

09th April, 2013

TO ALL MEMBERS OF DONEGAL COUNTY COUNCIL
--

The Adjourned March Meeting of Donegal County Council, will be held on Monday 15th April, 2013, at 11.00am, in the County House, Lifford to consider the unfinished business listed at Items:-

6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 23, 24, 25 - 46.

Please ensure that you bring the agenda previously distributed to the meeting.

Meetings Administrator

MINUTES OF ADJOURNED MEETING OF DONEGAL COUNTY
COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON 15TH APRIL,
2013.

C/172/13 MEMBERS PRESENT

Clrs. F. McBrearty, Mayor, D. Alcorn, J. Boyle, C. Brogan, J. Campbell, P. Canning, G. Crawford, M. Doherty, P. Doherty, R. Donaghey, M. Farren, M. T. Gallagher, C. Harvey, D. Larkin, M. McBride, N. McBride, S. Mc Eniff, I. Mc Garvey, B. Mc Guinness, J. Murray, S. O' Domhnaill, M. Quinn, J. Ryan, and T. Slowey.

C/173/13 OFFICIALS IN ATTENDANCE

Mr Seamus Neely, County Manager, Mr Liam Ward, Director of Housing and Corporate, Meetings Administrator, Mr Joe Peoples A/Director of Water and Environment, Mr John McLaughlin, Director of Roads and Transportation, Mr Michael Heaney, Director of Community, Culture and Planning, Mr Garry Martin, Head of Finance and Director of Emergency Services, Ms Anne Marie Conlon, Communications Officer, Ms Anne Marie Crawford, Staff Officer, Corporate Services.

C/174/13 APOLOGIES

Apologies were received from Clrs. Blaney and Harley who were unable to attend the meeting.

C/175/13 RELAY FOR LIFE EVENT

The Mayor informed Members that a one hour reflection session would be held at 10am on the 27th May, 2013 in the County House, Lifford, prior to the commencement of the May Council Meeting. This charity event, he confirmed, was being held to raise monies for the "Relay for Life" Charity Organisation. Members, he advised, had kindly agreed to donate €100 each from their respective Development Fund Allocations.

C/176/13 VOTE OF SYMPATHY –FORMER COUNCILLOR BERNARD
MC GLINCHEY

Members from the various political groupings extended sympathy to the family circle of late Bernard Mc Glinchey, a long serving member of Donegal County Council and Letterkenny Town Council.

Members acknowledged the outstanding contribution made by former Councillor Mc Glinchey over the years to the workings of

the Council, noting that over that period he had worked tirelessly and effortlessly for the people of Donegal. He had, it was confirmed, used his time in the Seanad to actively promote and progress the development of the town of Letterkenny.

The County Manager extended sympathy on behalf of the Senior Management team and all the staff in Donegal County Council.

Thus on the proposal of Clr. Brogan, seconded by Clr. Mc Guinness, it was resolved to adjourn the meeting until 1pm as a mark of respect to the late Bernard Mc Glinchey.

C/177/13 CALL ON THE MINISTER FOR THE ENVIRONMENT AND THE MINISTER FOR THE GAELTACHT TO REINSTATE THE L.I.S. SCHEMES COUNTYWIDE AND THE BOTHRE AISE SCHEMES FOR ROADS IN THE GAELTACHT AREAS

On the proposal of Clr. Alcorn, seconded by, Clr. O' Domhnaill, the following motion was adopted:-

"That Donegal County Council request the Minister for the Environment and the Minister for the Gaeltacht, to reinstate the L.I.S. Schemes Countywide, and the Bothre Aise Schemes for Roads in the Gaeltacht Areas, as there is no assistance whatsoever to repair non county roads presently."

Members were informed that:-

The following information is provided to members to assist in their deliberation of this motion.

As stated in the 2013 Allocations for Regional and Local Roads in January, the Local Improvement Scheme has been reinstated for 2013 however there is no separate allocation available towards this grant category. Instead the Council may use up to 7% of their Discretionary Grant towards local improvement schemes. The local contribution for these schemes has been increased to 20% of the total cost of the project. Apart from this amendment the same eligibility rules apply for these schemes as applied in previous years.

The Members of the Council agreed at the Roads Workshop on 21 March 2013 to not draw on the 7% mentioned above from the Discretionary Grant and to write to the Department seeking a

specific allocation for LIS Schemes and this is currently being arranged.

Regarding Bothre Aise Schemes for Roads in the Gaeltacht Areas, there has been no recent correspondence and we will also write to the Department and attach this Motion when it is adopted”.

Members welcomed Mr Mark Forker, a new member of the local media team to the meeting.

The Deputy Mayor Clr. Martin Farren took the chair for a brief period.

Clr. Alcorn outlined the seriousness of the situation given that there was now no assistance for the repair of non-national roads. It was acknowledged that such schemes provided for the repair of private roads, bog roads etc allowing them to be reinstated, tarred and chipped providing ease of access to a wide range of services for many rural communities.

The Mayor returned to the Chair.

In supporting the Motion, the Members advised that it was extremely unfair to ask Councillors to prioritise County Roads when many private roads in the County remained to be taken over. They said it was imperative that correspondence was forwarded to both the Minister for the Environment, Community and Local Government and the Minister for the Gaeltacht outlining the necessity of reinstating LIS and Boithre Aise Grants.

They asked that a concerted effort be made to take over a number of small private roads throughout the County and that the Senior Management Team continue to impress upon the relevant Government Departments the necessity of providing a viable revenue stream.

It was noted also that many rural transport buses were refusing to use private roads thus causing extreme distress to elderly patients travelling to hospital appointments.

Members cited the need to inform the public of the fact that LIS and Boithre Aise Schemes were not being progressed due to the

lack of funding at central government level, and not because of any lack of initiative on behalf of Donegal County Council.

The Department, it was acknowledged, in allowing a % of the Discretionary Maintenance Fund to be used for some LIS Schemes had in fact admitted that there was a need for this type of activity.

The Deputy Mayor Clr. Martin Farren took the chair again for a brief period.

There was unanimous agreement that the schemes in question had contributed enormously to the fabric of rural life.

Mr. John Mc Lauglin, Director of Roads & Transportation referred to the reply circulated and reminded Members that they had agreed at a recent workshop not to draw on the 7% element of the Discretionary Grant. Guided by the Members decision on the matter, he agreed to forward a copy of the motion to the relevant Government Departments.

Clr. Alcorn thanked Members for their support and asked that consideration be given to accommodating the various community groups willing to provide assistance in the repair of non-county and private roads.

C/178/13 REQUEST FOR THE COUNCIL TO APPLY TO THE DEPARTMENT TO HAVE A SOCIAL CLAUSE INCLUDED IN ALL PUBLIC CONTRACTS ADVERTISED BY THIS COUNCIL

The following motion was submitted by Clr. Gallagher:-

“That this Council undertake to apply to the Department to have a social clause included in all public contracts”.

On the proposal of Clr. Gallagher, seconded by, Clr. Quinn, it was resolved to amend the motion as follows:-

“That this Council undertake to apply to the Department to have a social inclusion clause included in all public contracts”.

This was subsequently agreed.

Members were informed that:-

“Public bodies are required to operate in line with EU Treaty principles and EU Directives on public procurement, including observing the principals of non – discrimination, equal treatment, transparency, mutual recognition, proportionality, freedom to provide service and freedom of establishment. Any legislative or regulatory requirements introduced must be compatible with these principles.

The inclusion of a Social Clause in Public Contracts advertised by Donegal Co. Council to provide an advantage to “local” suppliers would potentially conflict with several of these principles.

A ‘Public Procurement Bill 2012’ was published as a private Members Bill in November 2012 by John Lyons, TD. It is a short Bill, the purpose of which is “to require that social benefits be assessed in the context of public procurement and to provide for related matters”.

If enacted, the Bill would require that... “Where any public body is engaged in a process for tendering for the provision of, or otherwise considering any proposal for the procurement of, goods or services, it shall in its process of assessment allocate not less than 33 per cent of the assessment to a consideration of the social benefits of the particular tender or proposal under consideration, including but not limited to the extent to which the tender or proposal would create employment.”

