

MINUTES OF ADJOURNED SEPTEMBER MEETING OF DONEGAL
COUNTY COUNCIL, HELD IN THE COUNTY HOUSE, LIFFORD ON 29TH
SEPTEMBER, 2014

C/434/14 MEMBERS PRESENT

Cllrs J Campbell (Cathaoirleach), C Brogan, P Canning, T Conaghan, G Crawford, N Crossan, A Doherty, G Doherty, L Doherty, R Donaghey, M Farren, M T Gallagher, J Kavanagh, N Kennedy, M C Mac Giolla Easbuig, F McBrearty, J P McDaid, M McDermott, I Mc Garvey, P McGowan, B McGuinness, G McMonagle, J Murray, S O'Domhnaill, J S O'Fearraigh, B O'Neill, M Quinn, J Ryan, T Slowey.

C/435/14 OFFICIALS IN ATTENDANCE

Mr Seamus Neely, Chief Executive, Mr Liam Ward, Director of Housing, Corporate & Planning Control/ Meetings Administrator, Mr Garry Martin, Head of Finance & Director of Information Systems & Emergency Services, Mr Joe Peoples, A/Director of Water & Environment, Mr Michael Heaney, Director of Community Culture & Planning, Mr Stephen Flynn, A/Director Roads & Transportation, Ms Anne Marie Conlon, Communications Officer, Ms Anne Marie Crawford, Staff Officer, Corporate Services.

C/436/14 APOLOGIES

Apologies were received from Cllrs Blaney, Harley, and Mc Eniff and Jordan who were unable to attend the meeting.

C/437/14 TO CONSIDER REPORT ON PROPOSED AMENDMENTS TO STANDING ORDERS.

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

The Meetings Administrator drew Member's attention to the following noting that the amendments in question had also been discussed at the Corporate Workshop held earlier in the month;-

Standing Order No 5

Members to consider the following options:-

Option 1- Holding of Ordinary Meetings of Council on the last Monday in the months of January, March, May, July, September, and November.

Option 2 – - Holding of Ordinary Meetings of Council on the last Monday in the months of January, March, April, May, July, September, October and November.

Standing Order No 8

Order of Business to be as follows:-

- (a) Confirmation of Minutes,
- (b) Business prescribed by Statute, Standing Orders or Resolutions of the Council for transaction at such meeting,
- (c) Consideration of report and recommendations of committees of the Council,
- (d) Other business set forth in the Notice convening the meeting
- (e) Notices of motions.
- (f) Cathaoirleach's Business,
- (g) Chief Executive's Report
- (h) Members written questions
- (i) Motions from other Local Authorities

Standing Order No 12

It was noted that it had been agreed at the July 2014 Council Meeting to amend the quorum for Council Meeting to 11 No Members.

Standing Order No 18

Members were informed of their entitlement to submit one original motion for the ordinary meetings of the Council and that such Motions should relate to county-wide and strategic issues only. Motions relating to local issues, it was confirmed, should now be submitted to the relevant Municipal District in the first instance and not be listed on the agenda at plenary level.

Standing Order No 19

Attention was drawn to the change in the submission time for Motions and Questions and that they should now be delivered to

the Meetings Administrator no later than 12 noon on the Friday Week preceding the Monday of the Meeting.

Standing Order No 21

Each Member, it was noted, was entitled to submit a total of two questions to an Ordinary Meeting of Council, or three depending on whether or not a Motion had been submitted. Again attention was drawn to the fact that the questions should relate to county-wide matters only.

Standing Order No 27

Members were informed that the Corporate Policy Group had recommended that Motions Under Urgent Business should now be signed by 9 Members and not 5 as was the case previously. Attention was drawn also to the following requirements and criteria:-

(a) “Notwithstanding any other provisions of these Standing Orders, a Motion to deal with some particular item (not on the agenda) as “Urgent Business” signed by not less than nine members shall be accepted by the Cathaoirleach on the day of an ordinary meeting prior to the end thereof or 12 noon (whichever be sooner), subject to the following:

- (i) Where a Member proposes to submit a motion under Urgent Business, a typed copy of the motion must be provided to the Cathaoirleach and/or Meetings Administrator by 10.30 am on the morning of the meeting. The Cathaoirleach in consultation with the Meetings Administrator will make a determination in accordance with (ii) and (iii) below, as to whether or not the Motion will be put to the floor for consideration and will advise the member accordingly prior to the commencement of the meeting at 11 am. Where the motion is to be put to the floor for consideration, the member will have the period up to 12 noon to secure the required signatures and to present same to the Cathaoirleach.
- (ii) A motion under Urgent Business should be accepted in situations only where the subject matter has arisen in the period after the normal deadline for submission of motions has passed.
- (iii) Must also specify the reasons why it is proposed that the item concerned be dealt with as “Urgent Business”

Motions under ‘Urgent Business’ accepted by the Cathaoirleach, shall be put to the meeting as soon as possible after receipt thereof.

In order to be passed, such motions will require that the number voting in favour is not less than half of the total number of members of the Council and not less than three quarters of the members present at the meeting.

The Meetings Administrator clarified that that this vote referred to whether or not the matter would be taken at the end of ordinary business and had no bearing on whether the Motion was passed or not.

(b) If the Motion is passed for consideration, the item concerned will be dealt with as the last business of the meeting **PROVIDED THAT –**

- (i) If there is more than one such Motion accepted at the meeting the relevant items will be dealt with in the order that the Motions were received by the Cathaoirleach.
- (ii) All business required by Statute to be transacted in priority is concluded in sufficient time before the end of the meeting as specified in Standing Order 3 to allow for such urgent business to be dealt with.
- (iii) In the event that a motion is passed to suspend Standing Orders to complete the remaining items on the agenda, motions under ‘Urgent Business’ already accepted by the Council will be dealt with at the end of the meeting.

The Meetings Administrator drew attention also to the requirements of Standing Orders No 28, 29 and 30.

Standing Order No 32

The following change to Standing Order 32 was noted;-

“A Motion may only be amended by the member in whose name it stands, having agreed, following a request to do so, from another member prior to the meeting”

Standing Orders No 46 -49

The provisions relating to disorderly conduct including those outlined in Appendix 1 were noted.

The Cathaoirleach responding to concerns raised by Cllr Mc Garvey that a number of Members were not present to discuss the item, said that, the matter had received considerable attention both at Workshop and CPG level.

On the proposal of Cllr Gallagher, seconded by Cllr Crawford it was resolved to proceed with Option 1 and hold Ordinary Meetings of Council on the last Monday in the months of January, March, May, July, September, and November.

Cllr Mc Brearty proposed, seconded by Cllr Quinn that the Donegal County Council Local Government Act 2001 and Local Government Reform Act 2014 Standing Orders as amended be adopted.

Mr Liam Ward, Meetings Administrator agreed to circulate a copy of the new Standing Orders to all Members.

C/438/14 TO ADOPT DRAFT STRATEGIC POLICY COMMITTEE SCHEME 2014-2019

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

On the proposal of Cllr Mc Brearty, seconded by Cllr Gallagher it was resolved to adopt the Scheme for the establishment and operation of Strategic Policy Committees in Donegal for the period 2014-2019.

C/439/14 FILLING OF CASUAL VACANCY ON THE DONEGAL EDUCATION AND TRAINING BOARD ARISING FROM THE RESIGNATION OF CLLR JACK MURRAY.

Cllr Quinn proposed, seconded by Cllr Gallagher that the casual vacancy on the Donegal Education and Training Board occasioned by the resignation of Cllr Jack Murray be filled by Cllr O' Ferraigh.

C/440/14 INISHOWEN MUNICIPAL DISTRICT NOMINEE TO THE DONEGAL HERITAGE FORUM

On the proposal of Cllr Murray, seconded by Cllr Mc Dermott, it was resolved that Cllr Albert Doherty be the Inishowen Municipal District Nominee on the Donegal Heritage Forum.

C/441/14 TO CONSIDER REQUEST FOR ADDITIONAL NOMINEES TO THE BOARD OF LETTERKENNY THEATRE MANAGEMENT COMPANY

On the proposal of Cllr Mc Guinness, seconded by Cllr Canning it was resolved to defer the item to later in the meeting.

C/442/14 TO APPROVE THE APPOINTMENT OF A THIRD DIRECTOR TO BALLYSHANNON LEISURE CENTRE LTD.

On the proposal of Cllr Kennedy, seconded by Cllr Murray it was resolved to defer the item to later in the meeting.

C/443/14 TO NOTE THE MEMBERSHIP OF THE DONEGAL COUNTY COUNCIL ECONOMIC DEVELOPMENT COMMITTEE

Members noted the membership of the Donegal County Council Economic Development Committee. (Vide Appendix 1).

C/444/14 ANNUAL GOLDEN BRIDGES EVENTS TO BE HELD IN BOSTON ON THE 8TH - 9TH OCTOBER 2014 – COUNCIL PARTICIPATION.

Members considered the report circulated with the agenda in relation to the above, together with the itinerary circulated during the meeting. Mr Michael Heaney, Director Community, Culture & Enterprise, advised that, the events highlighted provided an excellent opportunity for Donegal County Council to promote economic activity in the North West Region whilst consolidating and developing educational, cultural and political links.

Cllr Quinn welcomed the detailed itinerary.

Cllr Mc Guinness proposed, seconded by Cllr Mc Garvey that the Cathaoirleach, the Chief Executive and the Director of Community Culture and Enterprise attend the Golden Bridges Events in Boston. Cllr Crossan responding to Cllr Mc Brearty's request that the Leas Chathaoirleach also attend, said he was happy with the approved representation and did not wish to attend.

C/445/14 CONFERENCES

Having noted the revised arrangements under Section 142 5(d) of the Local Government Act, 2001, introduced by the Local Government (Expenses of Local Authority Members) Regulations 2006 - 2014 and directives issued by the Minister in that regard, on the proposal of Cllr Mc Garvey, seconded by, Cllr Conaghan, it

was resolved to authorise any member, if he/she so wished, to attend the following events, subject to the normal procedures:-

1. Individual members not exceeding their annual budget for attendance at conferences.
2. Payment of expenses for attendance to be conditional on the member furnishing documentary evidence of attendance.
3. Submission of a Conference Report

A.I.L.G. Training Modules:-

- **Finance** - held Tuesday 9th September, 2014 at 10.00am in the Nuremore Hotel, Carrickmacross. Retrospective approval in accordance with Circular LG 21/2014 – Training for Elected Members.
- **Housing** - to be held Tuesday 21st October, 2014 in the (Kilmore Hotel) Cavan.
- **Planning** – to be held Tuesday 11th November, 2014 in the Great Northern Hotel Bundoran.

AILG INAUGRAL ANNUAL CONFERENCE 2014

- AILG -Inaugral Annual Conference to be held in the Hotel Kilmore, Co Cavan on the 29th and 30th October, 2014 (circulated at the meeting)

LAMA SEMINAR

- Local Authority Members Autumn Seminar to be held in the Inishowen Gateway Hotel Buncrana, Co Donegal from Friday 17th October to Saturday 18th October, 2014.

The Meetings Administrator responding to a number of queries advised that each Member had a Conference Budget of €350 until year end. In the 2015, he confirmed the max per Councillor would be €700.

The Training Budget, he said, was a matter for the Council and would be determined as part of the 2015 budget process.

C/446/14 MINUTES OF MEETING OF THE DONEGAL HERITAGE FORUM HELD ON 19TH SEPTEMBER, 2014

Members noted the Minutes of the Meeting of the Donegal Heritage Forum held on the 19th September, 2013.

C/447/14 CATHAOIRLEACH'S BUSINESS

Votes of Sympathy

A vote of sympathy was extended to the following:-

- The family of the late Brendan Ryan, formerly Letterkenny Roads.
- The family of the late Arthur Spears, the Diamond, Lifford.
- Michael Ryan, Water & Environment on the death of his mother, Mary Ryan.
- Marion Mailey, Debtors Management on the death of her father, John Mailey.
- Nicholas Mc Taggart on the death of his father, James Mc Taggart.
- Eugene Devenney, Housing, Letterkenny, on the death of his mother Nora Devenney.
- Jim Boner, Water & Environment on the death of his mother Winnie Bonner.

Donegal County Council Motions noted by other Local Authorities
Members were informed that the following DCC Motions had been noted by other Local Authorities:-

“That Donegal County Council acknowledges the vital work of the Credit Union movement within the County and understands that a credit union’s main strength is that it is local. Further Donegal County Council supports the Irish League of Credit Unions in their fight against the over zealous regulatory regime and moves towards consolidation being imposed on them by the Government and the Central Bank” (Cllr Campbell – November 2013)

“Regarding the recent suggestion that Vehicle Motor Tax maybe decentralised (similar to driving licence applications) Donegal County Council and all other local authorities to support a proposal that Motor Tax should be left with Local Authorities who have excellent records as far as this work is concerned.”
(Cllr Alcorn – November 2013)

“In light of the recent revelations regarding Irish Water, this Council calls on the Government and the Minister of the Environment to disband Irish Water and revert to the Status Quo of the service being delivered by Local Authorities.”
(Motion under Urgent Business – January 2014)

The above were noted by Macroom Town Council

Building Control (Amendment) Regulations 2014

The Cathaoirleach noted that correspondence had been received from Ms Amanda Gallagher regarding the above regulations and and the effect that they are having on those wishing to build their own homes. It was agreed that a copy of the correspondence be circulated to all Members

LAMA 2015 Community & Council Awards

Members were informed that the closing date for nominations for the LAMA Community & Council Awards was the 25th October, 2015. It was agreed to circulate a copy of the correspondence to all Members.

C/448/14 CHIEF EXECUTIVES MONTHLY MANAGEMENT REPORT AND ADDENDUM

Members considered the report circulated with the agenda in relation to the above, together with the addendum circulated during the meeting.

Members were updated in relation to the following:-

1. Local Authority Labour Activation Scheme - Gateway
2. Assembly of the European Regions Conference
3. SEAI Energy RD &D funding awarded to Donegal County Council
4. County Museum – “Remembering World War 1: The Donegal Story
5. M2D2 Project Launch – 12th September 2014
6. Mayor of Boston’s Visit
7. Fanad Lighthouse
8. Tip O’Neill Irish Diaspora Award 2014
9. Tip O’Neill Irish Diaspora Lecture 2014
10. Tip O Neill Schools Competition 2014
11. Worcester State University Visit 15th-18th September 2014
12. Wild Atlantic Way Conference – 25th September 2014
13. Local and Community Development Committee (LCDC)
14. Donegal Community and Economic Plan
15. Public Participative Networks
16. Togra Aois Cairdiúil Dhún na nGall/Donegal Age Friendly County Initiative
17. REN NET (Gréasán Fuinneamh Inathnuaite)/REN NET (Renewable Energy Network)

18. Junior Achievement 2013/2014.
19. Proposed Nominations to the Audit Committee
20. Malin Head Booklet
21. SPACEial NW Highly Commended in ESRI Ireland's Maps Make Sense 2014 National Competition.
22. River Links Project Update

C/449/14 DISTRIBUTION OF QUESTIONS AND MOTIONS

The Meetings Administrator responding to a query from Cllr Quinn advised that it would be possible to distribute Motions and Questions at the start of each Council Meeting. With regard to providing a copy of all questions to all Members, this, he confirmed, was a matter for Council to decide.

