Council Environment Section, DCC Environment Section and Roads Section where certain actions were agreed with a view to coming up with alternative options for the reuse of clean inert demolition material for affected homeowners. These options include the reuse of clean inert demolition material:   |
| 41. | Can the Council identify a site to receive "fill" from demolished blockwork?   | <ul style="list-style-type: none"> <li>• On the same site and reprofiled where the planning permission is in place and it identifies the reprofiling (more relevant to standalone sites)</li> <li>• Acceptance of material on another site where a Certificate of Registration and Planning Permission has been granted for this acceptance.</li> </ul> <p>It is most likely that materials will need to be segregated at source on site if they are to be reused for another purpose. For example, blocks insulation, slates, timber would need to be kept separate and not mixed.</p> <p>It is also important to clearly remind affected homeowners and contractors that any material and waste arising from the remediation of MICA affected houses must be dealt with properly and in a way that will not cause future generations any environmental problem. DCC are actively seeking alternative solutions for dealing with the substantial volume of blocks that will be generated.</p> <p>There are collectors and waste facilities in a number of locations throughout County Donegal who are in a position to accept this material in regulated sites. However additional capacity will be required to deal with the large volumes of material that will be</p> |

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|     |                      | <p>involved in the months and years ahead.</p> <p>DCC are actively examining other alternatives and are in discussions with relevant stakeholders including private sector operators regarding same. It would be preferable and in keeping with the circular economy if we could secure authorisation to process the material and reuse it for other purposes.</p> <p>The advice that was issued to homeowners and supervising Engineers through the MICA redress scheme is summarised below:</p> <p><b>Advice for Homeowners</b></p> <p>There is environmental protection legislation in place for both the vehicles moving waste and the sites accepting waste. In order to adhere to this legislation, you must therefore;</p> <ul style="list-style-type: none"> <li>• Ensure that the person removing your waste from site (concrete blocks, insulation, timbers etc) holds a valid waste collection permit for your waste type – you can check the national register at <a href="http://www.nwcpc.ie">www.nwcpc.ie</a> or ask your collector to provide you with a copy of the Waste Collection Permit.</li> </ul> <p>Ensure that the facility taking your waste is properly authorised and holds the necessary waste authorisation for the waste type – you can check the national register at <a href="http://facilityregister.nwcpc.ie/">http://facilityregister.nwcpc.ie/</a> or ask the waste facility to provide you with a copy of the authorisation (Certificate of Registration, Waste Facility Permit or Waste licence).</p> <p>If you are ever in doubt or want to find out more information on this you can also contact the Customer Contact Centre of Donegal County Council at 074 91 53900 and your query will be dealt with by the team in our Environment Office.</p> <p>Remember it is your waste and subsequently your responsibility to ensure that it is properly managed and not disposed of in a manner that could harm our environment.</p> |

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|     |   | <p><b>Advice for Supervising Engineers</b></p> <p>There is environmental protection legislation in place for both the vehicles moving waste and the sites accepting waste. In order to adhere to this legislation you must therefore ensure that contractors undertaking works can provide proof of the following to the homeowner prior to receiving payment for the works. It is advised that contractors;</p> <ul style="list-style-type: none"> <li>• Ensure that the person removing any waste from site (concrete blocks, insulation, timber etc) holds a valid waste collection permit for the waste type. They can check the national register at <a href="http://www.nwcpc.ie">www.nwcpc.ie</a> or ask the collector to provide you with a copy of the Waste Collection Permit.</li> <li>• Ensure that the facility taking the waste is properly authorised and holds the necessary waste authorisation for the waste type. They can check the national register at <a href="http://facilityregister.nwcpc.ie/">http://facilityregister.nwcpc.ie/</a> or ask the waste facility to provide you with a copy of the authorisation (Certificate of Registration, Waste Facility Permit or Waste licence).</li> <li>• Provide receipts from the waste collector for all waste removed from site that show the volume and nature of each waste type and the waste facility to which the waste has been brought.</li> </ul> <p>Testing will be required on the blocks so as to determine engineering quality. DCC will await the findings from this independent analysis before advising people to go anywhere other than a waste facility with the blocks.</p> |
| 42. | Can one half of semi-detached pair of houses be remediated when one owner wishes to fix their house and the other neighbour does not? | It is possible to fix one of the semi-detached houses separately. It will be more complicated and might require special detailing and temporary works. This would be part of the remediation plan prepared by the Engineer and the contractor would be required to follow those special details.   |