According to the Houses of the Oireachtas website (www.oireachtas.ie), the bill was introduced on 13th November 2012, but has not yet proceeded beyond First Stage. There is no indication as to when (or if) the Bill will proceed to Second Stage, Committee Stage, etc. A copy of the Bill and Explanatory Memorandum is attached. (Vide Appendix 1)

Should the motion be adopted by Council, arrangements can be made to write to the Minister for Finance and the Minister for Environment, Community and Local Government enclosing a copy of same.”

Clr. Gallagher advised that the Minister for the Environment, Community & Local Government had included a social clause in the water metering tender. This, she advised, was the way forward

and would provide for some form of dividend, whilst creating employment at local level.

Clr. Quinn cited the need to bring the matter to the attention of the EU Authorities.

Members outlined the need to obtain a response on the matter from the relevant government departments.

Clr. Mc Guinness urged caution on the matter.

Mr. Liam Ward, Director of Housing & Corporate, advised that as outlined in his reply, the motion could be forwarded to the Minister for Finance and the Minister for the Environment, Community & Local Government.

Clr. Gallagher in conclusion advised that she could see no reason as to why Donegal County Council could not include such a clause in their public procurement contracts.

The Mayor on his return to the meeting advised that a number of concerns had been raised in relation to the overall interpretation of the Habitual Residency Clause. He asked that the matter be brought to the attention of the Minister for Social Protection, Ms Joan Burton.

C/179/13 INTRODUCTION OF SPECIAL PROTECTION AREA ALONG PARTS OF THE DONEGAL COASTLINE

On the proposal of Clr. O'Domhnaill, seconded by, Clr. Canning , the following motion was adopted:-

"That this Council condemn the introduction of a Special Protection Area (SPA) along parts of the Donegal Coastline which will de-value land, prohibit rural people from building on their own lands and not allow for Ploughing to be carried out in this Area and ask that the Minister stop this ridiculous designation so as a proper, open and frank public consultation can take place with land owners."

Members were informed that:-

“This was a process undertaken by the National Parks and Wildlife Service.”

Clr. O' Domhnaill stated that these Special Areas of Protection had been introduced without any consultation, or recourse to compensation.

He noted that Donegal had double the national average of designated areas, a feature which would prevent locals from building on their own land, and lead in the long term to the overall decline of the rural population.

It was imperative, he added, that a meeting be arranged with the National Parks and Wildlife Service to discuss the lack of consultation on the various policy issues.

Donegal County Council as a Planning Authority, it was noted, had an obligation to liaise with the Department in relation to the mitigating circumstances involved.

Acknowledging a number of issues with regard to the protection of the corncrake, he asked Members to note that the bird which was a protected species in Ireland was eaten as a delicacy in countries such as Libya.

It was acknowledged also that persons intending to build on lands classified as "Areas of Special Protection" would have now to obtain a screening report or a Natura 2000 Impact Statement.

Clr. O' Domhnaill called on the Minister to review the relevant designations in Donegal and outlined the need for a transparent public consultation process. He said it was imperative that the Planning Executive liaised with officials from the Department of the Environment, Community & Local Government, together with representatives from the NPWS to assess the criteria used in drawing up the designated guidelines and look at the possibility of introducing a more realistic template going forward.

Clr. Farren took the chair for a brief period.

Members noted the effects of such designations on the farming community in particular, and advised that swift action was needed to protect many of our Island and coastal communities.

Donegal County Council it was acknowledged needed to support people in their own communities and promote a balanced approach to the overall implementation of such designations.

It was suggested that a conference entitled "Sustainability in Rural Ireland" could be held within the County to highlight the ongoing difficulties being experienced by marginalised rural communities.

Members noted that it would be helpful to obtain data in relation to current corncrake population figures so as to establish whether or not protection measures had been successful in the long-term.

Mr. Michael Heaney, Director Community, Culture & Planning advised that he would look into arranging a meeting with the NPWS and pass on the concerns raised by Members. This, he added, would provide an opportunity to address the issues raised and deal with concerns arising from the Council's own perspective as a Planning Authority.

The Mayor returned to the Chair at this juncture.

Clr. O' Domhnaill, concluding, advised that the overall implications were of immense concern and asked that the meeting with the Department and the NPWS be arranged as a matter of urgency.

C/180/13 APPOINTMENT OF AN OFFICIAL FOOD AMBASSADOR
ROLE FOR COUNTY DONEGAL

Clr. Farren advised that he wished to withdraw the following motion:-

"Urge that Donegal County Council look into the potential for the appointment of an Official Food Ambassador Role for County Donegal".

C/181/13 DEVELOPMENT OF MALIN HEAD AS A STRATEGIC
TOURIST DESTINATION AND THE CPO OF THE TOWER
AND THE ADJOINING LANDS

On the proposal of Clr. McGuinness, seconded by, Clr. Donaghey, the following motion was adopted:-

"That his Council takes all necessary steps to progress the development of Malin Head as a strategic tourist destination (Wild

Atlantic Way) including taking out a CPO on "The Tower" and the adjoining lands."

Members were informed that:-

“Donegal County Council is a key member of the Malin Head Steering Group, which is made up of a number of stakeholders including: Donegal County Council, Inishowen Development Partnership, Malin Head Community Association, Inishowen Tourism, Failte Ireland and the Loughs Agency. The primary aim of the Steering Group is to develop Malin Head as a strategic tourist visitor attraction.

Donegal County Council is currently working with the Loughs Agency on the delivery of an EU Interegg funded project which will result in road access improvements, walking trail development and visitor interpretation at Malin Head.

Donegal County Council has actively supported the inclusion of Malin Head in Falte Ireland's Wild Atlantic Way Route.

The Wild Atlantic Way will be book-ended on one side by Mizen Head and at its Northern end by Malin Head which gives Malin Head key strategic importance in the overall project. The further development of Malin Head has been identified by the Council and by the CDB Development Strategy as a priority project for the County and the region. We will continue to take all steps possible to further develop and promote Malin Head as an iconic Tourism attraction. We will now do this in the context of the Wild Atlantic Way which is giving added focus to Malin Head. We are in discussions with Failte Ireland and other relevant partners in this context and will keep Members updated on progress.”

Clr. Mc Guinness questioned the designation of the motion as local noting that it had clear county-wide implications. He was, he said, disappointed that there had been no reference in the reply to the ongoing status of the “Tower Project”.

It was acknowledged that substantial funding was required to develop the “Tower” and that grant aid would not be forthcoming until such times as the Council owned the site. He commended the Malin Head Steering Group acknowledging their ongoing

collaboration with Inishowen Tourism, The Loughs Agency, Failte Ireland and Inishowen Development Partnership.

Members of the Inishowen Electoral Area outlined their support for the motion.

Mr. Michael Heaney, Director Community, Culture & Planning, advised that Malin Head had been recognised as an iconic tourism project at national and international level. He assured Members that all necessary steps were being taken to ensure the development of this flagship project. The announcement that the Wild Atlantic Way would be bookended on one side by Mizen Head and at its northern end by Malin Head would, he confirmed, further strengthen the case for the project. All areas of funding were being actively pursued and Members, he added, would be kept informed of ongoing developments on that front.

Clr. Mc Guinness welcomed the reply and thanked Mr. Kevin O' Connor, Tourism Development Co-ordinator for his ongoing work on the project. He acknowledged the commitment of local landowners involved in the project. It was imperative, he added, that the Council worked with all those involved rather than imposing specific stipulations on the landowners concerned.

The County Manager acknowledged the Council's endorsement of the project and its potential for bringing additional tourists to the County. He extended his appreciation also to the landowners in the Malin Head area who had co-operated with the development of the walking routes. Where reasonable co-operation was not forthcoming, he confirmed, other measures would be employed to progress the project. At this juncture, he confirmed, every effort was being made to establish the principle of funding, and measures put in place to facilitate same.

C/182/13 CALL FOR COUNCIL TO SUPPORT THE FRONTLOADING OF THE SINGLE FARM PAYMENT IN THE NEW ROUNDS OF CAP NEGOTIATIONS

The following motion submitted by Clr. Blaney was proposed by Clr. Donaghey and seconded by Clr. Mc Gowan:-

“That this Council supports the frontloading of the Single Farm Payment in the new rounds of the CAP negotiations and that a limit is applied to the amount that each farmer receives”.