C/450/14 ADJOURNMENT OF THE MEETING

On the proposal of Cllr Quinn, seconded by Cllr Mc Guinness it was resolved to adjourn the meeting for a 15 minute recess.

C/451/14 HOLDING OF A WORKSHOP TO INCLUDE ALL PLANNERS MAKING DECISIONS ON THE GROUND TO CLARIFY ASSURANCES RECEIVED FROM THE EXECUTIVE AT THE ADOPTION OF THE DEVELOPMENT PLAN

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

"I would ask this Council to hold a Workshop that will include all the planners that are making the decisions on the ground in order to clarify with them that the assurances that we received from the Executive at the time of adoption of the Development Plan are carried out."

Members were informed that:-

“The members can be assured that the objectives and policies of the current County Development Plan are being applied by the Planning section as discussed and agreed by the Council during the course of the adoption of the Plan. The Planning section is available to facilitate any workshop that may be agreed by the Members”.

Cllr Canning outlined the need for specific clarification in certain areas together with the necessity of taking a standard and common sense approach when interpreting various aspects of the County

Development Plan. He outlined a number of specific examples. Cllr O' Domhnaill noted that a commitment had been given by the Planning Department to work with the Members in relation to particular anomalies regarding the RHP5 , Vision Lines etc . This, he said, was a sensible alternative rather than Members looking to vary the Plan. It was imperative, he added, that a Workshop was held as soon as possible.

There was no opposition to the Motion.

Mr Liam Ward, Director of Housing, Corporate, and Planning Control said he was happy to facilitate the holding of a Workshop at the earliest possible date.

Cllr Canning concluding the debate asked that a date be set prior to the close of the meeting.

C/452/14 CURRENT SEAI SCHEME AND THE OPTION TO TAKE OUT BACK BOILERS

On the proposal of Cllr Mc Dermott , seconded by Cllr Mc Guinness the following motion was adopted:-

"To ask the Donegal County Council to give tenants in houses availing of the current SEAI Scheme being implemented by Donegal County Council the option of whether or not to take out their back boilers and to explain the rationality behind taking them out in the first place."

Members were informed that:-

“The Better Energy Communities Programme is the national upgrade programme, funded by the Sustainable Energy Authority of Ireland, to retrofit Ireland’s building stock and facilities to high standards of energy efficiency, thereby reducing fossil fuel use, running costs and greenhouse gas emissions. Under the terms of the Programme, typical measures considered for funding include fabric upgrades such as insulation, windows, doors and ventilation; systems upgrades including boilers (fossil fuel, biomass and electricity); and integration of renewable energy sources e.g. solar hot water.

Earlier this year the Council submitted an application and was successful in securing funding under the Better Energy Communities Area Based Programme to carry out energy

efficiency retrofit works to 71 dwellings in Buncrana, 40 of which are owned by Donegal County Council, 23 owned by St. Vincent de Paul and 8 are privately owned. In accordance with the terms and conditions attached to the funding allocation, the energy upgrade works include attic and cavity wall insulation, high efficiency gas boilers with fully integrated heating controls upgrade, solar water heating installation, air to water heat pump with fully integrated heating controls upgrade, chimney draught limiter, full window replacement and solid fuel room heaters without back boilers. Therefore, to ensure drawdown of this funding, back boilers must be removed from dwellings undergoing these energy efficiency improvements.

Notwithstanding the conditions attached to the SEAI funding, in accordance with a number of initiatives where funding is provided at national level to local authorities who are carrying out improvements to the energy efficiencies of dwellings, it is now Council policy to install oil fired central heating as the standard form of heating in Local Authority dwellings.

The key driver of this national policy is the need for an overall reduction in the level of CO₂ emissions and the need for more economical and efficient energy systems. Any heating system, which is uncontrolled performs poorly under both these categories. As a result, solid fuel heating systems, which are uncontrolled, are deemed to be extremely uneconomical and inefficient when compared to a controlled system such as oil. For example, for every €10 spent on providing fuel for an open fire, the equivalent of €2.50 is the value of the heat output. On the other hand, for every €10 spent on oil using a high condensing burner with appropriate heat controls, €9.70 is the value of the heat output. This is measured in the context of the value of the energy being used to generate the heat relative to the value of the heat actually being output.

Accordingly, while one form of fuel may appear cheaper than another, the efficiency of the heating system is critical as this ultimately governs the value of the output. Overall, solid fuel heating systems such as back boilers are uncontrolled and are uneconomical and inefficient in comparison to the high efficiency heating systems with fully integrated heating controls which the Council are installing in dwellings under the Better Energy Communities Programme.”

Cllr Mc Dermott advised that he could not see the rationale behind the scheme. Many tenants, he said, found themselves in a position where they were unable to pay for oil and thus placed in a very vulnerable position.

Cllr Mc Guinness noted that decisions such as this were being made at national level and had little or no relevance for rural Counties. He called on the Executive to go back to the Department and explain the uniqueness of the situation in Donegal.

Members expressed concern that the policy was aiding and abetting the urbanisation of rural Ireland and that non-compliance would lead ultimately to a loss of funding. The Government, they affirmed, needed to be informed that Donegal County Council was unhappy with the policy and that tenants needed some element of choice with regard to heating requirements.

There was no opposition to the Motion.

Mr Liam Ward, Director Housing, Corporate and Planning Control drew attention to the distinction between the programme of work carried out by Donegal County Council through the SEAI and general policy areas. He noted that works carried out with the assistance of SEAI funding had over the past number of years produced significant benefits in terms of fabric and systems upgrades, whilst providing considerable improvements for the tenants concerned.

There was room, he added, for further engagement by Council Staff with tenants as to what was involved.

He was, he said happy to revisit the matter and include it on the agenda of the next Housing and Corporate SPC.

Cllr Mc Dermott acknowledged that there was no clear answer. He said it was imperative that the matter be discussed at SPC level and included again on the Council agenda.

C/453/14 REQUEST THAT REPRESENTATIVES OF IRISH WATER TO MEET WITH ELECTED MEMBERS TO BRIEF AN INFORM COUNCILLORS OF THEIR WORKS

On the proposal of Cllr A Doherty, seconded by, Cllr Mc Monagle the following motion was adopted;-

"That Donegal County Council demands that representatives of Irish Water (Uisce Eireann) meet immediately with the Elected Members of the Council to brief and inform Councillors of their works programmes for Donegal and that this Council directs the Irish Water Company to be amenable to the needs of the people of Donegal."

Members attention was drawn to the report on the transfer of responsibility to Irish Water at Agenda Item 6 as was discussed at the Council Meeting on 26th September 2014.

Cllr Doherty said he was disappointed with the reply and had grave concerns with regard to the terms of the Service Level Agreement. He noted that Irish Water had attended a NWRCB Meeting yet seemed to be ignore requests from the Elected Members of Donegal County Council.

He called on Irish Water to provide specific contact details for Elected Members together with a template on the delivery of waste water services in the County.

Cllr Mc Monagle said that it was imperative that a definitive date was set for such a meeting and questions asked in relation to the following:-

- The role of Irish Water going forward.
- Plans for the Capital Works Programme and timeframes involved.
- Where responsibility lay in terms of Unfinished Estates and Mechanical Plant.
- The existence if any of a Charter on Consumer Services.
- Situation with regard to Group Water Schemes.

Cllr Doherty also outlined the need for accountability at national level.

There was no opposition to the Motion.

Mr Joe Peoples, Director Water & Environment again drew attention to his report issued in respect of Agenda Item No 6 and circulated on the 26th September.

He said that the Executive had no problem conveying the sentiments expressed by Members to the Minister.

The Capital Investment Programme 2014-2016 had, he noted, been circulated previously and it was understandable that both the Members and the Citizens of Donegal were anxious to establish timelines for these projects. This request, he acknowledged could also be included in the correspondence to Irish Water. The Chief Executive, had, he confirmed, spoken to the Managing Director of Irish Water after the Workshop in September and had conveyed the request for a meeting.

C/454/14 TAKEOVER OF THE LINK ROAD BETWEEN LP1041 AND THE LS5211 AT BLACK MOUNTAIN , MALIN AND THE SMALL LOOP ROAD OFF CONNECTING ROAD OFF THE L5391 AND THE L53912 AT LOWER ANNUAGH, CLONMANY

The following Motion was submitted by Cllr Mc Guinness:-

"That Donegal County Council take over the following roads:-

- Link Road between the LP1041 and the LS5211 at Black Mountain, Malin
- Small Loop Road off connecting road off the L5391 and the L53912 at Lower Annaugh, Clonmany 200 metre ext to L11811 at Upper Cloontagh, Clonmany."

Members were informed that:-

"The following information is provided to members in their deliberation of this motion:

1. The making of an order declaring a road to be a public road and consideration of objections or representations in relation to such declaration is a Reserved Function to be performed, subject to Section 131A(4), by Municipal District Members. Section 131A(4) states that Municipal district members may by resolution decide, subject to the approval by resolution of the local authority and the approval of the Minister, that a particular function to which subsection (1) relates should be performed only by the local authority.
2. The Council as Roads Authority may declare any road over which a public right of way exists to be a public road, and every such road shall be deemed to be a public road and

responsibility for its maintenance shall lie on the road authority.

3. Where the Council proposes to declare a road to be a public road it is required to satisfy itself that the road is of general public utility, to consider the financial implications for the authority of the proposed declaration, to undertake a public consultation process and to consider any objections or representations made to it during the consultation process.
4. The Roads Strategic Policy Committee considered the Council's policy in relation to the of the declaration of roads (which has existed since 1971 in the form of a resolution of the Council) to be public roads in late 2013 and early 2014 and in particular the following points:
 - The need for a clear public right of way to be established.
 - The criteria or a scoring system that might satisfy the Council whether or not a road is of general public utility as is required by the act.
 - Criteria that might provide a framework for the assessment of the financial implications for the Council in the declaration particular if there was a demand for a large number of roads to be declared public roads. These might include limiting the length per year per municipal district for declaration of public roads or providing a budget for each road to be declared a public road.

A final policy document was not however brought before SPC, CPG or Council.

5. In order to bring consistency of decisions by the Municipal Districts (assuming they wish to retain this function) it is strongly recommended that the Roads SPC first consider and finalise a policy for the Council to agree”.

After a short debate, Cllr McGuinness withdrew the motion.

C/455/14 ADJOURNMENT OF THE MEETING

On the proposal of Cllr Farren, seconded by Cllr Mc Gowan it was resolved to adjourn the meeting for lunch until 1.45pm.

C/456/14 CLOSING OF LEGAL LOOP HOLE WHICH ALLOWS THE PRACTISE OF INFORMAL INSOLVENCY BY ROGUE EMPLOYERS LEAVING WORKERS UNABLE TO ACCESS THEIR STATUTORY ENTITLEMENTS

On the proposal of Cllr Quinn, seconded by, Cllr Murray, the following Motion was adopted:-

"Donegal County Council calls on the Minister for Social Protection Joan Burton, to urgently close the legal loophole which allows the practise of informal insolvency by rogue employers which leaves workers unable to access their statutory entitlements."

Cllr Quinn said that whilst he was not aware of any incidents in Donegal, this was a practice, which needed to be stopped immediately.

Cllr Murray outlined the need to expedite the process and move the legislation through the Dáil.

There was no opposition to the Motion.

C/457/14 TO DEVISE A MECHANISM WITHIN THE EXISTING DEVELOPMENT PLAN ALLOWING AN INDIVIDUAL TO BRING ABOUT A RESOLUTION TO REGULARISE AN UNFINISHED ESTATE WITHOUT BEING SUBJECT TO THE FULL RIGOURS OF PLANNING POLICY.

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

"That this Council devise a mechanism within the provision of the existing Development Plan allowing an individual to put forward a viable proposal to bring about a resolution to regularise an unfinished estate without being subject to the full rigours of planning policy and in doing so be given flexible consideration."

Members were informed that:-

"The submission of viable site resolution proposals in relation to unfinished housing developments is a key component of the stakeholder obligations identified in the Housing Agency guidelines (2011) and there is a commitment to openly engage in discussions in relation to potential solutions.

Donegal County Council takes a pragmatic approach to the finding of appropriate solutions in the interests of both the residents and

the wider area and seeks to resolve these problems within the scope of Planning, Building Control and other relevant legislation in an integrated fashion and by working with each of the stakeholders involved [residents, developers, financial institutions, etc].

Recognition of the potential of unfinished housing estates to provide a significant supply of housing units is noted within the County Development Plan 2012-2018 (as Varied) and when taken in conjunction with the suite of objectives and policies in the Urban Housing Section [S 5.2, Ch. 5] there is sufficient scope to identify and achieve appropriate solutions to problematic developments that will produce sustainable outcomes for the wider community”.

Cllr Ryan advised that there was very little flexibility in the plan to deal with these estates and that provision needed to be made where people were willing to deal with such legacy issues.

There was no opposition to the motion.

Mr Liam Ward, Director Housing & Planning said that the Council as far as possible would take a pragmatic approach and was willing to work with work with developers and local communities.

C/458/14 MOBILE PHONE AND BROADBAND SERVICES IN DONEGAL

On the proposal of Cllr Mc Daid, seconded by Cllr McGowan, the following motion was adopted:-

"That this Council discusses the weak mobile phone and broad band service in Donegal and that we try to bring pressure on the Minister for Communications to improve this service urgently."

Members were informed that:-

“Donegal County Council has recognised for many years the importance of high speed telecommunications and broadband for County Donegal. The Council has pursued opportunities such as the Metropolitan Area Networks Scheme and the locally initiated Community Networks Services project to assist in the provision of competitive high speed broadband services throughout the County. The quality of broadband and mobile services has developed substantially over the last ten years and many jobs in Donegal have been both supported and created as a result.

In the main however, broadband and telecommunication services are provided by private telecommunications companies under a state regulatory framework. Investment decisions are made by the telecommunications companies themselves and such decisions are driven by commercial factors.

Despite the National Broadband Scheme and investments made by Telecommunication companies there remains many areas in Donegal where broadband quality remains comparatively poor to that available in urbanised areas.

A digital divide is now emerging where high speed broadband is available in towns whereas many rural areas are not yet adequately covered.

Earlier in 2014 the Department of Communications announced their intention to provide fibre based broadband services to rural areas throughout the Country including Donegal. Broadband services delivered using fibre to the home technology is without doubt the best way to provide high speed broadband services to rural areas. To date the Department have not published detailed arrangements regarding the rollout of this scheme”.

Cllr Mc Daid advised that the lack of high speed broadband and the poor mobile phone service in Donegal were hampering development within the County. He referred to services in the Glenswilly area in particular.

Cllr Mc Gowan outlined the effects on new and existing businesses drawing attention to the problems in the Ballybofey/Stranorlar area. He advised that Eircom should also be contacted with regard to service provision in the Donegal area.

There was no opposition to the motion.

Mr Garry Martin, Head of Finance, advised that Donegal County Council had been supportive of high speed telecommunications and broadband in Donegal particularly through the development of the MANS System.

He noted that the best way of providing broadband to rural areas was through fibre based broadband.

Cllr Mc Daid concluding the debate outlined the need to take responsibility for the issue and the need for dedicated inward investment.

C/459/14 PUBLIC ENQUIRY INTO THE DEVELOPMENT AT
AGHADACHOR BEACH, CARRIAGRT

The following motion was submitted by Cllr Mc Garvey:-

"To call on Donegal County Council to have a full Public Enquiry into the development at Aughadahor Beach, Carrigart in view of the fact that all ROWs and Access has been obstructed by the development, privatising a two km stretch of beach."

Members were informed that:-

While any decision to establish a public enquiry is a matter for Government, Donegal County Council is very aware of local concerns in relation to this development. While valid planning permission exists on these lands and the principle of the development has been established, complaints from members of the public in late August/ early September 2013 initiated an examination by the Council of the development with an initial site inspection on the 4th September 2013. Since that initial site inspection every effort and resource has been employed within the scope of the legislation to pursue the matter and the Council have held regular discussions with Community Representatives, Elected Members, and the developers in an attempt to resolve matters.

Through a process guided by legislation that also involved direct consultation with various government departments, enforcement action has been instigated where certain elements of the development were considered to be unauthorised. At this stage, an unauthorised structure on the beach is the subject to Court proceedings and it would not be prudent to make further comment. The separate matter of irregularities relating to the 'Beach Activity Centre' building that forms part of the development has been regularised. However there is an outstanding prosecution for the earlier non-compliance in relation to the Centre and again it would be inappropriate to comment further on this.

The allegation of obstruction of an alleged public right of way has been examined and the Council considers that this is not a matter

that can be appropriately resolved under the Planning & Development Acts.

With specific regard to the alleged public right of way the current position remains as previously advised to the Council:

- The existence of a public right of way has not been established and the following has been confirmed by the Council:
- The road in question is not on the Council's Road Schedule which lists public roads in the county that are maintained by the Council.
- Based on consultation with senior staff locally, the Council has not carried out any work on the surface of the road for the last 26 years during which those staff have been employed.
- The Council did clean an open drain about ten years ago to relieve flooding on the adjoining county road (LT52921).
- There may have been a Local Improvement Scheme (LIS) carried out on this road some years previously as the road has a tarred surface. LIS Schemes are only carried out on non-county roads.
- The Council have also reviewed the Land Registry maps and the Ordnance Survey maps as part of the examination. The Land Registry map did not show any registered Right-Of-Ways linking the road concerned with the public road and the Ordnance Maps did not appear to show this formerly being the main Carrigart to Creeslough Road.

The Council is of the opinion that the issue of an alleged public right of way is essentially a civil matter that cannot be appropriately addressed through the application of the provisions of the Planning & Development Acts. The developer, in the course of submitting applications for the development asserted sufficient legal interest in the lands to allow the application to be considered and determined. Any subsequent issue is a matter for affected parties to resolve and is not an issue for consideration by the Council under the Planning & Development Acts.

Donegal County Council remains fully committed to safeguarding the sustainable development of our community and to encouraging a comprehensive resolution to this matter.

It is noted that this matter was raised for discussion at a meeting of the Letterkenny Municipal District held on 9th September. The Letterkenny MD members agreed to consider a request for a deputation from the local community group should a request be submitted. No such request has been submitted to date”.

Cllr Mc Garvey said that those responsible for the development at Aghadachor Beach had prevented locals from accessing the beach thus obstructing a road which had been used by people in the vicinity for generations. He contended that there had been no negotiation despite every effort being made to meet with the developer concerned. There were now, he said, 13 gates on the route in question preventing local access to the beach.

He expressed concern that the Local Authority had made no effort to protect the public right of way and said that the developer had no right to approach anyone on the beach. Local residents, he added, deserved to be treated fairly and recognition given to the fact that they and their families had used the pathway for a considerable period of time.

Cllr Quinn outlining his support for the motion said that was happening was “landlordism by stealth”. The motion, he noted, had wide ranging implications for the County as a whole and warranted due consideration.

He queried whether all land registry maps showed all right of ways and asked if the Council was of the opinion that the situation was now more of a civil matter. Donegal County Council, he said was fully committed to the sustainable development of communities, but this could only happen, he noted, where there was respect and co-operation with the communities concerned. There was no respect here, he added, for those who had used the road in question for over a century.

Cllr Mc Brearty expressed disappointment that there was no legal advice from the Council Solicitor and asked for a full report on the matter. He said it was clear that there was unauthorised

development going on in that area. The fundamental issue, he said, was that no legal opinion had been provided in the answer. He called for the debate to be opened up to all Members.

The Cathaoirleach asked that there be no commentary from the public gallery and it was thus agreed to open the motion for full debate.

Mr Liam Ward, Director Housing, Corporate and Planning Control alluded to his response and affirmed the fact that the issue of the alleged public right of way was essentially a civil matter and could not be addressed through the Planning & Development Acts.

He further advised that planning permission did exist and that a number of issues in relation to the development itself had been addressed within his response to the meeting. He noted that the existence of a public right of way had not been established for a number of reasons and that these had been clearly outlined in the reply.

It was, he acknowledged not a matter for Donegal County Council to hold a full public enquiry.

The Chief Executive reminded Members that the central aspect before the Council was the alleged blocking of an alleged right of way. He advised of the following;-

- That the Council had no options under the Planning Acts as it was not a public road.
- Whilst Donegal County Council had the right establish a public right of way, this was clearly not what was before the Council today.
- That advice could be sought from the Council's Law Agent in relation to the matters highlighted by Members.

It was imperative, he said, that the Council was clear in relation to the issues, context and options open with regard to the aforementioned motion.

Cllr Mc Garvey at this juncture asked Members to reflect on the fact that under the Foreshore Act many roads had been leased out

to the public to repair and monies provided for by Donegal County Council. He noted that the response alluded to the fact that the allegation of an obstruction of an alleged public right of way could not be resolved under the Planning and Development Acts and thus queried whether this amounted to non-compliance with the Planning Regulations.

The Cathaoirleach advised that it would be appropriate at this juncture to postpone the matter and get the relevant legal advice in accordance with Standing Order 41(e)

Cllr Mc Guinness suggested that advice be sought firstly in relation to the matter at hand and also in relation rights of way generally.

Cllr Mc Garvey called for an injunction to be taken against the developer in question on the basis that planning permission had not been complied with.

Cllr Brogan proposed, seconded by Cllr Mc Guinness that the matter be deferred pending receipt of the relevant legal advice.

Cllr Mc Brearty proposed, seconded by Cllr Mc Monagle that the wording of the motion be amended and the Government asked to hold a full public enquiry into the matter.

The Chief Executive responding to Cllr Mc Garvey's call for an injunction, said it was not possible to take action on one aspect of the problem to get delivery on another, and noted that there were particular consequences in doing so.

Responding to a number of queries, the Chief Executive advised that the Executive had received legal advice which was privileged to the Council as a corporate body. There were issues, he said, which needed to be clarified by the Council's Law Agent before any commentary could be made.

Cllr Mc Brearty said it was essential that Members knew what was in this legal advice and he called on the Cathaoirleach to make a decision based on the advice at hand.

Cllr Brogan warned against Elected Members getting involved at this stage as elements of the matter were before the courts and therefore sub-judicae.

After a protracted debate a show of hands was taken by the Meetings Administrator in relation to Cllr Brogan's proposal to defer the matter pending the relevant legal advice.

This resulted in 11 voting for with 12 against.

C/460/14 ADJOURNMENT OF THE MEETING

Cllr Mc Brearty proposed, seconded by Cllr Brogan, to adjourn the meeting for a ten minute recess.

C/461/14 PUBLIC ENQUIRY INTO THE DEVELOPMENT AT AGHADACHOR BEACH, CARRIAGRT

On resumption it was resolved on the proposal of Cllr Quinn, seconded by Cllr Mc Monagle to continue with the meeting in committee in accordance with Section 45 of the Local Government Act, 2001. Members of the Press and those in the Public Gallery vacated the Chamber.

After a lengthy discussion the meeting was opened again to the Members of the Media and the General Public.

It was then resolved on the proposal of Cllr Mc Garvey, seconded by Cllr Mc Gowan to defer the matter to the November Council Meeting so that further legal advice could be provided to the Council

C/462/14 ADOPTION OF PLANNING POLICY IN RELATION TO PLANNING APPLICATIONS IN RESPECT OF MULTI- UNIT DEVELOPMENTS AS DEFINED BY THE MULTI-UNIT DEVELOPMENTS ACT 2009

The following motion was submitted by Cllr Shiels and fell as the Member was not present to propose the motion;-

That this Council adopt a new planning policy in relation to all planning applications in respect of Multi-Unit Developments (as defined by the Multi Unit Developments Act 2009) that (1) it be a pre-condition to commencement of any development of any housing units in any given Multi Unit Development that all roads and services necessary to serve the Multi-Unit Development be first completed to a standard satisfactory for the Council to take over the roads and services on the basis that upon completion of the roads and services necessary to serve the Multi-Unit

Development the Council will (subject to receiving an indemnity covered by a bond from the developer in respect of any damage to those roads and services during completion of the housing units) take over the roads and services prior to commencement of any development of any housing units."

C/463/14 UPDATE REGARDING PLANS TO MAKE PART-TIME ROAD WORKERS FULL-TIME OR PROVIDED WITH YEARLY CONTRACTS

The following motion was submitted by Cllr O' Donnell and fell as the Member was not present to propose the motion:-

"That Donegal County Council provides an update in relation to their plans to make part-time road workers full-time or provided with yearly contracts, as the current system is unfair to these employees and creates uncertainty in relation to their future with Donegal County Council."

C/464/14 REQUEST TO MEET WITH MINISTER JOE MC HUGH AND ALL OIREACHTAS MEMBERS TO DISCUSS INVESTMENT PLANS FOR THE COUNTY REGARDING ROADS, HOUSING, WATER, SEWAGE, TOURISM AND JOB CREATION.

On the proposal of Cllr Brogan, seconded by Cllr O' Domhnaill the following motion was adopted:-

"I propose that this Council meet with Minister Joe McHugh and all Oireachtas Members to discuss our investment plans for our County in roads, housing, water, and sewage, tourism and job creation so that Donegal can put its best case forward towards a Stimulus investment plan for our county."

Cllr Brogan outlined the need to put on the county jersey to progress issues such as:-

- A5 Project
- Bonagee Link
- Water Investment
- Tourism Development
- Job Creation initiatives
- Upgrading of the Road Network

He called for cross-party support and outlined the need to meet with the Oireachtas Members regarding the individual projects highlighted and the formulation of a plan to deal with these items going forward.

Cllr O' Domhnaill outlined the need for a definitive wish list in terms of ongoing collaboration with the Oireachtas Members. He called on the Cathaoirleach and the Senior Management Team to facilitate this objective.

Cllr A Doherty, said that, he could not support the motion unless specific reference was made to the role of Irish Water.

Thus on the proposal of Cllr Brogan, seconded by Cllr Mc Garvey it was resolved to amend the motion as follows:-

"I propose that this Council meet with Minister Joe McHugh, Irish Water and all Oireachtas Members to discuss our investment plans for our County in roads, housing, water, and sewage, tourism and job creation so that Donegal can put its best case forward towards a Stimulus Investment Plan for our county."

The Chief Executive confirmed that documentation could be put together and consideration given to the logistics of following up on the funding aspect. This, he added, would then be presented to Council.

Cllr Brogan asked that this be undertaken as soon as possible so that the issues raised by Members could be fed into the national budget process.

C/465/14 THAT THIS COUNCIL CHANGE ITS POLICY CRITERIA ON HOW IT EVALUATES AND AWARDS DISABILITY HOUSING GRANTS

On the proposal of Cllr Mc Monagle, seconded by Cllr A Doherty the following motion was adopted:-

"That this Council change its policy criteria on how it evaluates and awards Disability Housing Grants."

Members were informed that:-

In April 2010, as part of a comprehensive review of policy on grants, the Council, in adopting the current policy, set itself the following objective;

To meet the needs of the greatest number of persons possible who:

- Were elderly or
- had the greatest level / most complex clinical / functional care needs

And yet live within available resources.

Following a workshop with the Members in September 2011, a review of the policy was considered by the Housing & Corporate Strategic Policy Committee at its meeting on the 12th of December 2011 and again on the 15th of February 2012.

At the February meeting, the Committee considered a detailed report which had been prepared and which indicated that while there were a small number of areas within the disability grants scheme where perhaps the level of grant was having an impact on the commencement of works, it was nonetheless believed that the existing policy was primarily meeting the objectives which it set, and had restored certainty to the grants process in terms of funding. Furthermore, it was believed that the grants were now more targeted at meeting the needs of those most in need and it was the essential works which were getting carried out. As a result, and having regard to the uncertainty in relation to finances generally, it was recommended to the members that the policy remain unchanged and that the Council continue to process grants in line with the existing policy.

Following an extensive debate on the matter, the Committee recommended that the matter be brought forward to the Corporate Policy Group / full Council in the context of a recommendation that the level of grant for certain works be increased subject to the full Council identifying a revenue source to meet the cost of the additional funds which would be required.

As the full Council was not in a position to identify a Revenue source to meet the cost of the additional funds which would be required, the Council continued to process grants in line with the then existing policy and this has remained the position to date.

Indeed, given the budgetary limitations in the last number of years, it has not been possible to make any Revenue provision for grants. As part of the budgetary process for 2014, it was proposed that the Council's contribution would be funded from the ring-fenced funds from preceding years and it was indicated that sufficient monies were in place to meet the Council's contribution (up to €450,000) in respect of grants in 2014 which would enable the Council to process grants in line with existing policy.

In order to ensure that the grant is targeted at meeting the needs of persons with the greatest level/most complex clinical/functional care needs, the policy is targeted at the following three categories i.e. progressive neurological conditions, acquired brain injury and other high level care needs groups. The primary concern is to ensure that there are robust procedures in place to ensure that any case where there is a high or complex care need which does not fall within the three categories outlined are not "missed" and this is a matter which is kept under review through meetings with the HSE.