C/183/13 ENHANCEMENT AND UPGRADE OF THE ROUNDABOUT
ON THE NATIONAL PRIMARY ROAD AT
MANORCUNNINGHAM

On the proposal of Clr. Canning, seconded by, Clr. Donaghey, the following motion was adopted:-

"I would ask that this Council gives priority and a commitment to enhance and upgrade the Roundabout on the National Primary Road at Manorcunningham."

Members were informed that:-

"It is understood that this Motion relates to the landscaping of the roundabout and not the traffic carrying capacity of the roundabout. The roundabout works well from a traffic capacity standpoint.

Regarding the landscaping of this rural roundabout, the NRA do not generally provide for landscaping enhancements for such roundabouts. Previously, we had advertised for private sponsorship for landscaping with limited success. In addition, we considered working with Letterkenny Town Council where they have a well developed gardening section. We will continue to examine what might be possible working with the limited local funds available and explore options with Letterkenny Town Council."

Clr. Canning said that the roundabout in question had become an eyesore and now needed to be brought into shape. The Tidy Towns Committee in Manorcunningham were, he indicated, willing to get involved and An Taisce, and Letterkenny Town Council had also expressed an interest helping out.

There was, he said, private interest in tidying up the roundabout and bringing it to a specific standard in accordance with the other standard approaches to Letterkenny.

The need to improve the appearance of the roundabout at Bridgend was also discussed. It was acknowledged that the NRA did not generally fund landscaping enhancements for roundabouts. However questions were raised as to whether this meant, they might or could facilitate same in specific circumstances. Concern was also expressed in relation to the use of signage on roundabouts and the distraction element involved.

Members asked that consideration be given to the utilisation of the Community Involvement Scheme.

Mr. John Mc Laughlin, Director Roads & Transportation advised that there was an opportunity here for all of the organisations mentioned to work together in co-operation with Donegal County Council. Whilst the NRA did not facilitate the landscaping of existing roundabouts, he said, that it was possible to at least put together a case for funding. He was of the opinion however that the matter could be progressed at local level.

Acknowledging comments in relation to the advertising policy, he confirmed, that it had been quite successful and that a review of same was warranted at this juncture.

C/184/13

PUBLICATION FOR THE PEOPLE OF DONEGAL OF THE CHANGES THAT MAY TAKE PLACE WHEN WATER SERVICES ARE TRANSFERRED TO IRISH WATER

On the proposal of Clr. McGarvey, seconded by, Clr. Campbell, the following motion was adopted:-

"That Donegal County Council publicise for the People of Donegal the changes may take place when Water Services are transferred to Irish Water."

Members were informed that:-

"The Government decided in 2012 that Irish Water should be established as an independent state owned company within the Board Gais Group, to take over the operational and capital delivery functions of local authorities in the water services area.

In the interim it is expected that local authorities will retain full legal responsibility as water services authorities during 2013, with Irish Water developing the new organisational model and undertaking a number of functions including in relation to domestic metering.

In the period 2014-2017 indications are that Irish Water will be allocated full responsibility for all aspects of water service planning, delivery and operation at national, regional and local levels subject to the enactment of necessary legislation. Water

services functions will transfer on a phased basis to Irish Water from city and county councils and local authorities will act as agents of Irish Water to deliver a range of services under service level agreements. This situation could potentially continue after 2017.

The Council will continue to engage with the various stakeholders at national and sectoral level to ensure the best outcomes for the Council in the transition to the new arrangement. It is critical that the Council continues as a key player in investment decisions to support strategic planning in the County and that the current investment programme delivers on the much needed infrastructure. Similarly, the proven track record of this Council in providing a responsive service to consumers needs to be maintained particularly in emergencies and during severe weather incidents.

The Council has provided the requisite budgets for the provision of water services in 2013 in order to maintain the current level of service.

The Water Services Bill 2013 which is currently before the Oireachtas provides for the establishment of Irish Water/Uisce Éireann as a subsidiary of Bord Gáis Éireann (the Board) under the Companies Acts. The shareholding provisions in the Bill provide that the subsidiary will be fully owned by the State and that the Board will have operational control, subject to Ministerial consents in a number of areas. The subsidiary company will be responsible for the installation of water meters for domestic households connected to a public water supply (this function is currently a water services function provided by the 34 water services authorities as designated by the Water Services Act 2007). The Bill provides the Board and the subsidiary with the authority to install meters in all domestic properties and provides any of the necessary powers, available to a water services authority under the 2007 Act, that are necessary to meet this objective. Such powers would include matters incidental to the metering programme such as the power to install pipes and the power to interrupt a water supply. As the installation of water meters is related to the Government's commitments to introduce water charges for households based on usage, the Bill removes the statutory prohibition on such charges. The Bill also amends section 105 of the Water Services Act 2007 to provide the Board and its subsidiary with the power to charge households for water services. Section 105 has not been

commenced and will not be commenced prior to the introduction of charges, which will not be before 1 January 2014. Irish Water/Uisce Éireann will be responsible for billing and collecting revenue from households when the Government introduces domestic charges. In this regard, the Bill provides the Board and the subsidiary with the necessary powers to obtain information from households in receipt of water services and other third parties for the purpose of creating a customer database. The Bill also provides the Commission for Energy Regulation (the Commission) with a function to advise the Government in relation to the development of policy regarding the regulation of the provision of water services. The Bill provides that the Commission may do all things necessary in preparation for the performance of water regulatory functions. The Bill also provides that the Commission may undertake the necessary consultations with the Board and its subsidiary, water services authorities, or any other person.

It is expected that during 2013 further clarity will be provided for both the Council and the consumer on the implications and impact of the change envisaged during the transition period (2014-2017) and beyond.

The basis for establishing a single authority is to accelerate capital investment with the primary objective of providing a more reliable water system and enhanced water and waste water quality standards in line with national and European compliance requirements. It is crucial that the reform programme delivers on these objectives in Donegal.”

Clr. Mc Garvey advised that he had many concerns in relation to the changeover process. He raised the following issues;-

- The need to update the general public on the changeover process and exactly how they would be affected by this development.
- Query as to how many non-domestic supplies had been metered at this stage?
- Need to clear up outstanding issues surrounding the installation of water meters and concerns raised that the company in question had walked away when no apparent collection source was evident.

- Clarity as to the overall funding mechanism and charging models to be used when the changeover to Irish Water takes place.

Concern was raised that the process would inevitably lead to the privatisation of water services and reduced service activity. There was concern also that local expertise would be lost.

Members acknowledged that very little background information had been provided, a feature which was causing considerable concern amongst the general public.

Mr. Joe Peoples, Director Water & Environment responding to Members concerns noted that Local Authorities would be involved up until 2017. He was confident that in the short to medium term that there would be no diminution in the Donegal County Council service provision. Staff, he added, were protected through their Contracts of Employment with regard to their Terms & Conditions of Employment with the Council.

Welcoming the reply, Clr. Mc Garvey noted that there would be a further opportunity to discuss the situation at the Water & Environment Workshop scheduled for the 24th April, 2013

C/185/13 ADJOURNMENT OF MEETING

On the proposal of Clr. Murray, seconded by Clr. Gallagher, it was resolved to adjourn the meeting for a fifteen minute recess.

C/186/13 CALL FOR THE REPEAL OF THE PROPERTY TAX

On the proposal of Clr. Quinn, seconded by, Clr. Harvey, the following motion was adopted:-

"This Council calls on the Fine Gael/Labour Government to repeal the Property Tax."

Members were informed that:-

“As Members are aware, the Local Property Tax is to come into effect this year and will replace the household charge which was introduced on the 1st January 2012. Details on liability, valuation, deadlines within which to pay and other explanatory documentation associated with the Local Property Tax (LPT) is available on www.donregal.ie.

revenue.ie. Furthermore, letters are issuing from Revenue to all householders in the County to provide advice in this area.

As at 21st March, 39,415 households have registered for the Household Charge. In addition, 555 properties have registered for a waiver, which brings the total number of those who have registered to 39,970. This denotes a compliance rate of 61.2% when taking a figure of 65,331 as the liable number of householders as per the Central Statistics Office. The Council would like to acknowledge and thank all those who have registered to date.

The current charge payable in respect of the Household Charge liability is €130 but this may increase after the 30th April 2013. The charge that will be payable from the 1st July 2013 will be €200 and late penalty fees may also be incurred. Anyone not having paid the Household Charge will, on the 1st July 2013, be liable to pay it plus interest and any penalties applied, to Revenue, in conjunction with any LPT liability.

Given this, we would encourage all remaining householders who have yet to pay the Household Charge to do so without further delay to avoid the unnecessary payment of further interest and penalties to Revenue in the future.

The Minister for the Environment, Community and Local Government has confirmed acceptance in principle, that from next year, 80% of all LPT receipts should be retained within the local authority areas where the properties are based and that these receipts should be utilised by those authorities in their local budgets. As budgets remain limited, the LPT is likely to be a critical source of our funding in the future to help provide and maintain essential local services. The Council's capacity to continue to provide and maintain local services and facilities will be dependent on, inter alia, the level of LPT receipts which in turn will be dependent on the number of householders who register, pay and comply with the legislation."

Clr. Quinn noted that Sinn Fein had presently a bill before the Oireachtas to repeal the Household Charge, given that it was wrong and unfair to the vast majority of the population. Highlighting the many challenges facing home owners and tax payers, Clr. Quinn said it was clear that austerity was not working, with personnel

from within the IMF now admitting that it had not generated the anticipated results. It was, he added, a major burden on many families and totally inexcusable in that it was not linked to the ability to pay.

He called on all Members to support the motion in the best interests of the people of Donegal and to lobby their colleagues in Government to this effect.

Outlining his support for the motion Clr. Campbell stated that it was ironic that income generated from this charge would result in monies being taken out of the local economy, hitting small and local businesses in particular. He said that it would result in Donegal County Council having to find up to €600,000 in total over the next year and a half thus jeopardising other tax collection sources.

The Mayor while noting that the motion had been designated as “other”, advised that he had no objection to the debate being opened to the rest of the floor.

A number of Councillors indicated that whilst most people did not want to pay, it was the law of the land and Donegal County Council should support the collection of this charge.

It was imperative, they added, that the correct information was given by those opposed to payment of the tax and that the elderly in particular were adequately informed of the processes involved. They noted that the income generated would be used to pay public sector workers and that there was no other source of funding at present.

Clr. Gallagher responding to earlier comments advised that Sinn Fein could see the logic in paying some form of property tax if free education, health and public services were available. However, she said, that it was a completely different situation to Northern Ireland where people were not asked to pay a taxes for such services.

Clr. Mc Garvey outlined the need for a balanced approach in order to achieve a sustainable economy.

Clr. Farren took the Chair again for a brief period.

Clr. Mc Guinness informed Members that the property tax which was an extension of the household charge had been signed in by the Troika and he doubted that the government could repeal it even if they wanted to. He saluted those who had paid the charge advising that they were indeed true patriots. Responding to the comments re the provision of services in Northern Ireland, he noted, that it was not true to say that such services were free as such as there were still costs involved.

The Mayor returned to the Chair at this juncture.

A lengthy debate took place with a number of Members enquiring as to where the necessary revenue would be found should the tax be repealed.

The need for leniency was also acknowledged with calls made for more time to pay and a reduction in the number of penalties involved. The need for means testing was also advocated.

The Mayor highlighted the need to include specific exemptions for certain sections of society and advised that whilst he did not disagree with the motion it was imperative that all concerned obeyed the laws of the land. It was down to Members, he noted, to lobby for the most vulnerable in society. A mechanism such as a full independent judicial enquiry was needed to pursue this objective, he confirmed, with the way forward being the initiation of a challenge case on behalf of those most vulnerable.

Clr. Harvey stressed the fact that the motion was not asking people not to pay the property tax but rather repeal the legislation so that those most at risk did not have to pay. It was essential, she added that all parties worked together to explore realistic alternatives and that time was allocated at national level to debate the legislation in a rational way.

After further consideration it was resolved to take a recorded vote on the motion.

A recorded vote taken by the Meetings Administrator resulted in 10 voting for with 8 against and 1 abstention.

Those voting in favour included:-

Clrs Alcorn, Campbell, Canning, Crawford, Gallagher, Harvey, Mc Brearty, Murray, O' Domhnaill, and Quinn. (10)

Those voting against included:-

Clrs. Boyle, M. Doherty, P. Doherty, Farren, M. Mc Bride, Mc Guinness, Ryan and Slowey. (8)

Clr. Mc Garvey abstained.

The Meetings Administrator declared the motion carried.

C/187/13 REVIEW OF THE LEGISLATION DUE FOR THE TOWN OF LETTERKENNY ON 1ST MAY, 2013 REGARDING THE STOCKING, SELLING AND SALES OF CERTAIN FUEL TYPES WITH REGARD TO THE IMPACT ON THE FUEL MERCHANTS WHO ARE VALUED RATE PAYERS TO DONEGAL COUNTY COUNCIL

On the proposal of Clr. M. McBride, seconded by, Clr. Campbell, the following motion was adopted:-

"That Donegal County Council ask Minister for the Environment, Phil Hogan to review new legislation due for the town of Letterkenny on 01/05/2013 regarding the stocking, selling and sales of certain fuel types be reviewed, as this will have a massive effect on many of our fuel merchants who are valued rate payers to Donegal County Council."

Members were informed that:-

“The following is explanatory information relating to this issue as supplied by the Department of the Environment, Community & Local Government

Background

The ban on the marketing, sale and distribution of bituminous fuel (or ‘smoky coal ban’) was first introduced in Dublin in 1990 in response to severe episodes of winter smog that resulted from the widespread use of smoky coal for residential heating. The ban proved effective in reducing smoke and sulphur dioxide levels and was subsequently extended to other areas. The ban now applies in

twenty cities and towns. Air quality monitoring by the Environmental Protection Agency (EPA) has shown levels of particulate matter (PM10) are lower in these areas than in towns where the ban does not apply.

Research indicated that the ban in Dublin resulted in over 350 fewer annual deaths. An estimate of these benefits in monetary terms put the value at over 20 million euro. Additional benefits of the regulations have also been identified through the stimulation for householders to switch from using solid fuels, which generally are less efficient and more polluting, to more efficient and less polluting gas and oil. The associated reduced fuel costs to consumers were estimated at 184 million euro per year.

Following the improvement of air quality in Dublin, the ban was rolled out to other cities and large towns as follows:

- Cork City since 1995
- Arklow, Drogheda, Dundalk, Limerick City and Wexford Town since 1998
- Celbridge, Galway City, Leixlip, Naas and Waterford City since 2000
- Bray, Kilkenny, Sligo and Tralee since 2003
- Athlone, Carlow, Clonmel and Ennis since 2011.

Review and Public Consultation of the Smoky Coal Ban Regulations

On 12 April 2012, Minister Hogan announced a public consultation to inform and assist a review of the 'smoky coal ban' regulations. The purpose of the review was to ensure that the regulations remain fit for purpose in safeguarding air quality by limiting harmful emissions of air pollutants arising from the use of residential fuels. The consultation paper reviewed the regulations to date and identified relevant considerations relating to their effective implementation in the context of developments over the two decades since the ban was first introduced in Dublin.

Following the review of submissions received under the consultation process, several proposed enhancements and new initiatives were identified to improve the effectiveness of the existing legislation so as to consolidate air quality benefits to date,

and deliver further improvements across the country into the future.

- Boundary modifications and extensions to most existing smoky coal ban specified areas, in line with Census 2011 data;
- The extension of the ban to all of Dublin County, including suburbs and satellite towns;
- The ban will be applied in six new provincial towns (with effect from 01 May 2013) because they have populations over 15,000 people - Greystones, Letterkenny, Mullingar, Navan, Newbridge and Portlaoise; Wicklow Town is also to be included following requests from members of the public, Wicklow County Council and local representatives;
- A prohibition on the burning of bituminous or smoky coal is also being introduced to complement the existing ban on the marketing, sale and distribution.

Regulations

These improvements have now been given effect through new consolidating regulations - the Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012 (S.I. No. 326 of 2012). These Regulations also incorporate the existing provisions of earlier regulations.

Extension of the ban

Under the new Regulations the smoky coal ban will be applied to the following towns with effect from 01 May 2013.

- Greystones
- Letterkenny
- Mullingar
- Navan
- Newbridge
- Portlaoise
- Wicklow Town

The lead in period will allow time for local authorities and solid fuel retailers to prepare for the switchover to smokeless fuels.

Ban on burning

A ban on the burning of smoky coal and other prohibited fuels now applies in all smoky coal ban specified areas to complement the ban on the marketing, sale and distribution.