Overall it is believed that the Council's existing policy is primarily meeting the objectives set and grants are now more targeted at delivering for those most in need, with essential works getting carried out.

It is accepted that concern has previously been raised in relation to the limitations within current policy relating to the three categories outlined above. It is suggested that the Housing & Corporate Services Strategic Policy Committee, when established, should be provided with the opportunity to review this element of the policy".

Cllr Mc Monagle called for Donegal County Council to revert back to the policy of using Occupational Therapist and Doctors Reports in the awarding of Disability Housing Grants. He identified the need to look also at the provision of a 100% grant where warranted.

Cllr Doherty welcomed the reference to a possible review of the policy as outlined in the final paragraph of the response, advising that more consideration needed to be given to the Occupational Therapists Report.

There was no opposition to the motion.

Mr Liam Ward, Director of Housing & Corporate said that his reply clearly set out the Council's position and how this had been arrived at. He accepted that there were limitations with regard to various illnesses. Member's comments were noted and it was suggested that the matter be considered by the Housing & Corporate SPC at their inaugural meeting.

C/466/14 REPLACEMENT OF FOOTPATHS AT ST BENILDUS AVENUE BALLYSHANNON

Cllr Brogan proposed, seconded by Cllr O' Domhnaill that the following motion submitted by Cllr Mc Eniff be adopted.:-

"That the Council make it a priority to replace the footpaths at St Benildus Ave Ballyshannon."

Members were informed that:-

It is our intention to carry out this work next month assuming no issues with the Irish Water meters.

There was no opposition to the motion.

C/467/14 ESTABLISHMENT OF AN INDEPENDENT PUBLIC ENQUIRY INTO FLOODING AT LETTERKENNY GENERAL HOSPITAL

On the proposal of Cllr Mc Brearty, seconded by Cllr Mac Giolla Easbuig the following motion was adopted:-

"I am calling on the Government to establish an independent public inquiry into the flooding at Letterkenny General Hospital and why the new multi million euro extension was built in an area which was prone to flooding."

Members were informed that:-

"This motion is being read as one calling on the Government to establish a public enquiry into the decision to build the extension to Letterkenny General Hospital in the particular location concerned.

It is understood from reports that are in the public domain that the flooding incidents at the Hospital both last year and this have been the subject of detailed investigations by the HSE. In these

circumstances, it is not appropriate for the Executive of Donegal County Council to provide a response to this motion”.

Cllr Mc Brearty alluded to correspondence sent in January 2014 to the Minister for Health.

A number of issues were raised, he added, regarding the flooding that had taken place in July 2013 together with a specific query as to why planning permission had initially been granted. Concerns were raised also in relation the problems with the contractor and the lack of any apparent safeguards.

He outlined also his concerns in relation to the procurement process nationally. The need for overall accountability was acknowledged, together with the necessity of dealing with many of the allegations that had been made in the aftermath of the flooding.

He asked that the Minister provide a detailed response on the actions he intended to take and provide specific terms of reference to deal with the range of allegations raised.

Disappointment was expressed also that the Elected Members had not received a copy of the internal HSE Audit report into the flooding at the hospital.

Cllr Mac Giolla Easbuig outlined his support for a public enquiry noting the importance of Letterkenny General Hospital for the region as a whole.

There was no opposition to the motion.

C/468/14 THAT THIS COUNCIL ASK THE IRISH GOVERNMENT TO REAFFIRM ITS COMMITMENT TO THE A5 PROJECT.

On the proposal of Cllr G Doherty, seconded by Cllr Mc Monagle the following motion was adopted:-

"That this Council asks the Irish Government to affirm it's commitment to the A5 project. In particular, it asks that promises of funding be adhered to, so that as soon as the project is given the go ahead the Irish Government will not be the source of any delay."

Members were informed that:-

As part of the outworking of the Good Friday Agreement and later the St. Andrews Agreement the Irish Government gave a commitment to co-fund the construction of the A5 Western Transport Corridor through the North from Aughnacloy to Derry, which involves the construction of some 86 kilometers of Dual Carriageway Road.

Construction contracts were awarded for some sections of this project in 2012, however the outcome of a judicial review of the decision to proceed with the project necessitated the suspension of these contracts and furthermore that the Statutory Processes in connection with the project be recommenced. Present indications are that the Statutory Process will not be completed until Mid 2016 or thereabouts.

The A5 Working Group which is made up of Political Representatives and Chief Executives from Derry, Donegal, Dungannon & South Tyrone, Monaghan, Omagh, Strabane Councils and the two Regional bodies, Irish Central Border Area Network (ICBAN) and North West Region Cross Border Area Network (NWRCBG) continues to lobby actively for the progression of this project as a vital part of the larger project of the provision of a key strategic route from Dublin to Derry/Donegal. In this regard the group met with the Joint Committee on the Implementation of the Good Friday Agreement in Dublin on the 26th June 2014 and with the Northern Assembly Minister with responsibility for the project Mr Danny Kennedy MLA on the 30th July 2014 in Belfast, with the objective of seeing commitments from both Executives that funding for the A5 project forms a central part in their next round of multiannual funding plans in 2015.

It is also very important in this context that Exchequer funding is committed to the following projects in parallel with the funding of the A5 to complete the key strategic access route to the North West namely;

- N2 from Dublin to link with the Southern end of the A5.
- N14/N15 link to the Northern end of the A5 at Strabane.
- The N14 from Letterkenny to Lifford to complete the link to the Letterkenny/ Derry Gateway.
- The Letterkenny Relief Road (Bonnagee Link) from Dry Arch Roundabout to the N56 North of Letterkenny along with other strategic roads priorities in the County”.

Cllr Doherty said this project was vital to the economic development of the North-West Region as a whole. He asked for cross-party support and encouraged all Members especially those from the Government parties to lobby their colleagues at national level.

Cllr Mc Monagle advised of the need to get full benefit from the project and noted that importance of the A5 Link Routes could not be underestimated.

There was no opposition to the motion.

Mr Stephen Flynn, A/ Director Roads & Transportation said the Executive were fully supportive of the A5 Link and would avail of every opportunity to highlight and progress same.

Cllr Doherty concluding the debate said it was essential that the new Council affirmed its commitment to the project.

C/469/14

FUTURE APPLICATIONS TO THE NRA AND THE DEPARTMENT FOR FUNDING ON THE APPROACH ROADS TO BALLYBOFEY-STARNORLAR WHICH HAVE A HIGH ACCIDENT HISTORY

On the proposal of Cllr Mc Gowan, seconded by Cllr Crawford the following motion was adopted:-

"That this Council discuss any future applications to the NRA-Dept for Funding on approach roads to Ballybofey and Stranorlar which have a high accident history."

Members were informed that:-

“There are currently a number of major and minor realignment/improvement schemes being progressed or considered with respect to the National Roads approaching Ballybofey Stranorlar. (see attached table) Vide Appendix 2

All pavement schemes such as the N13 Meetinghouse place to Stranorlar 2013 are identified by the NRA through their network management system. Such pavement schemes are designed and contract managed by the Donegal National Roads Office. HD 28 (skid resistance sites) are also generally identified and reviewed by the NRA and Donegal NRO.

These works are funded by the NRA and in the main delivered by the roads section of DCC with assistance if required from the Donegal NRO.

Safety schemes are identified and funded by the NRA safety section under their Road Safety Management Procedures and predominantly HD 15/12 Network Safety management and HD 17/12 Road Safety Inspections. DCC can make an application for a scheme based on safety concerns and funding will be determined in accordance with HD15/12 on a regional basis.

Progression of Major Schemes and Minor Improvement schemes is determined by the NRA on a national basis.”

Cllr Mc Gowan said he had a number of questions as to how applications were made for these types of roads. He alluded to a recent report which confirmed that the Stranorlar Electoral Area had the most dangerous roads in the County. He cited the need to have clear and concise information on the roads concerned prior to the annual meeting with the NRA.

Cllr Crawford said it was imperative that the NRA took the figures seriously and acted on the information available.

There was no opposition to the motion.

Mr Stephen Flynn, A/Director roads & Transportation noted that there were a number of major and minor road realignment/improvement schemes being progressed in respect of the approach roads into Ballybofey/Stranorlar. He drew Members attention to those included on the attachment circulated with the reply.

Cllr Mc Gowan said it was essential that a clear and precise message went to Dublin regarding the state of the roads in the Ballybofey/Stranorlar area.

C/470/14

CONDEMNATION OF THE GOVERNMENT FOR ITS FAILURE TO BRING FORWARD A HOUSING BILL TO ENABLE COUNCIL HOUSING TENANTS TO PURCHASE THEIR DWELLINGS AND CALLS ON THE GOVERNMENT TO BRING FORWARD A HOUSING BILL WHICH INCLUDES

CONSTRUCTION OF SI HOUSING AND MULTI DEVELOPMENT HOUSING

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

"That this Council condemn the Government for its failure to bring forward a Housing Bill to enable Council Housing Tenants to purchase their dwellings and call on the Government to bring forward a Housing Bill which includes construction of SI Housing and Multi Development Housing to meet the needs of the housing need in Donegal?"

Members were informed that:-

The Housing (Miscellaneous Provisions) Act 2014 as enacted on 28th July 2014 makes provision for a new Tenant Purchase Scheme for existing Local Authority houses along Incremental Purchase lines, which will replace the 1995 Tenant Purchase Scheme which closed on 30th June 2014. When a commencement order is signed bringing the specific provisions in relation to the scheme into effect, full details of the scheme will be made available to the Members.

In relation to the supply of Social Housing stock, on the 12th of February 2014, the Council received notification of an allocation of €208,915 under the Social Housing Investment Programme 2014 to cover existing contractual commitments only at that time..

This allocation provided for the completion of two S.I. houses currently under construction, and further monies in relation to the housing development in Newtowncunningham and a small balance relating to a previous acquisition.

On the 11th of March 2014, as part of an Infrastructure Stimulus Package that would achieve high economic impact in the medium term and provide significant employment opportunities in the construction sector, the Council received a further allocation of €1,410,853.00. This allocation provided for the advancement of a small scale Scheme of six units at Glendale Drive, Letterkenny, and the construction of four single rural dwellings (S.I.'s). These projects are currently being advanced".

Cllr Doherty noted that a considerable amount of tax payers money had been invested in RAS and Social Housing, but that there were still considerable deficiencies with regard to the provision of housing in the County.

The Council, he noted, owned numerous vacant and derelict houses which could be utilised in the provision of accommodation.

He called for vacant sites to be sold and monies ring fenced for the renovation of boarded up properties across the County.

Cllr Gallagher said that a big part of the problem was the absence of an effective Tenant Purchase Scheme. She alluded also to the failure of the RAS and Long Term Leasing Schemes.

Acknowledging the fact that a new Tenant Purchase Scheme had been provided for under the Housing (Miscellaneous Provisions) Act 2014 she requested that further information in relation to the scheme be forwarded to all Members.

There was no opposition to the motion.

Mr Liam Ward, Director Housing & Corporate Services noted that the construction programme had reduced significantly over the past number of years to the point where it now effectively ceased to exist. From the tenants point of view, he said, the RAS Scheme had worked well allowing individuals to obtain a home of their choice.

He referred also to details circulated at the July Council Meeting confirming that €771,379 had been received to date from the Department of the Environment, Community & Local Government in order to bring a total of 59 vacant properties into productive use. Works were, he said, expected to be completed by year end.

He noted that there were specific difficulties in letting SI Houses, which became vacant, particularly in rural areas of the County.

Overall, he said, he was hopeful that the Construction Programme would recommence in some form over the next number of years.

C/471/14

TWINNING WITH AL BEHR IN THE WESTBANK TO
DEVELOP ECONOMIC /SOCIAL LINKS

On the proposal of Cllr Mac Giolla Easbuig, seconded by Cllr Mc Brearty the following motion was adopted;-

“Go ndéanfadh Comhairle Contae Dhún na nGall comhnascadh le Al Berh sa Bhruach Thiar le nascanna sóisialta agus eacnamaíochta a fhorbairt idir an dá áit”

"That Donegal County Council twin with Al Berh in the Westbank to develop economic/social links."

Members were informed that:-

Tá soláthar i dtaca le hÚdarás Áitiúla dul isteach i socrúithe comhnasctha leagtha amach in Alt 75 den Acht Rialtais Áitiúil, 2001, a deir an méid seo a leanas (níl leagan Gaeilge den Acht seo ar fáil go fóill, mar sin de, tá tús áite dleathach ag na sleachta Béarla thíos faoi seo):

(1) Is féidir le húdarás áitiúil socrúithe comhnasctha a dhéanamh dá limistéar riaracháin féin nó do chuid de nó naisc eile den chineál céanna a dhéanamh le haon cheantar eile, bíodh sin taobh istigh den Stát nó taobh amuigh de.

(2) Is feidhm fhorchoimeáda é aon chinneadh chun dul isteach i socrú comhnasctha faoi fho-alt (1).

(3) Ní dhéanfaidh údarás áitiúil aon socrú comhnasctha faoi fho-alt ach amháin, i ndiaidh na nithe seo a leanas a thabhairt san áireamh, má tá sé sásta go bhfuil cúis mhaith fána choinne:

- (a) na buntáistí ar dócha a bheas ann dá limistéar riaracháin féin agus don phobal áitiúil,
- (b) leas sóisialta, cultúrtha agus ginearálta dá limistéar riaracháin féin agus don phobal áitiúil, agus:
- (c) an costas iomlán a bheadh i gceist

(4) D'fhéadfadh an tAire treoracha a eisiúint chuig údarás áitiúla nó chuig aicmí ar leith d'údarás áitiúla, ar mhaithe leis an alt seo.

(5) Tabharfar tuairisc ar thuarascáil bhliantúil an údarás áitiúil, le haghaidh gach bliana, i dtaca le caiteachas agus aon sonraí eile maidir le cur i bhfeidhm a chuid feidhmeanna faoin alt seo.

Agus an rún seo a phlé, tá dualgas ar an Chomhairle na riachtanais atá leagtha amach thuas i bhfo-alt (3) (a), (b) agus (c) a mheas.

I mí Iúil 2013, fuair an Chomhairle tuairisc chun dáta ar theagmhálacha a bhí ar siúl idir an Contae agus Cathair Changchun, Cúige Jilin, An tSín, agus bhí moladh ann san am sin go ndéanfaí comhnascadh foirmeálta. Ní dhearnadh an moladh sin a mheas ná a phlé go foirmeálta.