Enforcement

The Regulations continue to be enforced by local authority authorised persons. Authorised persons may undertake inspections of premises and vehicles being used for the sale and distribution of solid fuel as well as collect samples.

A local authority may bring a prosecution under section 11 of the Air Pollution Act 1987 for breaches of the Regulations. Under the Environment (Miscellaneous Provisions) Act 2011 the maximum fine amounts for breaches of the Regulations have been increased to 5,000 euro on summary conviction. Fixed payment notices (or 'on the spot fines') were also introduced for alleged offences relating to the marketing, sale and distribution of prohibited fuels in specified areas. Persons found to be marketing, selling or distributing prohibited fuels in breach of the Regulations are now liable for a fixed payment notice of 1,000 euro.

Local authorities submit reports of inspection activities to the EPA Office of Environmental Enforcement, which has an oversight role.”

Clr. M. Mc Bride outlined in detail many of the problems associated with the introduction of the new legislation. The situation was now serious, he noted, in that 30% of the bituminous coal sold in Letterkenny was sold to customers outside the Letterkeny Urban Area and that the new legislation when enacted would effectively destroy 30% of the coal merchant's trade in Letterkenny. It was acknowledged also that the onus would now be on the supplier not to carry specific stock. He called for the removal of the restrictions on coal merchants in the town, advising that it was not the role of these traders to police the burning of smokeless fuel.

Clr. Quinn advised however that the Air Pollution Act, (Regulations 2012) did not disallow the selling of bituminous fuel, but rather placed the onus on coal distributors to keep a record of where the coal was going.

Concern was expressed as to whether the Council would have to police and enforce this legislation.

Clr. Farren took the chair for a brief period at this juncture.

Mr. Garry Martin, Head of Finance, Director of Emergency Services, advised that the relevant regulations were contained in the Air Pollution Act, (Marketing, Sale , Distribution and Burning of Specified Fuels) Regulations 2012 (S.I No 326 of 2012). These, he stated, were evolving and provided for the sale of bituminous fuel so long as a dedicated record of sale was maintained. He agreed to circulate a copy of same to all Members.

Clr. Mc Bride said that there was a certain amount of confusion associated with the process and the DCC Enforcement Officer had already called to a number of businesses in the Letterkenny area. There was, he noted, conflicting information being provided at present.

He asked that relevant clarification be provided as soon as possible to coal merchants in the Town.

C/188/13

COUNTY MANAGER'S REPORT

Members considered the County Manager's Report and Addendum circulated during the meeting. An update was provided in relation to the following:-

1. Roads & Housing Design
 - (a)Additional Funding for Drainage Works
 - (b)Redistribution of Roads Grants
 - (c)Specific Improvement Grants
2. Housing & Corporate Services
 - (a)Social Housing Investment Programme
 - (b)Housing Adaptation Grant Schemes for Older People and People with a Disability
3. Water & Environment
 - (a)Operation of Civic Amenity Sites
4. Finance & Emergency Services
 - (a)Gorse/Wild Fires

C/189/13 MOTIONS UNDER URGENT BUSINESS

Motion No 1 Wind Turbine at Loughderryduff

Members considered the following motion submitted under urgent business at the Meeting of Donegal County Council held on the 25th March, 2013:-

“That this Council discuss the impacts which the collapse of the Wind Turbine at Loughderryduff will have on the landscape and any measures which this Council intend to take to ensure that such an event does not take place again by way of putting in place proper set back distances to eliminate dangers.

On the proposal of Clr. O’ Domhnaill, seconded by, Clr. Gallagher, it was resolved to adopt the motion as outlined above.

Clr. O’ Domhnaill said that there were many questions to be answered in relation to the event at Loughderryduff and enquired if any information was available as to why the turbine fell. He asked also if Donegal County Council had any contact with the manufacturers or owners of the Wind Farm or whether they themselves has corresponded with the Council. Questions needed to be answered, he said, as to the nature of the investigation, who had carried out the investigation, and what role if any had been undertaken by Donegal County Council.

He advised that he had a list of questions which he would submit to the Director of Community, Culture and Planning in due course.

It was clear, he affirmed, that wind speed was not a factor and that high winds were not involved. The rotors from the turbine had, he advised, travelled a considerable distance and thus raised proximity issues. It was acknowledged that questions needed to be asked also in relation to the strength of the bolts and whether or not the base was of adequate strength.

The situation was worrying, he added, given that there were no clear set back distances provided for in Donegal. This was something, it was noted, needed to be considered further by the Planning SPC.

He further enquired as to whether or not the other turbines had been reassessed before re-starting and what role if any did the

Council have in the ensuing investigation. Queries were raised also in relation to the following:-

- Whether or not that all of the fallen turbine had been accounted for.
- The results of the investigation and whether or not they would be made public.
- Whether or not the full planning file could be made available online
- In the case of an accident and the possibility that a turbine could fall on a car on a public road who would ultimately be responsible?

He called for a stay to be put on all Wind Turbine applications at planning stage and in operation until a thorough investigation had taken place.

The public it was noted needed to be reassured as to who was actually responsible and needed to have an input into to the discussion on set back distances.

He outlined the need to progress off shore wind production at this juncture.

On the proposal of Clr. O' Domhnaill, seconded by, Clr. Gallagher, it was resolved that the manufacturers and owners of the wind turbines at Loughderryduff be invited to met with Members to discuss the outcome of the investigations at the site.

Clr. Gallagher asked that no further wind farm applications be approved until national regulations were put in place.

She advised that regulation was urgently required and that renewable energy should not be delivered at the expense of local indigenous communities. It was important, she added that wind energy was treated as a valuable natural resource and every effort made to avoid the privatisation of the industry.

Clr. Campbell enquired in relation to the following:-

- Whether the turbine had been decommissioned.
- Was there a bond in place to cover it?

- Can the company in question re-erect the turbine and is planning permission required?
- Have the planning been fully complied with and conditions attached adhered to?
- Did Donegal County Council monitor the installation of the turbines?
- Does the Council have the capability to monitor and assess planning applications for wind farms properly?
- Did the Council send out personnel to investigate?
- Has the Council considered or set up an investigation?
- Have the company involved been contacted with regard to a report on the incident?
- Did DCC Planning staff conduct their own investigation?
- The need for a local public enquiry.
- Whether or not the other turbines on site had been checked and whether DCC had the capability to do this.

Concern was expressed that some of the other turbines on site were in operation again, and that one in particular had become operational two whole weeks after the incident in question. Members outlined the need for the VESTAS Report to be published and presented to Donegal County Council for examination. Concern was raised also as to whether or not permission was needed to erect the turbines that had fallen down and the mechanism if any to look at the other turbines on site.

The Mayor returned to the Chair at this juncture.

Mr. Michael Heaney, Director Community, Culture & Planning confirmed that the site had been inspected in 2008 and all 9 turbines had been erected in accordance with the planning permission as granted.

Planning permission for the site had, he confirmed, ran out in 2009 and any turbines that needed to be re-erected would require new planning permission. The turbine in question it was noted was a wreck and would have to be disposed. The company's own engineers and the manufacturer in question were both looking into the matter and a report was being forwarded to the Health & Safety Authority.

North West Wind Ltd had, he affirmed, given assurance that they would share the content of any report with Donegal County Council.

He reminded Members that the Council had no role in the construction standards of these turbines but would ultimately get access to the Loss Assessors Report.

Members called again for VESTAS or North West Wind Energy Ltd to be invited to meet with the Council to discuss the matter.

Mr. Heaney responding to the request to have a stay put on all planning permissions advised that it was not possible to do so but indicated that a policy obligation could be inserted placing specific restrictions on any future owners of Wind Farms.

He advised that a thorough examination of the remaining eight turbines had been carried out by the Company's own engineers who had deemed them safe to start again.

The County Manager reaffirmed the advice given by the Director of Community, Culture & Planning, that it was not possible to take a decision not to grant planning permission and that planning legislation had to be complied with in the first instance. Thus, he noted, it was not possible to put a stay on or refuse to process a planning application.

Members enquired also if Donegal County Council intended to investigate the matter and whether there would be any examination of the standard of materials used.

Clr. O' Domhnaill concluding the debate noted that parameters within the Local Government Act, 2001 did allow for a full independent public enquiry.