Ba chóir a thabhairt faoi deara, laistigh den Bhuiséad atá glactha le haghaidh 2014, nach bhfuil aon soláthar déanta chun socruithe comhnasctha a dhéanamh ar son na Comhairle. Má táthar le soláthar a dhéanamh fána choinne seo i mBuiséad 2015, bheadh orainn sin uilig a mheas agus a phlé mar chuid den phróiseas buiséid atá le déanamh go luath.

The provision for Local Authorities to enter twinning arrangements is set out Section 75 of the Local Government Act, 2001 which states as follows:

(1) A local authority may enter into arrangements for the twinning of its administrative area or a part of it or establish other similar links with any other area, whether within or outside the State.

(2) The decision to enter into an arrangement under subsection (1) is a reserved function.

(3) A local authority shall not enter into an arrangement under subsection (1) unless, having had regard to the following matters, it is satisfied that the arrangement is justified:

(a) the benefits likely to accrue to its administrative area and the local community,

(b) the social, cultural and general interests of its administrative area and the local community, and

(c) the total cost involved.

(4) The Minister may issue directions to local authorities or specified classes of local authorities for the purposes of this section.

(5) There shall be recorded in the annual report of a local authority for every year expenditure and other particulars in relation to the performance of its functions under this section.

In debating this motion, the Council is obliged to consider the requirements as set out in sub-section (3) (a), (b) and (c) outlined above.

In July 2013, the Council received a report by way of update on the County's engagement with Changchun City, Jilin Province, China, which included a proposal for formal twinning arrangement. The proposal was not formally considered.

It should be noted that within the adopted 2014 revenue Budget, no provision was made to facilitate or advance Twinning Arrangements by the Council. The inclusion of such a provision in the 2015 Budget will be a matter for consideration during the upcoming budget process.

Cllr Mac Giolla Easbuig advised that the Palestinian Ambassador on his recent visit to the County had been keen to develop economic and social links between Al Berh in the Westbank and Donegal. He had, he noted, displayed a keen interest in the dairy and sheep industry in particular. This it was acknowledged was not just a token of solidarity but rather a keen desire to develop lasting cultural links.

Cllr Mc Brearty outlined his support for the motion advising that there was huge potential in developing such links.

Cllr O' Domhnaill asked that the motion be amended to include Boston and Glasgow as these too had wide ranging links with the County.

Mr Liam Ward, Director Housing, Corporate & Planning Control advised that there were ongoing budget restrictions but that the matter was one that could be considered in the context of the 2015 budget process.

On the proposal of Cllr Mac Giolla Easbuig, seconded by Cllr Mc Brearty it was resolved to amend the motion as follows:-

“Go ndéanfadh Comhairle Contae Dhún na nGall comhnascadh le Al Berh sa Bhruach Thiar le nascanna sóisialta agus eacnamaíochta a fhorbairt idir an dá áit”

"That Donegal County Council twin with Al Berh in the Westbank, Boston and Glasgow to develop economic/social links."

This was duly agreed.

Cllr Mac Giolla Easbuig thanked Members for their support and said that he was of the opinion that there would be no specific financial cost to the Council arising from the twinning with Al Berh.

C/472/14 SETTING UP OF A COUNTY-WIDE TIDY TOWNS COMPETITION

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

"That this Council set up a county-wide Tidy Towns Competition whereby a Gold, Silver and Bronze Award is presented per Electoral Area and the competition judged by Council Staff."

Members were informed that:-

Donegal County Council would like to again congratulate all Tidy Towns committees on their achievements in the 2014 national competition. The hard work and dedication of all the volunteers resulted in every group in Donegal increasing their marks in this years competition. The Council is also delighted to see that five new groups also entered this year. The establishment of new Tidy Towns groups is something that is supported and encouraged by the Council and it is hoped that other towns and villages will also consider getting involved over the coming years.

In the 2014 competition there were a number of national award winners including Letterkenny, Glenties, Raphoe, Buncrana, Malin, Carrigart and Carrigans. The Council has corresponded with the award winners to pass on it's congratulation and offer it's continued support.

The achievements of all Donegal groups should be acknowledged as the categories in the national competition cover a broad spectrum of areas including the Built Environment and Streetscape, Landscaping and Open Spaces, Wildlife and Natural Amenities, Tidiness and Litter Control, Sustainable Waste and Resource Management, Residential Street and Housing Areas, Approach

Roads, Streets and Lanes. Groups can also choose to enter up to 11 special awards in addition to the main categories.

The Council continues to provide advice and support to Tidy Towns groups in their quest to become Ireland Tidiest Town. This is done through the provision of grants, providing support and advice to groups, attending meetings and delivering workshops and organising seminars on specific categories of the competition.

Consideration must be given to how a proposal for a county competition would be organised to complement the current national competition without duplicating the work for the local groups. Consideration could be given for example to hosting a County event that recognises the achievements of all groups in the national competition each year.

The matter could be referred for consideration by the Environment and Emergency Strategic Policy Committee with a view to a policy proposal being brought forward to the full Council”.

Cllr O’ Domhnaill advised of the need for such a competition at local level to recognise the efforts of those individuals who worked tirelessly on the various Tidy Towns Initiatives. He asked that the possibility of initiating an anti-litter award be looked into, to reward those in the voluntary sector who contributed effortlessly to such initiatives.

Cllr Canning said that it would be good way of rewarding those Tidy Towns Volunteers whose efforts were often not fully appreciated until the end of the summer.

There was no opposition to the motion.

Mr Joe Peoples, Director Water & Environment said that he had no problem with the proposal, but outlined, the need to set down clear guidelines at the outset. The matter, he said, could be brought to the Water & Environment SPC for further clarification.

Cllr O’ Domhnaill welcomed the response noting that the overall cost of initiating such a scheme would be minimal.

C/473/14 SEEKING OF GRANT AID FROM CENTRAL GOVERNMENT TO ENABLE LIS AND BÓITHRE AISE GRANTS TO START UP AGAIN IN 2015.

Cllr O' Domhnaill proposed, seconded by Cllr Gallagher that the following motion submitted by Cllr Bonner be adopted:-

"That Donegal County Council seeks Grant Aid from Central Government to enable, the Local Improvement Scheme Grants (LIS) and Boithre Aise Grants to start up again in 2015."

Members were informed that:-

"This would be arranged when the motion was adopted".

There was no opposition to the motion.

C/474/14 INSPECTION OF ROADS ALONG THE WILD ATLANTIC WAY

On the proposal of Cllr Gallagher, seconded by Cllr O' Fearraigh the following motion was adopted:-

"That this Council do an inspection of the roads along the Wild Atlantic Way in Donegal and compile a document/plan that can be presented to the Department to upgrade the route to an acceptable standard, and also write to the Department to ensure that funding is secured in 2015 to proceed with realignment of the N56 Dungloe to Glenties."

Members were informed that:-

"The following information is provided to Members to assist in their consideration of this motion:

As the Roads Authority, who's function it is to maintain and construct roads, the Council annually review the condition of the non-national roads network and prioritise restoration and surface dressing works along across the network. These works are largely funded from grants from the Department or Transport Tourism and Sport. The Wild Atlantic Way route is included in this review and the route will be maintained within the Council's budget and the overall priorities agreed with Members at a Municipal District level. Upgrades or improvements to routes for non national routes including tourism routes were previously funded from specific

grants provided by the Department of Transport tourism and Sport. On the basis of current budget projections the DTTAS decided that the Specific Improvement Grant and Strategic Grant programmes would have to be terminated with effect from 2014 in order to maximise the funding available for repair and strengthening work. It is unlikely therefore that the Department will fund upgrades to the route other than maintenance funded through the Restoration Maintenance or Restoration Improvement Grant.

Notwithstanding this It is recommended that the executive in each Municipal Districts specifically consider the route as part of their review of the network before the 2015 programme is agreed and make any recommendations to members for maintenance or works that could be funded under the discretionary grant programme. Separately Failte Ireland have worked closely with the Council and have provided considerable funding for the maintenance of existing discovery points along the route during 2014. It is understood that this will form part of a prioritised programme of capital investment for discovery points and the signature discovery points of Malin Head, Fanad Head and Sliabh Liag over the coming years. Any particular issues with respect to these sites should be notified to the relevant Area Manager for consideration as part of that programme”.

Cllr Gallagher outlined the necessity of upgrading the roads in question as the Wild Atlantic Way was in the process of becoming a vibrant tourism product and one which necessitated immediate infrastructural investment.

She proceeded to advise in relation to the difficulties being experienced by road users on the N56 Glenties to Dungloe. Coach drivers, she stated, could not leave Glenties and go directly to Dungloe but instead had to travel via Ballybofey.

Cllr O' Ferraigh highlighted the need to improve the roads infrastructure on the route from Donegal Town to Glenties to Gweedore and into Cloughaneely. He advised also of the need to examine roads infrastructure on the islands.

Mr Stephen Flynn, Acting Director Roads and Transportation acknowledged comments raised by Cllrs Gallagher and O' Ferraigh in relation to the Roads Restoration Grants. He drew Member's attention also to the funding available from Failte Ireland in relation to the maintenance of existing discovery points.

Cllr Gallagher concluding the debate outlined the need for a special case to be made in respect of the routes outlined and the reopening of specific improvement schemes.

On the proposal of Cllr Slowey, seconded by Cllr Mc Garvey it was resolved in accordance with Standing Order No 29 to suspend Standing Order No 3 so as to allow the meeting continue beyond 6pm.

C/475/14 ABOLITION OF COMMERCIAL RATES ON NOT FOR PROFIT CHILDCARE FACILITIES IN DONEGAL

On the proposal of Cllr Slowey, seconded by Cllr Ryan it was resolved to adopt the following motion;-

"That Donegal County Council supports the abolition of Commercial Rates on Not for Profit Childcare facilities in Donegal."

Members were informed that:-

“Under Section 16(a), Schedule 4 of the Valuation Act 2001, there is a provision that commercial rates are not due on “any land, building or part of a building which is occupied by a body, being either –

(a)a charitable organisation that uses the land, building or part exclusively for charitable purposes and otherwise than for private profit”.

If a childcare facility can demonstrate that they are registered as a charitable organisation and that they have not been established for private profit, consideration can be given to writing off the annual rates as part of the Council’s annual RA16 process. In these cases, which normally relates to a community child care facility, the memorandum and articles of association are requested in addition to the most recent company accounts and confirmation that the facility/body has charitable status. It should be noted that childcare facilities which are operating wholly under the Early Childhood Care and Education (ECCE) scheme are exempt from commercial rates”.

Cllr Slowey noted that a similar motion had been passed by Monaghan County Council.

It would be helpful also, he said, for Donegal County Council to do the same and pass it on to the Department of Finance.

There was no opposition to the motion.

The Head of Finance referred to his response and clarification that under Section 16 (a) Schedule 4 of the Valuation Act 2001 that a provision existed whereby commercial rates were not due where a childcare facility could demonstrate that they were registered as a charitable organisation. The passing of the motion would, he said, copper fasten the situation.

C/476/14 CONDEMNATION OF IRISH WATERS DECISION TO DELAY THE GAOTH DOBHAIR SEWAGE SCHEME AND REQUEST FOR UPDATE ON ALL PROPOSED CAPITAL SCHEMES IN DONEGAL

On the proposal of Cllr O' Fearraigh, seconded by Cllr Gallagher the following motion was adopted;-

"That this Council condemn Irish Waters decision to delay the Gaoth Dobhair Sewage Scheme which was announced by then Minister Hogan last November, and demand that Irish water give a full update on all proposed Capital Schemes in Donegal and outline a timeline for the construction of these schemes."

Members attention was again drawn to the report on the transfer of responsibility to Irish Water as set out under Item 6 on the agenda.

"Please refer to report on the transfer of responsibility to Irish Water-Agenda Item 6.

Cllr O' Fearraigh said the decision to delay the scheme was disgraceful and a severe blow to the local population who had waited for over 40 years for the scheme to come to fruition.

Cllr Gallagher noted that the biggest problem was the lack of interaction with Irish Water and the uncertainty as to whether other schemes were also going to be put on hold.

There was no opposition to the motion.

Mr Joe Peoples, Director Water & Environment noted that this had been one of the issues highlighted in the correspondence to the Minister. Irish Water, he added, were making some adjustments to

the proposals, but he was hopeful, that these would be minor thus allowing the scheme to proceed at an early stage.

Cllr O' Fearraigh advised of the need to maintain pressure on the Minister and the Government so as to ensure the progression of this much needed scheme.

C/477/14 TO CONSIDER REQUEST FOR ADDITIONAL NOMINEES TO THE BOARD OF LETTERKENNY THEATRE MANAGEMENT COMPANY

On the proposal of Cllr Brogan, seconded by Cllr O' Neill it was resolved that the following additional nominees be appointed to the Board of Letterkenny Theatre Management Company Ltd:-

- Cllr Jimmy Kavanagh
- Ms Lisa Culbert

C/478/14 TO APPROVE THE APPOINTMENT OF A THIRD DIRECTOR TO BALLYSHANNON LEISURE CENTRE LTD.

On the proposal of Cllr O' Neill, seconded by Cllr Mc Garvey it was resolved that Cllr Conaghan be appointed as the third Director from Donegal County Council to Ballyshannon Leisure Centre Ltd.

C/479/14 PLANNING WORKSHOP

It was unanimously agreed that the Planning Workshop agreed in conjunction with Cllr Canning's Motion be held on Wednesday 22nd October at 2pm in the County House, Lifford.

Cllr Mc Brearty asked that consideration be given to having a dedicated Council Meeting for dealing with questions and motions only.

Cllr Brogan complimented all concerned on completing the extensive September Agenda, noting that there had been excellent co-operation. He outlined the need for the same level of co-operation at district level and adequate representation from the Executive.

Members noted the following questions:-

C/480/14 CHANGING SPEED LIMITS ON COUNTY ROADS"
The following question was submitted by Cllr Canning:-

"Can this Council change the speed limit on a county road, if so, how long does it take?"

Cllr Canning was informed that:-

“The current process in relation to speed limit review is complex and requires significant consultation, technical input, and review. With a allocated full time Engineer, it would take approximately 12 months WTE to complete a speed limit review.

The current protocol is to review all speed limit review requests as time and resources allow (and generally every 5 years). During this period, all Elected Members, staff, statutory bodies, An Garda Siochana and the general public can make submissions regarding investigation into speed limits on particular routes to the Road Design Office where all such submissions are kept on file for consideration at the time of next review process”

C/481/14 WORK ON LAGG BEACH MALIN

The following question was submitted by Cllr Mc Dermott:-

"When will work on Lagg Beach, Malin begin as it has been in bad state for 2 years now?"

Cllr Mc Dermott was informed that:-

“Significant erosion of the dune system at Lagg Beach has been ongoing for an extended number of years. Various attempts to protect the access to the beach have been made by the Council. However, these have had little overall impact in the long term prevention of the erosion.