The County Manager advised that the relevant reports needed to be assessed in the first instance and then consideration given to the relevant planning code to allow Donegal County Council as a planning authority deal with matters within their remit. Responding to Clr. Campbell on the competency issue, he agreed to provide further clarification outside of the meetings process.

Motion No 2- Croke Park 2

Clr. Quinn said he was of the opinion that Impact had coerced its members into accepting the terms of the Croke Park 2 Agreement, a move which, he advised was grossly unfair given that the agreement in itself was anti-women and anti-family. Over the last number of years public servants, it was noted, had been subjected to a range of pay cuts and many were now struggling to pay mortgages secured on previous income limits. The motion as submitted, it was confirmed, acknowledged the right of the public servants concerned to reject Croke Park 2 proposals.

Thus on the proposal of Clr. Quinn, seconded by Clr. Murray, it was resolved to adopt the following motion:-

“This Council shares the concerns of the Trade Unions and Associations who are calling on their Members to reject the Croke Park 2 Agreement and supports their position”.

C/190/13

MAYORS BUSINESS

Votes of Sympathy

A vote of sympathy was extended to the following:-

- Julie Mc Mahon, Water & Environment on the death of her mother, Lynn Reilly.
- Julie Mc Mahon, W.E.E on the death of her mother-in-law, Anne Mc Mahon.
- Lucia Friel, Water & Environment on the death of her father, Vincent Kilcawley.
- John Porter, Buncrana Fire Station on the death of his father, Patrick Porter.
- Breid Gallagher, Corporate Services on the death of her father, John Bonar.
- Carmel Kelly, Training Centre, Stranorlar on the death of her father, John Bonar.
- Liam Ward, Director Housing & Corporate on the death of his father-in-law, John Bonar.
- Liam Carr, Falcarragh Fire Station on the death of his sister, Bernadette Carr.
- Caroline Carr, County Museum on the death of her sister, Bernadette Carr.
- Margaret Fitzgerald, Planning on the death of her grandmother, Margaret Bonner.
- Cllr Patrick Mc Gowan on the death of his aunt, Margaret Bonner.

- The family of the late Michael O' Donnell, former Donegal County Councillor 1960-1967.
- Christine Lynch, Debtors Management on the death of her brother, Adrian.
- Margaret Hanlon, Income Collection Unit, Letterkenny, on the death of her father Corney Hanlon.
- The family of former Councillor Bernard Mc Glinchey.

Duffy's Circus

The Mayor thanked Duffy's Circus for the donation of tickets to national schools in the Stranorlar Electoral Area.

Run Donegal Womens 5K

Congratulations was extended to all involved in the Run Donegal Womens 5k held on the 14th April, 2013 at Finn Valley AC. The event it was noted raised €3359.50 for Breast Cancer Care.

The Mayor thanked Members and the media for their co-operation during the course of the meeting.

The following questions were noted by the members:-

C/191/13 COUNCIL OUTLINE OF FINDINGS OF THE HIGH COURT IN RELATION TO THE SCHEME FOR UNFINISHED ESTATES

The following question was submitted by Clr. Harvey:-

"To ask the Council to outline the findings of the High Court in relation to the Scheme for Unfinished Estates and the implications of this ruling for other Unfinished Estates in the County?"

Clr. Harvey was informed that:-

“The High Court judgement in relation to the case in the south of the County is currently being examined with the view to its impact on the current Donegal County Council policy on the take over of housing developments. It is anticipated that this matter will be discussed with members at the earliest possible opportunity.”

C/192/13 LIST OF THE PUBLIC RIGHTS OF WAY IN THE STRANORLAR ELECTORAL AREA AND THE PROTECTION BY THE COUNCIL OF THE RIGHTS OF THE PUBLIC TO ACCESS THE RIGHT OF WAYS

The following question was submitted by Clr. Harvey:-

"To ask the Council to give a list of designated public rights of way in the Stranorlar Electoral Area and to outline the procedure taken by the Council to protect the right of the public to access the right of way in cases where there is ambiguity over the ownership of the land or where the public have been denied access to the land by a private person?"

Clr. Harvey was informed that:-

The County Donegal Development Plan 2012-2018 includes a series of both policies and objectives which secure the preservation of rights of way giving access to the countryside in general throughout the County. In addition in Chapter 10, Development and Technical Standards, Section 10.12 (refers) a list of walking routes and cycle-ways is included and in Section 10.13 a table (No. 34) is inserted which sets out 44 individual public rights of way in the County which are identified on Map no. 10. Walking Routes that are within the Stranorlar Electoral Area include Sli na Finne, Drumboe Woods, Lough Mourne to Barnesmore, and Trusk Lough; No specific Public Rights of Way within the Stranorlar EA have been referenced but this does not affect the existence or validity of any public right of way.

Walking and trails development has been a priority area for Donegal County Council over recent years within the context of our promotion of tourism and natural resources for the benefit of all parts of the County. In addition there has been a close working arrangement with the Rural Recreational Officer of the Donegal Local Development Company who is funded under the Leader programme, to advance the opening up, continuation and preservation of a range of rights of way throughout the County. Donegal County Council will continue to explore appropriate funding opportunities to further develop the extensive walking infrastructure, and through its partnership with community/landowners and its County Development Board partners, be able to maintain and promote the County natural resources in relation to this sector. It is the partnership approach that will best deliver the full potential of access to the natural resources of the County. Should issues arise in respect of access then they will be dealt with on a case by case basis.

C/193/13 COUNCIL ACTIONS TO AVOID PUBLIC INFORMATION GAPS IN TRANSBOUNDARY PLANNING APPLICATIONS

The following question was submitted by Clr. Crawford:-

"What action can this Council take to avoid any possible public information gaps in transboundary planning applications i.e. to make public more aware of applications?"

Clr. Crawford was informed that:-

“Applications that have a transboundary element are required to be publically advertised by the neighbouring jurisdiction through which public comment and participation is invited. In the event of the receipt of documents associated with such an application Donegal County Council prepares and places an advertisement relating to the application (in accordance with Article 132 of the Planning & Development Regulations), identifying the nature, scope and location of the development and inviting submissions. Any submissions received as part of the consultation process are to form part of the subsequent consultations with the Minister and with the neighbouring jurisdiction. The legislation as it is currently configured does not provide for an alternate means of formal consultation.”

C/194/13 UNFINISHED ESTATES WHICH RECEIVED A WAIVER FROM HOUSEHOLD/PROPERTY TAX

The following question was submitted by Clr. Crawford:-

"Where does this Council stand as regards the number of unfinished estates which received a waiver from household/property tax and what criteria was used?"

Clr. Crawford was informed that:-

“The list of areas eligible for the property tax waiver has been formally published by Government. Details of those eligible developments are available via the Department of the Environment, Community & Local Government and Revenue websites. Links to the relevant information have been also put on Donegal County Councils website [www.donegal.ie]. The criteria used to determine the eligibility for inclusion on the list were determined by the Department and identified those developments, or parts of developments, that were in a seriously problematic condition.

These criteria included assessment under the following six headings:

- The condition of the access road serving the development
- The condition of footpaths serving the development
- The extent of public lighting;
- Potable water supply
- Waste water treatment to a level that does not give public health concerns:
- The provision of open space.”

C/195/13 EMPLOYMENT OF ROADS MAINTENANCE STAFF AND THE POT HOLE CRISIS IN THE COUNTY

The following question was submitted by Clr. McGowan:-

"Can a report be given on when the Council will be in a position to take on additional Roads Maintenance Staff, and in the interim can the Pot Hole Repair Lorry be contracted in, to deal urgently with the crises on our potholed roads especially in the Stranorlar area?"

Clr. McGowan was informed that:-

“The recruitment and promotion moratorium announced on 27th March 2009 operates in respect of the civil service, local authorities, non-commercial state bodies, the Garda Síochána and the Permanent Defence Forces. It applies to Donegal County Council as a Local Authority.

Local Authorities have limited sanction to make acting appointments for up to four months with Departmental permission required for periods longer than this or for temporary appointments on a fixed-term basis. In all cases every effort must be made to fill the post by redeployment.

The Council has sanction to make some temporary seasonal appointments for 2013. Beyond 2013 the exact recruitment requirements for outdoor staff in the Roads Division are dependant on a number of factors including: the Council’s outdoor staffing requirements following the creation of Irish Water; the number of staff that choose to take any redundancy package or exit mechanism that may be made available to them and available budgets for work. In addition, the changes proposed for Town Councils could affect the County Council staffing compliment.

Further to the Department of Transport Tourism and Sport circular regarding flexibility around state grants have allocated additional funds of between 5-15% of the Restoration Improvement Grant in each electoral area to general maintenance. This equates to between €180,000 and €1.4m additional funding for maintenance works. The exact figure will be determined following consultation with members at a countywide and electoral area level.

Use of this flexibility would give Stranorlar Electoral Area an additional €100,000 to €200,000 for general roads maintenance purposes over and above other maintenance monies. It would need to be spent over the next eight months. In addition, the decision to not draw on the 7% from the Discretionary Grant for LIS Schemes will see an additional €5,000 going to General Maintenance in Stranorlar Electoral Area.

The carrying out of surface repairs on roads, whether outsourced or in house, along with the methodology for carrying out repairs by velocity patcher or manually or using bound macadam is controlled and managed by each area within their available budgets.”

C/196/13

FUTURE PRIORITISATION AND THE DIRECTING OF FUNDING TO COMMUNITY PROJECTS FROM VARIOUS AGENCIES

The following question was submitted by Clr. McGowan:-

"Will the Manager give a detailed report on Community Facilities across the County including, FRCs, CDPs, Youth Cafes/Youth projects, MABs, Citizens Info Centres, and other Community Projects which receive annual funding from various agencies in order to highlight which large populated areas have little or no such resources so that future strategies/funding can be prioritised and directed to these areas in future?"

Clr. McGowan was informed that:-

“At present there are 732 community and voluntary groups registered with the Donegal Community Directory. This was last updated in August 2011. A complete directory by geographical remit is available on www.donegal.ie. Under the guidance of the County Community Forum, the Social Inclusion Unit and the Research and Policy Unit are currently in the process of updating

this register, removing defunct groups, adding new groups and mapping these groups to their x,y coordinates. This directory will be completed by Sept 2013 and will be the definitive directory of community and voluntary activity for the county.

The SPACEial NW project is currently mapping to Electoral Division Level, funding received through programmes like INTERREG and PEACE etc and this will be completed by November 2013.

The completion of both exercises will allow the council or other decision makers to examine funding that has been allocated into an area in relation to the number of community and voluntary groups within the same area or in relation to other datasets like population, settlements, sports and recreation infrastructure, social infrastructure etc. It will allow for more evidenced based decisions.”

C/197/13 OUTSTANDING MONIES TO DONEGAL COUNTY COUNCIL UNDER THE NON DOMESTIC WATER METERING PROJECT

The following question was submitted by Clr. Slowey:-

"How much money is outstanding at the end of 2012 to Donegal County Council under the Non Domestic Water Metering Project? The total outstanding at the end of 2012 and a breakdown of the outstanding amounts per Electoral Area please?"

Clr. Slowey was informed that:-

“The total amount outstanding for non domestic water at the end of 2012 was €8,831,128. This does not include bills issued in 2013 for water used in 2012. The accrued figure to include this will be reflected in Appendix 7 of the Annual Financial Statement for 2012 which is currently under preparation.

The monies outstanding per Electoral Area is broken down as follows:

Inishowen EA - €1,744,561
Donegal EA - €3,265,937
Glenties EA - €803,347
Letterkenny EA - €1,544,067

Stranorlar EA - €1,473,216

A staff member in each Electoral Area is dedicated to the collection of non domestic water charges with administration support from colleagues at Headquarters and technical assistance from the Water and Environment Section.

The total amount collected for non domestic charges in 2012 was €6.372m and this was an increase of €1.3m when compared with the collection figure for 2011.

This is a very positive development and the target in 2013 is to strive to further increase the collection figures again this year.”

C/198/13 RE-ESTABLISHMENT OF A LIBRARY IN GLENTIES TOWN

The following question was submitted by Clr. Slowey:-

"What are Donegal County Council doing to fulfil their promise to re-establish a library at Glenties Town?"

Clr. Slowey was informed that:-

“The old Fire Station site is earmarked for a new library in Glenties and the site will be retained by the Council for this purpose. Glenties is on the Cultural Services Capital Building Programme approved by Council.

In the interim, and since the previous part-time library (6 hours per week) closed in 2003, the Council sought a community partnership model to continue library services in the town. Several options were explored but it was not possible to locate a suitable & affordable location nor a community partner.

The libraries in Dungloe, Ballybofey and Letterkenny are available to all Donegal residents and visitors. For details of services and opening hours please see www.donegallibrary.ie.”

C/199/13 PUBLIC LIGHTING ON THE N56 AT MEENACUING
GWEEDORE

The following question was submitted by Clr. Alcorn:-

"Why have the Public Lights that were erected on the N56 at Meenacuing, Gweedore a few years ago as a pilot scheme, not been replaced as promised, as the present lights are a disgrace?"

Clr. Alcorn was informed that:-

“The NRA has agreed to fund a new pilot scheme to replace these lights. The new lights are currently being developed by the NRA and Donegal Co Co in conjunction with a number of Irish companies. This project aims to provide a solar powered light that conforms to current EU standards for public lighting. The lights need to be tested on a trial basis and proven to be adequate, before they will be erected at Meenacuing along the Route N56.”

C/200/13 BREAKDOWN OF FIGURES REGARDING THE LIS FROM 2004 – 2012 FOR THE COUNTY AND THE GLENTIES ELECTORAL AREA

The following question was submitted by Clr. Alcorn:-

"What allocation did Donegal County Council receive for L.I.S. Scheme from 2004 on a yearly basis to 2012. Could I have total for (a) County (b) Glenties Electoral Area.?"

Clr. Alcorn was informed that:-

Vide Appendix 2

C/201/13 UPDATE REPORT AND TIMEFRAME FOR THE CONSTRUCTION OF A BREAKWATER WALL AT MAGHERAROARTY PIER

The following question was submitted by Clr. O’Domhnaill:-

"Can I be supplied with an up to date report on Magheraroarty Pier, outlining the annual cost of dredging, problems associated with the pier design as well as an expected date for commencement of construction and costing for a Break Water Wall which is now needed and was advised by local fishermen at the time of Pier construction?"

Clr. O’Domhnaill was informed that:-

“The annual cost of dredging the harbour is about €2,000.

A consultant is preparing design documentation and costings to enable a foreshore application to be made for a breakwater/groyne to prevent siltation in the harbour basin. It is expected that a foreshore application will be lodged in April. An application can then be made for funding the project.”

C/202/13 TOTAL OF ROADS MONIES ALLOCATED TO EACH ELECTORAL AREA IN THE YEARS 2007 TO 2013

The following question was submitted by Clr. Gallagher:-

"How much roads money in total was granted to each Electoral Area in the years 2007, 08, 09, 10, 11, 12, 13?"

Clr. Gallagher was informed that:-

Vide Appendix 3

C/203/13 CONNECTION OF PUBLIC WATER SUPPLY TO THE DRUMNATINNEY BEACH IN FALCARRAGH

The following question was submitted by Clr. O’Domhnaill:-

"Can a Public Water Supply be connected forthwith to the Drumnatinney Beach in Falcarragh so as to allow for the beach to reach it's full potential?"

Clr. O’Domhnaill was informed that:-

“The Council will examine the feasibility of extending the water supply to Drumnatinney Beach, Falcarragh in the context of the length of new mains required, road opening and reinstatement, availability of water supply and the implications, if any, for existing consumers. A report will be brought to the Glenties Electoral Area Committee.”

C/204/13 CLARIFICATION AS TO THE REASONS IN THE INCREASE OF ROAD TRAFFIC ACCIDENTS AFTER LONG DRY SPELLS

The following question was submitted by Clr. Canning:-

"Is this Council within the roads section using a different tarmac surface than previous, if not do they have an answer as to the increase in road accidents after long dry spells?"

Clr. Canning was informed that:-

“The Council uses standard surfacing materials as specified by the National Roads Authority Design Manual for Roads and Bridges and specifications. A variety of materials are used in various locations in accordance with the national specifications and these have been in use for a number of years in accordance with the guidelines set out by the NRA and DOTTS.