Area Roads along with the Council’s Marine & Environment sections will work in conjunction with the local landowners to identify short term and long term options for the beach access. When these have been determined, the works will be costed and if the existing budgets can accommodate the spend, the works will be carried out, otherwise further discussion will be required to secure an appropriate budget.

C/482/14 STREET LIGHTING ON THE CLONMANY SIDE OF BALLYLIFFIN

The following question was submitted by Cllr McDermott:-

"Is there any plans to fit street lights on the footpath on the Clonmany side of Ballyliffin where all the ducting has already been put in place?"

Cllr Mc Dermott was informed that:-

"There is no funding currently available for the installation of lights at this location. This matter is to be investigated and a costing plan prepared with a view to including this work in the 2015 workplan."

C/483/14 QUERY REGARDING ANY WORK OR PROPOSALS CARRIED OUT AS PART OF THE WILD ATLANTIC WAY

The following question was submitted by Cllr Canning:-

"In relation to all of the view points etc within Donegal that received an allocation as part of the Wild Atlantic Way, has any work or proposals been carried out, if so what are they?"

Cllr Canning was informed that:-

"The Council recognises the outstanding success of the Wild Atlantic Way from a tourism perspective for the County and are committed to maximising this potential for the coming years. Works are ongoing at two key signature locations at present at both Sliabh Liag and Malin Head to improve the visitor experience and further works at the third signature point at Fanad Lighthouse. In addition the Roads Department has overseen the erection of the directional signage programme for the route around the county which includes the 34 discovery points within the county. These are part of an ongoing works programme with Failte Ireland to upgrade viewing points and visitor facilities. The works programme is currently being implemented by the Roads Directorate in agreement with Failte Ireland."

C/484/14 PROFILING CHALLENGES TO THE EDUCATION SECTOR IN DONEGAL

The following question was submitted by Cllr Albert Doherty:-

"Profiling Challenges to the Education Sector in Donegal" (Report) Will Donegal County Council ensure that relevant Government Departments and Local Funding Agencies are briefed and urged to

take account and act on this report and its recommendations particularly the need for greater "weighting" to be applied in terms of funding allocations to more deprived Local Authority areas?" (Donegal County Council).”

Cllr Doherty was informed that:-

“The report on Profiling Challenges to the Education Sector in Donegal in 2012 was launched earlier this year by the Economic Security Sub-Group of the Children’s Services Committee (CSC) in Donegal.

The CSC in Donegal was one of four pilot committees established as part of a national initiative in 2007 and its membership is made up of a range of public sector bodies and partnership companies operating in the county, including the Child & Family Agency, HSE, Education & Training Board, Donegal Co. Council and An Garda Síochána.

Its vision is that ‘The Donegal Children’s Services Committee is here to work together to enrich and improve the lives of Children, young people, (and their families) in Donegal’/

As part of this national initiative, seven National Service Outcomes for Children in Ireland were identified:

- 1.healthy, both physically and mentally
- 2.supported in active learning
- 3.safe from accidental and intentional harm
- 4.economically secure
- 5.secure in the immediate and wider physical environment
- 6.part of positive networks of family, friends, neighbours and the community
- 7.included and participating in society

The CSC in Donegal has established four Sub-Groups under its remit to advance the achievement of these outcomes for Children. These four sub-groups are as follows:

- Health & Well Being
- Safe & Secure
- Education & Learning
- Economic Security

To complement its work, the Economic Security Sub-Group commissioned a piece of research which has resulted in the publication of this report. The research was undertaken by the Research & Policy Unit in Donegal Co. Council.

Twelve recommendations have come forward and it has been agreed by the CSC that these recommendations will be taken on board by the most appropriate of the sub-groups referenced above, to include in their work programmes over the next 12 to 24 months.

It is envisaged that this will entail liaising with relevant Government departments to ensure that the findings within the research are taken on board in terms of key decisions in this area into the future.”

C/485/14 HAS THE COUNCIL TESTED AND EXAMINED ITS OWN HOUSING STOCK TO ENSURE NO BUILDINGS ARE AFFECTED BY “MUSCOVITE MICA.

The following question was submitted by Cllr Albert Doherty:-

"Has Donegal County Council thoroughly tested and examined its own housing stock to assess and ensure that no buildings are affected by the contaminant known as "Muscovite Mica" and provide assurance to members that this substance is no longer present in concrete blocks currently being produced?"

Cllr Doherty was informed that:-

“To date, the Council has not carried out any specific testing on its housing stock in relation to Muscovite Mica. However, any suspected cases of its occurrence that may arise will be fully investigated.

In terms of products being used in the construction of houses in the County, the following information is provided:

The building regulations set out the legal requirements for the construction of new buildings etc and are divided into 12 parts (classified as parts A to M)

Part A (Structure) provides guidance on how compliance can be achieved and in the context of block work in houses reference is

given to appropriate masonry design and construction standards. The materials to be used e.g. concrete blocks, wall ties etc are required to meet the specified minimum designations strengths and other qualities as set out in TGD A and the referenced standards.

Part D sets out the legal requirements for materials and workmanship. It requires that all works must be carried out using “proper materials which are fit for the use for which they are intended and for the conditions in which they are to be used” and in a workmanlike manner to ensure compliance with the building Regulations

Primary responsibility for compliance with the requirements of the Building Regulations rests with the Designer, Builders, and owners of the building.

The Construction Products Regulations came into force across the entire European Union on 1st July 2013 with the result that each construction product for which a harmonised European Product standard (known as a hEN) is in force will need a Declaration of Performance from the Manufacturer and be affixed with the CE mark before it can be placed on the market after this date. The CE Marking is now mandatory and Declarations of Performance are now required in respect of all construction products that fall within the scope of the Construction Products Regulations. These requirements affect all economic operators regardless of whether they export construction products or not.

In particular, all parties identified within the Building Control Regulations 2014 have responsibility to ensure compliance with CPR's as follows,

- Designers shall ensure that all products and materials detailed within the design shall be in compliance with the European Union (Construction Products) Regulations 2013 (SI No. 225 of 2013).
- Competent Builders shall ensure that all products and material suppliers shall bear the CE Markings and include a declaration of performance for said materials which shall be in compliance with the European Union (Construction Products) Regulations 2013 (SI No. 225 of 2013).

•Assigned Certifiers shall liaise with the competent builders in order to ensure that all products and material for the works shall be in compliance with the European Union (Construction Products) Regulations 2013 (SI No. 225 of 2013).

At the end of the project both the Assigned Certifier and the Builder sign a Certificate of Compliance at Completion which states that all works and materials used are in accordance with the Construction Products Regulations 2013.

Under the Construction Products Regulations the Building Control Authority has been designated as the principle market surveillance for construction products, The Council, in this role, has written to all Concrete Product Manufacturers and Suppliers in the county seeking evidence of CE Marks and Declarations of Performance. The Council has been inspecting (private) sites with the view that all products used in construction now bear the CE mark. Where no evidence exists or is not forth coming, the Council contacts the Assigned Certifier and investigates further.

C/486/14 HAS IRISH WATER BEEN INFORMED OF THE AGREEMENT BETWEEN LANDOWNERS AT MINDORAN, CLONMANY AND DONEGAL COUNTY COUNCIL REGARDING WATER FROM MINDORAN LOUGH?

The following question was submitted by Cllr Bernard McGuinness:-

"Have Irish Water been informed of the agreement between landowners at Mindoran, Clonmany and Donegal County Council regarding water from Mindoran Lough and as discussed in my motion considered at the November 2013 Council Meeting?"

Cllr McGuinness was informed that:-

“The process of transitioning to Irish Water involves inter-alia the transfer of records in relation to all aspects of the water service function formerly the responsibility of the Council. This includes agreements in relation to water rights, way-leaves, rights of way similar to that for Mindoran Lough. The detailed process whereby these records will be transferred has not been finalised between the local government sector and Irish Water. The transfer of information will need to be carried out in a co-ordinated way rather than on an individual case basis. Consequently, the situation in

relation to Mindoran Lough has not been conveyed to Irish Water on a stand alone basis. The Council will be ensuring that the process is robust and comprehensive so that all the legal commitments made by the Council that are now transferable in law to Irish Water are included in the transfer of records at the appropriate time.”

C/487/14 HAS DONEGAL COUNTY COUNCIL RESPECTED THE REQUEST OF ALL MEMBERS WHO OPPOSED THE CO-OPERATION WITH THE ABUSIVE GATEWAY SCHEME?

The following question was submitted by Cllr Quinn:-

"Has Donegal County Council respected the request of all Members who opposed the co-operation with the abusive Gateway Scheme?"

Cllr Quinn was informed that:-

“The Chief Executive has referenced the Council's participation in the Gateway scheme in his Monthly Management Report to the Council which is included on the agenda for today's meeting.

Local Authorities are obliged to comply with Government led Labour Market Activation Schemes, which have been initiated in order to provide short-term work opportunities for the unemployed, with the objective of bridging the gap between unemployment and re-entering the workforce.

There are various initiatives in this regard, such as the JobBridge Scheme and the Gateway Scheme. To date the Council has 10 individuals who have agreed to participate in the Gateway Scheme and 79 on the JobBridge Scheme.”

C/488/14 WHAT VOLUME OF GARTAN WATER WOULD BE DEEMED SAFE TO CONSUME?

The following question was submitted by Cllr Quinn:-

"What volume of Gartan Water would be deemed "safe to consume" by a person of average health over period of 6 months?"

Cllr Quinn was informed that:-

“Please refer to report on the transfer of responsibility to Irish Water-agenda item 6.”

C/489/14 HAS THIS COUNCIL ASKED IRISH WATER AGAIN TO MEET WITH THE ELECTED MEMBERS?

The following question was submitted by Cllr Brogan:-

"Has this Council asked Irish Water again to meet with the Elected Members of Donegal County Council to discuss the takeover of all our water services and sewerage plant and can Management outline the current role this Council has in this area now?"

Cllr Brogan was informed that:-

“Please refer to report on the transfer of responsibility to Irish Water - agenda item 6.”

C/490/14 WILL OUR INHOUSE ENGINEERS PREPARE A PLAN FOR PUBLIC TOILETS IN RATHMULLAN?

The following question was submitted by Cllr McGarvey:-

"Will our In-House Engineers prepare a plan as a matter of urgency for Public Toilets in Rathmullan in view of the fact these were promised when agreement was reached to remove the old Potato Store?"

Cllr McGarvey was informed that:-

“The Council will prepare a proposal for a development at Rathmullan that will include public toilets and facilities for lifeguards. It is expected that the proposal including design etc can be progressed by Council staff. Work will commence in the coming weeks to scope out the proposal including design and funding.”

C/491/14 WHAT IS THE CURRENT STATUS OF THE LETTERKENNY TO RAMELTON ROAD AT WOODLANDS?

The following question was submitted by Cllr Brogan:-

"What is the current status of the Letterkenny to Ramelton Road at Woodlands as its in a very dangerous state now?"

Cllr Brogan was informed that:-

“In 2014 the Dept of Transport decided, based on budget projections, that the Specific Improvement Grant and Strategic Grant programmes were to be terminated in order to maximise the funding available for repair and strengthening work. In the longer term, it is not likely that the unfinished section at Woodlands will be completed until these Grants are reintroduced. In the short term, the Roads section have commissioned a Road Safety Audit of the R245 at Woodlands and are identifying and rectifying any potential hazards that may be present pending the completion of the works.”

C/492/14

APPLY FOR FUNDING FROM THE INTERREG
PROGRAMME TO HELP FUND THE BONAGEE LINK ROAD
PROJECT?

The following question was submitted by Cllr Kavanagh:-

“Can Donegal County Council apply for funding from the Interreg Programme to help fund the Bonagee Link Road Project?”

Cllr Kavanagh was informed that:-

“The Council have previously explored the possibility of obtaining funding for the Bonagee Link under schemes such as Interreg IV as well as making representations for funding for large projects under Interreg V. We have not been successful to date in this process but will continue to liaise with central government and state agencies to develop this and other projects.

The draft Interreg V programme proposes the inclusion of measures under the theme of Sustainable Transport. The draft Programme states that “Support will be provided for the development of environmentally friendly and low carbon transport systems, in order to promote sustainable cross-border regional and local mobility.

A Specific Objective to improve the environmentally friendly transport infrastructure in the region to promote the utilisation of low carbon transportation, with an indicative ERDF budget allocation

€40m is proposed for the region. Actions to be supported will include

- Development of a comprehensive cross-border cycle network;
- Development of multi-modal transport hubs;

- Development of the existing cross-border infrastructure for electric vehicles including ensuring interoperability;
- Actions to facilitate the increased use of electric vehicles by public agencies, including subsidies for purchase of vehicles”.

The final draft Operational Programme was submitted to the European Commission for approval on 22nd September. These priorities do not readily allow for any major infrastructural funding and as such an application for a Major Road project such as the Bonagee link is unlikely to be successful.”

C/493/14 CAN DONEGAL COUNTY COUNCIL COMMIT TO CONTINUING THE “HEROES AND LEGENDS INITIATIVE.
The following question was submitted by Cllr Kavanagh:-

“Can Donegal County Council commit to continuing the "Heroes and Legends" initiative, held last year as part of the "The Gathering". The event could be organised on an annual or bi annual basis, and could be a very positive promotion of Sport and Tourism for the County?"

Cllr Kavanagh was informed that:-

“The Heroes and Legends initiative was successfully undertaken as part of the Gathering Celebrations. The Council will be reviewing initiatives to be undertaken next year as part of the preparation of 2015 Budget and this initiative can be considered in that context.”

C/494/14 CAN THE COUNCIL CONFIRM THAT IT HAS REGULARISED ALL TENDERING PROCEDURES?
The following question was submitted by Cllr Shiels:-

"Can the Council confirm that it has regularised all tendering procedures and that there are no ongoing issues in relation to breach of Local Government tendering requirements which may be reported upon by Local Government Auditor following completion of his next audit?"

Cllr Shiels was informed that:-

“The Council adheres to required tendering procedures where it publicly procures goods and services. The objective of such an approach aims to balance obtaining Value for Money for the

Council and providing structured, equitable platforms for interested parties to submit tenders.

These include approaches led through;

- National Frameworks & Contracts, now primarily led through the Office of Government Procurement (OGP). National frameworks are currently in place across areas such as electricity, advertising, office stationery and supplies, paper, ICT consumables, vehicle fuel via fuel cards, PPE, mobile and voice calls, fixed line and data.

- Sectoral frameworks such as LA quotes for areas such as plant hire, road making materials, and, prior to Irish Water, water chemicals.

- Local Council led initiatives now active across areas such as non-National road strengthening (over-lay), un-bound road making materials, cleaning services, cash transit services and managed print services, as examples.

The Local Government Audit Service (LGAS), as part of the 2012 audit, reported on two areas where he identified deviations from procurement and tendering procedures. These were;

- 1.Retrospective approval for purchase requests (essentially purchase orders being raised in parallel with invoice being received). A training programme was provided via the Finance Directorate in Q3 2013 on foot of this finding to relevant approvers and processors with the objective of dealing with this systemic issue. THE LGAS also recommended the implementation of a process known as “Central Invoice Matching” as a means of addressing this issue. Management is agreeable with this recommendation and approach. It is planned to do this in parallel with the implementation of an upgrading of the Financial Management system, which is likely to have a 2016 timeline.

- 2.Legal services, while tendered for in limited instances, such as roads projects, were not tendered for in respect of general legal services. The Council had made preparations a number of years ago to go to public tender for general legal services. However, a national review, as part of a range of “Local Government Efficiency Review” areas commenced an assessment of legal services, from a sectoral perspective and with an objective of

identifying an optimum approach to accessing legal services for the Local Government Sector. As a result of this the Council did not pursue its own tender, pending completion of the sectoral review, which is still awaited. Furthermore, and in the interim, the establishment of the Office of Government Procurement (OGP), under the direction of the Department of Public Expenditure and Reform (DPER), has seen the initiation of a range of joint tendering and procurement initiatives across the entire public sector, one of which is "Professional Services" This will likely result in the review of the Legal services area and the subsequent mandatory application of a nationally agreed approach.

The completion of the 2013 Audit by the LGAS is somewhat later than normal as a result of delays by the LGAS itself. It is envisaged that a final LGAS report will be completed by November 2014."

C/495/14 WHAT PROPOSALS ARE IN PLACE WITH REGARD TO THE WATER SITUATION IN BALLYSHANNON?

The following question was submitted by Cllr McEniff:-

"Would the Council please find out what proposals are in place and when they intend to deal with the water situation in Ballyshannon as it is destroying dishwashers, washing machines, kettles etc?"

Cllr McEniff was informed that:-

"Please refer to report on the transfer of responsibility to Irish Water-agenda item 6".

C/496/14 WHEN IS THE COUNCIL GOING TO PROPOSE AN END TO THE UNTREATED WATER BY FISH TANKERS GOING TO THE MARINE HARVEST SALMON STOCKS BY ROAD FROM KILLYBEGS?

The following question was submitted by Cllr Kennedy:-

"When is the County Council going to propose an end to the untreated water by fish tankers going to the Marine Harvest Salmon Stocks by road from Killybegs Water Treatment Plant as the roads are unfit for these tankers which are in excess of 40 tonnes each and will this involve laying pipes and if so when?"

Cllr Kennedy was informed that:-

“A number of businesses in the fish processing industry in Killybegs require significant volumes of fresh untreated water as part of their fish processing operations and approached the Council to establish if it could provide the supply. The Council have a supply agreement with these businesses to provide them with this water. These agreements include payments for minor road repairs. The ongoing provision of this service may be reviewed by the Council in the context of our relationship with Irish Water. There is unlikely to be any arrangement made with Irish Water regarding provision of pipe work to provide untreated water.

Whether or not a road is unfit the purpose of haulage has arisen in the past on many occasions with respect to quarries, various developments located on rural roads, forestry haulage etc. The vast majority of our roads network has not been designed to an engineering standard and the increased use of larger HGV and agricultural vehicles causing damage to them has arisen countywide. In general any vehicle may utilise any public road provided the vehicle is in compliance with the Road Traffic Act as it relates to weight and construction. The Council as Roads Authority may also limit or prohibit access to vehicles or certain classes of vehicles along a road subject to various consultation processes. In prohibiting or limiting access the Council must consider the needs of all road users. The decision to commence this process is a matter for the municipal district.

Separately the Council could seek to terminate the current agreements reached however this may have a detrimental impact on the industry. Alternatively businesses could consider the funding of a pipe themselves and the Council would be happy to refer such a proposal to Irish Water for consideration.”

C/497/14 WHAT ROAD MARKINGS HAVE BEEN COMPLETED OR LEFT TO COMPLETE IN THE STRANORLAR MD?

The following question was submitted by Cllr McBrearty:-

"What road markings have been completed in the Stranorlar MD and how many are left to complete on the program."

Cllr McBrearty was informed that:-

“Road Markings are an important safety feature on our roads as they inform and regulate traffic. Each Municipal Districts

completes a programme of refurbishment / improvement and laying of new road markings during each year. This is broken into three elements. As part of the surface dressing and road restoration programmes roads are assessed and markings updated or replaced as required. Separately as part of any low cost safety schemes or parking regulation new lines are installed, finally existing markings are refurbished. In relation to the first two types these are completed at the time of the scheme or as soon as possible thereafter. In relation to the third category these compiled following surveys by staff and are tendered as a countywide package. For Stranorlar in 2014 the following is the scope of the maintenance lining requirements . This is expected to be completed by the end of the year.”

C/498/14 PROGRESS REPORT ON WHAT ROADS HAVE BEEN COMPLETED FOR THE STRANORLAR MD

The following question was submitted by Cllr McBrearty:-

“Can I have a progress report on what roads have been completed as part of this years road program for the Stranorlar MD and for that report to be broken into the three overseers areas?”

Cllr McBrearty was informed that:-

“A total of 95 different projects are underway as part of the 2014 road works programme in Stranorlar MD. 74 are complete to date. The balance will be completed before year end. A breakdown is attached.” Vide Appendix 3

C/499/14 UPDATE ON FLOOD PREVENTION MEASURES IN RAPHOE

The following question was submitted by Cllr Crawford:-

“Could I be updated on the response of OPW to any recent contacts re flood prevention measures in Raphoe?”

Cllr Crawford was informed that:-

“In relation to the OPW Flood Risk Assessment and Management Study in Raphoe and possible defence measures arising from the report, the OPW wrote to Donegal County Council (July 2014) advising that the report is now substantially complete and that it has identified a number of primary and secondary measures which should afford enhanced protection to the residents. The OPW has

requested that the Council become the contracting authority to progress the primary and secondary works with assistance and some funding from the OPW for the primary measures and flood defence elements of the secondary measures. Donegal County Council is currently examining this correspondence.”

C/500/14 TIMEFRAME FOR NEW PEDESTRIAN CROSSING AT DROMORE KILLYGORDON

The following question was submitted by Cllr McGowan:-

“Please give details and timeframe for the installation of the new Pedestrian Crossing at Dromore Killygordon?”

Cllr McGowan was informed that:-

“Preparatory Civil works are commencing on this scheme on the week commencing 29th Sept 2014. Works will involve improvements to both the Crossroads Junction and the area to the front of Dromore National School.”

C/501/14 AN AREA BY AREA REPORT ON HEDGE CUTTING AND DRAINAGE

The following question was submitted by Cllr McGowan:-

“Please can an Area by Area report be given on Hedge Cutting and Drainage of all our County Roads as was agreed by this Council over a year ago?”

Cllr McGowan was informed that:-

“The Council has adopted two separate policies in relation to hedge cutting and drainage of water onto and off roads. These are summarised below:

"It is the policy of Donegal County Council that land and property owners should be encouraged in the first instance to comply with their responsibilities to take all reasonable steps to ensure that:

- (a) water is not prevented, obstructed or impeded from draining into, onto, under, through or to their land from a public road,
- (b) water, soil or other material is prevented from flowing or falling onto a public road from their land.

Where in the opinion of the Council a land or property owner fails to comply with their responsibilities the Council may take legal

action against the land or property owner concerned and recover their cost in doing so in accordance with the law."

AND:

"The Council will endeavour to ensure that the Owner or Occupier of land shall take all reasonable steps to ensure that a tree, shrub, hedge or other vegetation on the land is not a hazard or potential hazard to persons using a public road and that it does not obstruct or interfere with the safe use of a public road or the maintenance of a public road in accordance with Subsection 70 (2) (a) of the 1993 Roads Act."

The Council has agreed a number of measures to support this policy these are:

For Hedge cutting:

- a) Council will place public advertisement in the months of January and September each year reminding landowners/occupiers of their responsibilities with regards to hedgecutting;
 - b) Council will endeavour to increase landowner awareness through consultation with farming organisations such as the Irish Farmers Association, posting notices at farming co-ops, marts, etc;
 - c) Council will inspect hedges along roads with a view to identifying hedges that need to be cut;
 - d) Council will place emphasis on Verbal Requests, early in the cutting season, to landowners to cut overgrown hedges. Monitoring Reports will be kept on these requests and follow-up action pursued.
 - e) Council will serve a formal Hedgecutting Notice in cases of non-compliance with Verbal Request.
 - f) Council will lead by example by carrying out hedgecutting early in the season on lands that they have responsibility for along public roads;
 - g) Council will as a matter of last resort (but this does not lessen its significance nor the Council's determination), prosecute landowner/ occupiers who do not comply with Hedgecutting Notices;
 - h) Under exceptional circumstances where the Council determines that a landowner or occupier does not have any means financially, physically or otherwise to comply with the Roads Act in cutting their hedges and it is obvious that prosecuting such persons through the courts would not result in getting the hedges cut, the Council will take a sympathetic view towards getting the work done. For purposes of this policy, it is assumed that this might apply to less than 5 individuals in each Electoral Area each year.
- And for drainage:

- a. Advertisements are to issue re need for drainage.
- b. Local verbal contact is to happen in relation to particular issues with land or property owner.
- c. Where the matter is not resolved a letter will be issued by the local office.
- d. Follow up on issues raised at b. and c. will occur with land or property owner.
- e. If required formal legal notice to issue.
- f. Legal action to be taken as required.

Over the last year the Council has issued press and radio advertisements on both topics as required by the policy. Across Municipal districts the Council has follow policies locally. For example Members in one area adopted a proposal during February 2014 to enhance drainage in many cases in conjunction with landowners. This was delivered and received positive feedback from Members. The focus was on long outstanding drainage issues and the opening of water tables etc. In advance of the Works, Members input to locations was requested. In other areas specific issues have been addressed to landowners both directly and through community representatives who in turn have spoken to other landowners. In other areas agreement has been reached with landowners around piping works through their land to remove water from roads. Community Involvement Schemes have also assisted in the resolution of water running on roads. Similar approaches have been taken to hedge cutting. The Council has also led by example by addressing hedge cutting on lands owned or under its control where these affect sightlines etc. The Council have not found it necessary to take legal action against any Landowner to date and would like to thank the many landowners who on a ongoing basis maintain and improve their own hedges and watercourses.

Notwithstanding the above drainage and hedge-cutting are ongoing and important maintenance challenge for the Council and landowners and will continue to require attention and resources. Further updates will be provided to members at MD level.”

C/502/14

ATTENDANCE OF IRISH WATER AT MUNICIPAL DISTRICTS MEETINGS

The following question was submitted by Cllr Crawford:-

"Has contact been made with Irish Water re attendance at meetings of Municipal Districts as their presence would be crucial?"

Cllr Crawford was informed that:-

“Please refer to report on the transfer of responsibility to Irish Water-agenda item 6.”

C/503/14 FUNDING FOR SEWERAGE PROBLEMS IN LIFFORD
The following question was submitted by Cllr Gary Doherty:-

"What is the current status as regards funding to fix the abhorrent sewerage problems which exist in Lifford?"

Cllr Doherty as informed that:-

“Emergency works from a public health and environmental protection perspective are currently being carried out by the Council to prevent the discharge of sewage effluent on to the roads and public spaces at Lifford. It is expected that the works will be completed in the next week. This will eliminate the discharge of effluent at this location.”

C/504/14 POLICY IN RELATION TO THE ERECTING OF COMMUNITY ALERT SIGNS
The following question was submitted by Cllr Crawford:-

"Has this Council a co-ordinated policy in relation to the erecting of community alert signs county-wide and state the policy existing?"

Cllr Crawford was informed that:-

“There are a number of signage policies contained within the County Development Plan, however no specific policy in respect of Community Alert Signs. Signs that are erected on public property do need a licence under Section 254 of the Planning and Development Act.”

C/505/14 STATUS OF PROPOSED MEETING WITH EIRCOM REGARDING RURAL BROADBAND
The following question was submitted by Cllr Gary Doherty:-

"What is the status of this Council's proposed meeting with Eircom around the issue of rural broadband as approved by Members in March?"

Cllr Doherty was informed that:-

“Contact has been made with Eircom and they are happy to give a briefing to the Council on their broadband programme.

It is hoped to arrange this briefing for the month of November.”

C/506/14 HOW MANY SI HOUSES DO THE COUNCIL OWN AND HOW MANY ARE VACANT?

The following question was submitted by Cllr Liam Doherty:-

"How many SI Houses does this Council own, and of this how many are vacant?"

Cllr Doherty was informed that:-

“Donegal County Council presently has 629 SI Houses. 18 of these SI Houses are vacant at present.”

C/507/14 HOW MANY HOUSING APPLICANTS ON WAITING LISTS IN EACH MUNICIPAL DISTRICT?

The following question was submitted by Cllr Liam Doherty:-

"How many Council Housing Applicants are on Council Waiting List in each Municipal District?"

Cllr Doherty was informed that:-

The table below sets out the number of approved Housing Applicants in each Municipal District:

Inishowen	552
Donegal	240
Glenties	258
Letterkenny	825
Stranorlar	370
Total	2245

C/508/14 AN BHFUIL GO LEOR FOIRNE AG COMHAIRLE CHONTAE DHÚN NA NGALL SAN IONAD GLAONNA LE DÉILEÁIL LE GLAONNA AS GAEILGE?
STAFFING IN THE CALL CENTRE AND ABILITY TO DEAL WITH CALLS IN IRISH.

The following question was submitted by Cllr MacGiolla Easpaig:-

“An bhfuil go leor foirne ag Comhairle Contae Dhún na nGall san Ionad Glaonna le déileáil le glaonna as Gaeilge?”

Does DCC have adequate staff in Call Centre to deal with calls as Gaeilge?"

Cllr MacGiolla Easpaig was informed that:-

“Tá beirt bhall foirne a bhfuil Gaeilge acu ag obair san Ionad Glaonna. Sa bhreis air sin, tá ceathrar ball foirne eile, ar cainteoirí líofa Gaeilge iad, a chuireann seirbhís tacaíochta ar fáil don ionad. Mar sin de, ós rud é go bhfuil líon áirithe ball foirne againn san ionad, agus go bhfuil baill foirne eile ag cur seirbhísí tacaíochta ar fáil, is é tuairim na Bainistíochta go bhfuil go leor ball foirne ag an Chomhairle le plé le scairteanna as Gaeilge. Ach ina dhiaidh sin is uile, tá an Chomhairle toilteanach súil a choinneáil ar an cheist seo ar bhonn rialta agus, más gá, smaointiú ar roghanna breise a chur i bhfeidhm lena chinntiú go bhfuil leibhéal cuí seirbhíse ar fáil do bhaill den phobal ar mian leo a gcuid gnoithe a dhéanamh leis an Chomhairle i nGaeilge.”