The Council is not aware of a significant generalised increase in accidents after long dry spells. From time to time the Council and the NRA measure skid resistance on the national and regional road network. This is also done where specific issues are notified or become apparent. Where members are concerned in relation to a specific location these should be addressed in the normal way through the local area.”

C/205/13 UPGRADE OF THE ABESTOS WATERMAIN AT THE POUND COTTAGES IN BURT

The following question was submitted by Clr. Canning:-

"Does this Council have any proposals to upgrade the asbestos watermain at the Pound Cottages at Burt?"

Clr. Canning was informed that :-

“There are 300 metres of asbestos cement watermain at this location. An average of one or two bursts occur on this section of pipe each year. An analysis has been carried out and it has been identified that the problem occurs because of pressure rising to an unnecessary level late at night. It is not necessary to replace the pipe if the pressure can be prevented from rising to the excessive levels that cause the bursts. To this end a pressure control valve will be fitted to prevent the water pressure in this section of pipe rising above the level needed to ensure that the highest house served continues to have water at it's normal day-time pressure. This work should be carried out in early April.”

C/206/13 OUTLINE OF EFFORTS AND THE FUTURE INTENTIONS OF DESIGNATION OF BATHING WATERS AT CARNAGARVE BEACH, MOVILLE

The following question was submitted by Clr. Murray:-

"Given the Council's stated commitment to achieving designation of bathing waters at Carnagarve Beach, Moville, can the Council outline its efforts in this regard and also explain its future intentions?"

Clr. Murray was informed that:-

"A number of applications have been received for the designation of Bathing Waters, including at Carnagarve.

It is Council policy to achieve the highest number of Blue Flag designations in the country. The Council has decided this policy and to apply the limited financial resources to this priority area at this time rather than applying resources to the designation of additional Bathing Waters.

In 2012 this took a significant step forward with 13 Blue Flags awarded (this puts Donegal on a par with Mayo and Kerry). An analysis of the suitability of beaches with Green Coast designations has been prioritised to assess the potential to increase the number of Blue Flags further. The maintenance of the existing Blue Flags and Green Coast awards already places major demands on the resources of the Council. Despite this the Council is continuing to maintain this policy decision on beaches as the Council is mindful of the very significant potential that Donegal beaches have to promote the County as a tourist/visitor destination, within its overall range of initiatives on tourism promotion."

C/207/13 UPDATE ON THE POSITION REGARDING THE MOTION SUBMITTED IN JUNE 2011 BY CLR. MCGUINNESS REGARDING THE SEWAGE TREATMENT PLANTS IN CULDAFF

The following question was submitted by Clr. McGuinness:-

"What is the position with regard to my motion (outlined below) and submitted for the June 2011 Council Meeting re Sewage Treatment Plants in Culdaff?"

"That this council carry out an assessment of the sewerage treatments that are at present servicing the village of Culdaff and its environs; all treatment plants, private and public, plus individual septic tanks and puraflo plants, with the possibility of one

upgraded treatment plant servicing all and also a report on pollution levels presently in the area."

Clr. McGuinness was informed that:-

"There are currently 8 separate waste-water treatment systems/septic tanks serving different housing developments and the town of Culdaff. Following the adoption of the motion by the Council a preliminary design has been carried out and is summarised as follows: -

Based on the number of houses currently in the village and the business units that would need to be served by a treatment plant and allowing for future growth the capacity of any plant would need to serve a population equivalent of 1,100.

The system will discharge it's treated effluent into the Culdaff river feeding out into the Blue Flag Culdaff beach. The standard of treatment will require disinfection to bathing water standards.

It is estimated that in excess of 3 km of sewer network will be required to bring all of the package plants, and those houses in the village currently not served by a sewerage treatment process, to a single waste-water treatment plant.

Because of the topography in the area there is no site at a low level that will allow gravity flow to any suitable location therefore a main pumping station will be required plus at least one additional pumping station to serve some of the package plants.

The cost of providing this is estimated at approximately €2.2m for the treatment plant, main and network pumping stations, and the sewer network. A full and more detailed scope of the works required would need to be evaluated through a preliminary report which would include a topographical survey, cctv survey, flow and load survey and outfall modelling.

Culdaff is currently not on any programme from which funding for this scope of works could be secured."

C/208/13

UPDATE RE NOVEMBER MOTION BY CLR JACK MURRAY
REGARDING UNFINISHED ESTATES WITH PROBLEMATIC
WASTEWATER TREATMENT FACILITIES

The following question was submitted by Clr. Murray:-

"What follow-up has been done following the successful passing of my motion at the November Council Meeting? Can the response give specific reference to Stoneybridge and Aileach Valley Estates in Bridgend as they are clearly affected by the passing of that motion?"

Clr. Murray was informed that:-

“The on-going work in relation to the infrastructural issues arising from unfinished developments in the county is progressing. Significant effort has been put into getting resolutions where it has been possible to get agreement on priorities and to identify potential funding for remedial works to be undertaken. Difficulties persist in progressing developments, such as those mentioned, where they are substantially complete but where there are ongoing maintenance issues, especially with private waste water treatment plants. The Council will continue to actively engage with residents and other stakeholders to seek resolutions on sites such as these.”

C/209/13 LIS FUNDING IN 2013

The following question was submitted by Clr. McGarvey:-

"Is there any possibility that this Council will get funding for L.I.S. work this year?"

Clr. McGarvey was informed that:-

“There is no separate allocation available this year towards LIS work, however Local Authorities may use up to 7% of their Discretionary Grant towards LIS should they wish to do so.

The Members of the Council agreed at the Roads Workshop on 21 March 2013 to not draw on the 7% mentioned above from the Discretionary Grant and to write to the Department seeking a specific allocation for LIS Schemes.”

C/210/13 SOURCING OF FUNDING FOR THE REPAIR OF FOOTPATHS IN THE COUNTY AND IN THE OLD MILFORD AREA IN PARTICULAR

The following question was submitted by Clr. Blaney:-

"Will this Council attempt to source funding for footpath repairs in the County, and make the old Milford area a pilot project area?"

Clr. Blaney was informed that:-

“The Council have provided some funding from its own limited resources as detailed in the budget for footpath repairs along with other road repairs. Additional funds are also provided from the Discretionary Grant . The allocation of these funds to different priorities and activities is generally agreed locally.

With the exception of the Department of Transport Tourism and Sport, external funding for footpaths has tended to be only for new capital works. The Development Contribution Scheme had funded a number of footpath improvements over the years; however, that funding stream has now reduced significantly.

In recent years the Council have accessed a number of additional sources of funding for new capital works including the Department of Transport Tourism and Sports funds for smarter travel along with EU funds received through SEUPB. The Department of Transport Tourism and Sport have recently announced a new community involvement scheme which may offer opportunities under this heading and the Council will follow up on this with the department and advise councillors if this approach is successful. Separately, if Cllr. Blaney has particular location in mind that would be appropriate for external funds, the staff at an area and divisional level will be happy to discuss this.”

C/211/13 PRORPOSED TIMEFRAME FOR THE TARRING OF THE BALLYMAGOWAN BRAE

The following question was submitted by Clr. Blaney:-

“When does this Council propose to tar the link road at Ballymagowan towards the Kerrykeel/Portsalon road, known locally as the Ballymagowan Brae?"

Clr. Blaney was informed that:-

“Ballymagowan Brae has been allocated €37,500 under the 2013 Restoration Improvement programme. The Roads Section plan to Bitmac and Surface Dress a 400m Section of this road. It is

intended that Bitmac works will be done in May to allow the Surface Dressing to be done before the end of August.”

C/212/13

PROVISION OF LIBRARY SERVICE IN RAMELTON

The following question was submitted by Clr. McGarvey:-

Is there any intention to provide Library Service in Ramelton now or in the future?"

Clr. McGarvey was informed that:-

“Some rationalisation of public library services has taken place in recent years in line with changes to staffing levels and budgets. The Council is committed to providing Library Services across the county from a network of key locations, those closest to Ramelton include the Central Library in Letterkenny and Milford Library at Milford Public Service Centre.

In areas where it is not possible to provide branch library services we have utilised the Taobh Tire model which sees the library service work in partnership with local communities to provide access to library materials etc. Some discussions have taken place with regard to this type of model for Ramelton and it would be proposed to pursue this model subject to the normal requirements of this programme e.g. with regard to community involvement and to a community commitment to work in partnership with the library.”

This concluded the business of the meeting.