“There are two identified Irish speaking members of staff in the Customer Contact Centre. In addition there are four other staff members who are fluent Irish speakers, who provide an outreach service to the centre. Having regard to the number of staff in the centre and the outreach services available, Management is of the view that there is adequate staff available to deal with calls ‘as gaeilge’. The Council is happy however to keep this matter under regular review and, if necessary, to consider additional options to ensure that an appropriate level of service is available to the public who wish to do their business with the Council through the Irish Language.”

C/509/14 IMPROVEMENT WORKS ON THE N56 BETWEEN KILRAINE AND GLENTIES

The following question was submitted by Cllr Bonner:-

"What funding is being sought to ensure that improvement works on N56 Road between Kilraine, Glenties and Dungloe will recommence in 2015?"

Cllr Bonner was informed that:-

“The next phase of the N56 Kilraine/Glenties - Dungloe is the N56 Boyoughter to Kilkenny section. The overall construction cost of this section is estimated as €11m (including advance services works and supervision). Construction will be approx 20 months with expenditure split over two years. In September 2013 application was made for €5.7m to commence construction work in 2014. However only an allocation with respect to continued land acquisition for the entire N15 Dungloe Glenties project was recieved (Currently €1.3m) A small amount was also provided for advance works (€150,000).

We propose to make similar application for construction funding in 2014 for 2015 (€5.7m). With all engineering and statutory provisions in place funding for the construction of this next section is a political and financial decision”.

C/510/14 ALLOCATE MORE RESOURCES FOR REPAIRS AND MAINTENANCE WORKS TO BE CARRIED OUT.

The following question was submitted by Cllr Ó Domhnaill:-

“Can this Council allocate more resources to the Housing Section to allow for repair and maintenance works to be carried out on a needs basis to keep our Housing Stock up to an acceptable standard?”

Cllr Ó Domhnaill was informed that:-

“A total of €2,076,038 was provided by Donegal County Council in 2014 to maintain its Housing stock and pay the property tax. A further €637,905 was allocated by the former Town Councils in respect of their properties.

Given the significant budgetary challenges faced in 2014, the bulk of the Council provided funding came from internal capital receipts reserves. This level of utilisation of Internal Capital reserves is not sustainable, which will result in a very significant level of direct revenue monies being required into the future.

The Council has been very proactive in targetting grant funding made available by the DoECLG towards improving our social housing stock. This funding was provided under two main headings:

1. National Initiative for the Return of Vacant Stock to productive use - Total funding of €771,000 approved for Donegal.
2. Fabric Upgrade Programme - Total funding of €788,177 approved for Donegal.

In addition, the Council has over the past 3 years engaged with the SEAI to draw down funding aimed at improving the energy efficiency in our Housing Stock. Earlier this year the Council submitted an application and was successful in securing funding under the Better Energy Communities Area Based Programme to carry out energy efficiency retrofit works to 71 dwellings, 40 of which are owned by Donegal County Council, 23 owned by St. Vincent de Paul and 8 are privately owned. This project has been awarded a maximum grant of €617,000 by the SEAI with the balance of funding to come from the Council.

The Council will continue to be proactive in terms of going after externally funded opportunities to maintain and improve our Council Housing Stock.

The level of direct revenue funded provision towards the maintenance and improvement of our stock will be a key consideration during the Budget 2015 deliberations.”

C/511/14 CÁ HUAIR A BHEAS INSEALBHU MÉADAIR UISCE SA CHONTAE CRÍOCHNAITHE?
WHEN WILL THE INSTALLATION OF WATER METERS BE COMPLETED?

The following question was submitted by Cllr Mac Giolla Easbuig:-

"Cá huair a bheas insealbhú méadair uisce sa chontae críochnaithe?"

"When will the installation of Water Meters countywide be finished?"

Cllr Mac Giolla Easbuig was informed that:-

“Please refer to report on the transfer of responsibility to Irish Water-agenda item 6.”

C/512/14 HAS A DATE FOR A MEETING WITH IRISH WATER AND DCC BEEN SECURED?

The following question was submitted by Cllr M T Gallagher:-

"Has a date for a meeting with Irish Water and Donegal County Council been secured?"

Cllr Gallagher was informed that:-

"Please refer to report on the transfer of responsibility to Irish Water -agenda item 6."

C/513/14 UP TO DATE POSITION REGARDING FALCARRAGH SEWERAGE SCHEME

The following question was submitted by Cllr O'Domhnaill:-

"Can I receive a full rundown on the most up to date position regarding the Falcarragh Sewerage Scheme?"

Cllr O'Domhnaill was informed that:-

"Please see report on the transfer of responsibility to Irish Water-agenda item 6."

C/514/14 PROGRESS ON FULL TIME OPENING OF DUNGLOE LIBRARY

The following question was submitted by Cllr Bonner:-

"What progress has been made in ensuring that Dungloe Library will be opened on a full time basis?"

Cllr Bonner was informed that:-

"Expressions of interest were invited in August, with interviews held in September. It is expected a second staff member will take up the post in October."

C/515/14 BUDGET ALLOCATION FOR AISTEOIRI GAOTH DOBHAIR TO RE-ESTABLISH THE THEATRE

The following question was submitted by Cllr O'Fearraigh:-

"Will an allocation from Central Council Budget be provided to Aisteoiri Gaoth Dobhair to re-establish the Theatre which will be the only Theatre to be run through the medium of Irish?"

Cllr O'Fearraigh was informed that:-

"This is a project requiring capital funding and the support of a range of agencies would be required to deliver it. In order to assess the most appropriate Council response, further information regarding the overall plan and the progress to date should be set out. The proposal can then be considered within the context of the new LCDC strategy currently being prepared and if eligible can apply for future funding streams in the normal manner."

C/516/14 UPKEEP OF MONUMENTS/HISTORICAL STRUCTURES

The following question was submitted by Cllr O'Fearraigh:-

"Does this Council receive an allocation from the OPW for the upkeep of monuments/historical structures?"

Cllr O'Fearraigh was informed that:-

"Donegal County Council does not receive an allocation from the Office of Public Works for the upkeep of archaeological monuments or historical structures. There are 17 'National Monuments' in County Donegal in the ownership/guardianship of the Minister for Arts, Heritage & the Gaeltacht. The term 'National Monument' as defined under Section 2 of the National Monuments Act (1930) means a monument "the preservation of which is a matter of national importance by reason of the historical, architectural, traditional, artistic or archaeological interest attaching thereto". The Office of Public Works and the National Monuments Service of the Department of Arts, Heritage & the Gaeltacht are responsible for National Monuments in state care. There are over 3,400 known archaeological monuments in County Donegal on the Record of Monuments & Places protected under the National Monuments Acts (1930-2004) and most of them are in private ownership."

C/517/14 HOW WAS THE TOURISM FUND IN BUDGET 2014 ALLOCATED?

The following question was submitted by Cllr M T Gallagher:-

"How was the Tourism Fund in Budget 2014 allocated?"

Cllr Gallagher was informed that:-

“The 2014 Tourism Budget was allocated to support a range of tourism activity led by or participated in by Donegal County Council in the areas of project development, events and also with a very large emphasis on the marketing and promotion of this county. In terms of marketing and promotion, the development and the maintenance of the Go Visit Donegal web site has been of key importance. The new Donegal brochure has been produced and will be launched before the end of October. A marketing campaign was delivered in Glasgow, Belfast and Dublin. A major tourism conference "Connecting the Wild Atlantic Way" was led and organised by Donegal County Council (to take place on the 25th October). Donegal County Council erected the WAW signage along the route in the County and is at present carrying out improvement works all along the route funded by Failte Ireland. In terms of major capital projects work is ongoing at Sliabh Liag, Phase I of the Malin Head development has now been completed. Work is being completed on the Inch Levels Project and the Capital Phase of the Sail West Project is about to commence at Bonagee. The Sail West Project is continuing to market the region for Marine Tourism purposes through the Malin Waters Brand. Work is also going on to promote Tourism in the context of the Donegal Diaspora and Donegal Tourism Brands. A comprehensive report detailing all tourism development and marketing activity carried out by Donegal County Council and the resources applied by the Council to this work is being finalised at present and it is proposed that a presentation be made to Council based upon this report. I would propose to have this report presented at the earliest possible opportunity.”

C/518/14 WHAT LEGAL SERVICES HAVE BEEN PUT OUT TO TENDER?

The following question was submitted by Cllr Slowey:-

"What Legal Services to this Council have been put out to tender in recent years as per Government requirements?"

Cllr Slowey was informed that:-

“By way of general information relating to the provision of legal services to Donegal County Council, the following information is provided:

The provision of Legal Services to the Council continues to be primarily delivered through the appointed Law Agent. In some circumstances, the Council has tendered for the provision of legal services relating to specific major projects and these details are set out below.

Legal services have not been tendered for in respect of general legal services. The Council had made preparations some time ago to go to public tender for general legal services. However, a national review, as part of a range of “Local Government Efficiency Review” areas commenced an assessment of legal services, from a sectoral perspective and with an objective of identifying an optimum approach to accessing legal services for the Local Government Sector. As a result of this the Council did not pursue its own tender, pending completion of the sectoral review, which is still awaited. Furthermore, and in the interim, the establishment of the Office of Government Procurement (OGP), under the direction of the Department of Public Expenditure and Reform (DPER), has seen the initiation of a range of joint tendering and procurement initiatives across the entire public sector, one of which is “Professional Services” This will likely result in the review of the Legal services area and the subsequent mandatory application of a nationally agreed approach.

As confirmed above, the Council has carried out procurement procedures in relation to the provision of Legal Services for certain projects / works and this information is as set out below:

Year:	2009
Project:	N56 Mountcharles to Inver Road Project
Service:	Legal Services for the Statutory Approvals Process
Procurement:	Public Tender
Successful Tenderer:	NJ Downes Solicitors, Mullingar
Status:	Services completed
Year:	2011
Project:	N56 Mountcharles to Inver Road Project

Service:	Legal Services (Land Acquisition/ Conveyancing)
Procurement:	Public Tender
Successful Tenderer:	NJ Downes Solicitors, Mullingar
Status:	Services are ongoing
Year:	2011
Project:	N56 Dungloe to Glenties & N14/N15 to A5 Link Road Projects
Service:	Legal Services for the Statutory Approvals Process
Procurement:	Public Tender
Successful Tenderer:	VP McMullin Solicitors, Ballybofey
Status:	Services completed
Year:	2011
Project:	N56 Cloghbolie to Boyoughter Road Project
Service:	Legal Services (Land Acquisition/ Conveyancing)
Procurement:	Invited Quotations
Successful Tenderer:	VP McMullin Solicitors, Ballybofey
Status:	Services are ongoing
Year:	2012
Project:	N56 Leitirmacaward to Glenties Road Project
Service:	Legal Services (Land Acquisition/ Conveyancing)
Procurement:	Public Tender
Successful Tenderer:	VP McMullin Solicitors, Ballybofey
Status:	Services are ongoing
Year:	2013
Project:	N15 Blackburn Bridge Road Project
Service:	Legal Services (Land Acquisition/ Conveyancing)
Procurement:	Public Tender
Successful Tenderer:	P O'Connor & Son Solicitors, Swinford
Status:	Services are ongoing
Year:	2011 / 2012
Project:	Pettigoe / Tullyhomen Project

Details as bellow:

Legal Services Required

Legal Services Required	Quotations Sought	Quotations Received	Successful Firm	Date of Appointment
Land Purchase	9	6	Mc Mullins	September 2011
Works Contract Execution	8	1	Mc Mullins	August 2012
Methodist Hall Licence	11	4	Mc Mullins	December 2011

C/519/14 WILL ANSWERS TO ALL QUESTIONS BE AVAILABLE TO MEMBERS AND MEDIA ELECTRONICALLY?

The following question was submitted by Cllr Slowey:-

"Will Donegal County Council make the answers to all questions put by Councillors available to all Elected Members and the Media electronically?"

Cllr Slowey was informed that:-

“The current arrangement in relation to making replies available to Motions and Questions is as follows:

Motions:

Copies of the replies to all motions are made available to all Elected Members and the Press in hardcopy format. It is understood that these replies are also made available electronically when requested.

Questions:

Copies of the replies to questions are made available only to the Member who has tabled the question, together with a copy to the Cathaoirleach and the Press in hardcopy only. Again, when requested, copies are made available electronically.

Should the Elected Members wish to change the current arrangements and to make copies available to all members and the

press electronically, the Executive is happy to facilitate same subject to agreement amongst the Members to do so.”

C/520/14 MOTIONS FROM OTHE COUNCILS

Members noted the following motions from other Councils

LEITRIM COUNTY COUNCIL

“That Leitrim County Council condemn the actions of Tamboran Resources Ltd who are pre-emptively trying to start fracking/drilling at the Belcoo Acheson/Glover Quarry in Co Fermanagh.”

KERRY COUNTY COUNCIL

“I am calling on the elected members of Kerry County Council to bring an end to all Political Parties holding Church Gate collections in Kerry as currently there are massive sums of money paid directly by the state towards the running of all political parties each year and I object to the pressure and intimidation being put on Mass goers. Collections at Churches should be solely for charities, voluntary and sporting organisations who are financially struggling to survive and are far more deserving.”

KERRY COUNTY COUNCIL

“That this Council rejects the elements of the Housing Miscellaneous Provisions Bill 2014 which would potentially remove up to 70% of those most in need, from our housing list.”

KERRY COUNTY COUNCIL

“That this Council calls on the Minister for Environment to ensure the recent decision on Planning Ref 13/493 does not become a precedent that prevents the development of future playgrounds near residential properties.”

KERRY COUNTY COUNCIL

“Will this Council write to the Gardai asking them to meet to discuss an ongoing problem of constant spinning of tyres in cars on Valentia Island, this is causing great difficulty with residents not being able to sleep at night. The Gardai have been informed on numerous occasions but this is still ongoing.”

SOUTH DUBLIN COUNTY COUNCIL

“That this Council calls on the Minister to introduce as a matter of priority Mandatory Oxygen Saturation screening with the use of

Pulse Oximeters in every Maternity Hospital in the State as part of the general postnatal assessment of babies. These Pulse Oximeters already exist in all Maternity Hospitals for use in difficult births. Only seven of the twenty Maternity Hospitals in this State use this system, consequently over half of babies born with a heart defect are discharged without a diagnosis and relevant care. This has resulted in death and lifelong health problems which could have been improved with early diagnosis with the use of this simple and quick test.”

This concluded the business of the meeting.